

IN THE SUPREME COURT OF ARKANSAS

**JENNIFER MCGILL, INDIVIDUALLY AND ON
BEHALF OF THE ARKANSAS CANVASSING
COMPLIANCE COMMITTEE; &
CHEROKEE NATION ENTERTAINMENT, LLC**

Petitioners

v.

No. CV-24-492

**JOHN THURSTON,
IN HIS OFFICIAL CAPACITY
AS SECRETARY OF STATE**

Respondent

**LOCAL VOTERS IN CHARGE,
A BALLOT QUESTION COMMITTEE;
AND JIM KNIGHT, INDIVIDUALLY
AND ON BEHALF OF
LOCAL VOTERS IN CHARGE**

Intervenors

Answer to Amended Original Action Complaint

Respondent John Thurston, in his official capacity as Secretary of State, responds to Petitioners' Amended Original Action Complaint as follows:

1. Respondent admits the allegations in Paragraph 1.
2. Respondent admits the allegations in Paragraph 2. Exhibit A speaks for itself.
3. Respondent admits that the Proposed Amendment seeks, among other things, to amend sections of Amendment 100 to the Arkansas Constitution. Exhibit B speaks for itself. Respondent denies the remainder of Paragraph 3 to the extent it inaccurately recites how the proposed amendment will change the law.

4. Respondent admits the allegations in Paragraph 4. Exhibit C speaks for itself.

5. Respondent admits the allegations in Paragraph 5. Exhibit D speaks for itself.

6. Respondent admits that Cherokee Nation Businesses, LLC, was awarded the casino license in Pope County. Exhibit E speaks for itself. Respondent lacks sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 6.

7. Respondent admits that Fair Play Arkansas was a ballot question committee (BQC) in 2022. Exhibit F speaks for itself. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 7.

8. Respondent pleading affirmatively states that as of July 31, 2024, based upon information available at the time, Respondent properly certified the Proposed Amendment. Respondent admits that, based upon discovery in this matter and representations made by LVC, LVC did not comply with Ark. Code Ann. § 7-9-601(b)(3). The remainder of Paragraph 8 alleges, “LVC and the Choctaw ignored and violated Arkansas laws regarding the collection of signatures,” as to which Respondent is without sufficient information or knowledge to admit or deny. Based on the information available to Respondent on the date of certification, there was no basis to deny certification of the Proposed Amendment. Any remaining allegations in Paragraph 8 are denied.

9. Respondent admits that Petitioners are asserting that the certification is invalid. Pleading affirmatively, Respondent admits based on information that

became available to Respondent after July 31, 2024, votes for the Proposed Amendment should not be counted. Any remaining allegation in Paragraph 9 is denied.

10. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 10. Article 5, § 1 of the Arkansas Constitution speaks for itself. Respondent pleading affirmatively states that as of July 31, 2024, based upon information available at the time, Respondent properly certified the Proposed Amendment. Respondent admits that, based upon discovery in this matter and representations made in by LVC, LVC did not comply with Ark. Code Ann. § 7-9-601(b)(3). All remaining allegations in Paragraph 10 are denied.

11. Respondent denies the allegations in Paragraph 11. The Proposed Amendment speaks for itself.

12. Paragraph 12 consists of legal conclusions that do not require a response. The Proposed Amendment and *Lange v. Martin*, 2016 Ark. 337, 500 S.W.3d 154 speak for themselves. *Wilson v. Martin*, 2016 Ark. 334 at 7, 500 S.W.3d 160, 166 is accurately quoted. To the extent a response is required, Respondent admits that a ballot title must disclose any clear conflict with federal law. The remainder of the allegations in Paragraph 12 are denied.

13. Based on the representations of intervenors LVC made following the filing of their original answer, Respondent admits the allegations in Paragraph 13.

14. Respondent admits the ACCC is a BQC and that McGill, Mayor Lee, Patel, and Cherokee Nation Business, LLC are members of the ACCC. Respondent lacks sufficient knowledge or information to admit or deny the remaining

allegations in Paragraph 14.

15. Respondent admits the CNE has been granted a license to conduct casino gaming in Pope County, Arkansas, and is registered with the Arkansas Secretary of State. Respondent lacks sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 15.

16. Respondent admits the allegations in Paragraph 16.

17. Respondent admits the allegations in Paragraph 17.

18. Respondent admits that Intervenor Jim Knight is the President of LVC. Respondent lacks sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 18.

19. Respondent admits this Court has jurisdiction over this original action.

20. Respondent admits that appointment of a special master is appropriate. Arkansas Supreme Court Rule 6-5 speaks for itself.

21. Respondent incorporates responses to Paragraphs 1-20 in their entirety.

22. Respondent admits the allegations in Paragraph 22. Ark. Const. art. 5 § 1, Ark. Code Ann. § 7-9-126(e), and Ark. Const. Amend. 7 speak for themselves.

23. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 23.

24. Based on the representations of intervenors LVC made following Respondents filing of their original answer, Respondents admit the allegations in Paragraph 24.

25. Based on the representations of intervenors LVC made following

Respondents filing of their original answer, Respondents admit the allegations in Paragraph 25.

26. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 26.

27. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 27.

28. Respondent admits that Ark. Code Ann. § 7-9-103(a)(6) outlines some of the obligations of sponsors regarding the use of paid canvassers. Respondent lacks sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 28.

29. Respondent incorporates his responses to Paragraphs 1-28 in their entirety.

30. Respondent admits the allegations in Paragraph 30. Exhibits G and H speak for themselves.

31. Based on the representations of Phillip Dewey following the filing of their original answer, Respondent admits that paid canvassers were offered gift cards in exchange for a certain number of signatures obtained. Respondent lacks sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 31.

32. Respondent admits the allegations in Paragraph 32. Ark. Code Ann. § 7-9-601(g) is accurately quoted.

33. Respondent admits that signatures from canvassers who have been given compensation in violation of Ark. Code Ann. § 7-9-601(g) should not be

counted.

34. Respondent incorporates his responses to Paragraphs 1-33 in their entirety.

35. Paragraph 35 consists of legal conclusions that do not require a response. Ark. Code Ann. § 7-9-601(a) is accurately quoted. To the extent a response is required, Respondent admits the allegations in Paragraph 35.

36. Paragraph 36 consists of legal conclusions that do not require a response. Ark. Code Ann. § 7-9-601(c) is accurately quoted. To the extent a response is required, Respondent admits the allegations in Paragraph 36.

37. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 37.

38. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 38.

39. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 39.

40. Respondent admits that the Arkansas Attorney General issued opinion number 2024-053 on July 3, 2024. The opinion speaks for itself. To the extent a response is required, Respondent admits the remaining allegations in Paragraph 40.

41. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 41.

42. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 42.

43. Respondent incorporates his responses to Paragraphs 1-42 in their

entirety.

44. Respondent admits that Ark. Code Ann. § 7-9-601(b)(3) is accurately quoted.

45. Based on discovery conducted in this case and representations by intervenors LVC made after Respondent's original Answer was filed, Respondent admits the allegations in Paragraph 45.

46. Based on discovery conducted in this case and representations by intervenors LVC made after Respondent's original Answer was filed, Respondent admits that Berta Erickson, Phillip Dewey, and Stephanie Marcynyszyn submitted declarations from paid canvassers to the Secretary of State. The remainder of the allegations in Paragraph 46 are legal conclusions that do not require a response. To the extent a response to the legal conclusions is required, they are admitted.

47. Paragraph 47 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent admits that *Miller v. Thurston*, 2020 Ark. 267, at 8, 605 S.W.3d 255, 259 is accurately quoted.

48. Based on discovery conducted in this case and representations by intervenors LVC made after Respondent's original Answer was filed, Respondent admits that Berta Erickson, Phillip Dewey, and Stephanie Marcynyszyn, not LVC, continuously submitted updated canvasser lists throughout the signature gathering process. The rest of Paragraph 48 consists of legal conclusions that do not require a response. To the extent a response is required, the legal conclusions are admitted.

49. Respondent admits the allegations in Paragraph 49. Exhibits G and H speak for themselves.

50. Paragraph 50 consists of legal conclusions that do not require a response. To the extent a response to the legal conclusions is required, they are admitted. Ark. Code Ann. § 7-9-601(b)(3) is accurately quoted.

51. Paragraph 51 consists of legal conclusions that do not require a response. To the extent a response to the legal conclusions is required, they are admitted.

52. Paragraph 52 consists of legal conclusions that do not require a response. To the extent a response is required, they are admitted.

53. Paragraph 53 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent admits the allegations in Paragraph 53.

54. Paragraph 54 consists of legal conclusions that do not require a response. Respondent states that Ark. Code Ann. § 7-9-601(f) is accurately quoted. To the extent a response is required, Respondent admits the allegations in Paragraph 54.

55. Based on discovery conducted in this case and representations by intervenors LVC made after Respondent's original Answer was filed, Respondent admits that LVC did not comply with Ark. Code Ann. § 7-9-601(b)(3). The rest of Paragraph 55 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent admits that the paid canvassers were never properly certified, the signatures obtained by uncertified paid canvassers cannot be counted and should be discarded. Respondent lacks sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 55.

56. Respondent incorporates his responses to Paragraphs 1-55 in their entirety.

57. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 57.

58. Paragraph 58 consists of legal conclusions that do not require a response. Respondent admits that Ark. Code Ann. § 7-9-103(c)(6) is accurately quoted. To the extent a response is required, Respondent admits the allegations in Paragraph 58.

59. Paragraph 59 consists of legal conclusions that do not require a response. Respondent admits that Ark. Code Ann. §§ 5-55-601 (b)(2)(F) is accurately quoted and 5-55-601(c) speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 59.

60. Paragraph 60 consists of legal conclusions that do not require a response. Ark. Code Ann. § 7-9-601(d)(3)(B)(ii) speaks for itself. To the extent a response is required, Respondent admits the allegations in Paragraph 60.

61. Paragraph 61 consists of legal conclusions that do not require a response. *Ellis v. Hall*, 219 Ark. 869, 873, 245 S.W.2d 223, 225 (1952) and *Porter v. McCuen*, 310 Ark. 674, 839 S.W.2d 521 (1992) speak for themselves. To the extent a response is required, Respondents admit the allegations in Paragraph 61.

62. Paragraph 62 does not require a response. To the extent a response is required, Respondent denies the allegations in Paragraph 62.

63. Respondent admits that, based upon discovery in this matter and representations made by LVC, LVC did not comply with Arkansas Code Annotated §

7-9-601(b)(3). Respondent pleading affirmatively states that as of July 31, 2024, based upon information available at the time, Respondent properly certified the Proposed Amendment. Respondent lacks sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 63.

64. Respondent incorporates his responses to Paragraphs 1-63 in their entirety.

65. Paragraph 65 states legal conclusions that do not require a response. To the extent a response is required, Respondent admits that Paragraph 65 accurately quotes the cited authorities.

66. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 66.

67. Paragraph 67 consists of legal conclusions that do not require a response. Respondent admits Ark. Code Ann. § 7-9-126(b) is accurately quoted. To the extent a response is required, Respondent admits the allegations in Paragraph 67.

68. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 68.

69. Respondent incorporates his responses to Paragraph 1-68 in their entirety.

70. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 70.

71. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 71.

72. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 72.

73. Respondent incorporates his responses to Paragraphs 1-72 in their entirety.

74. Paragraph 74 consists of legal conclusions that do not require a response. Ark. Code Ann. §§ 7-9-108 and 109 speak for themselves. To the extent a response is required, Respondent admits the allegations in Paragraph 74.

75. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 75.

76. Respondent admits that any signatures collected outside the presence of a canvasser cannot be counted. Respondent lacks sufficient knowledge or information to admit or deny whether any signatures were in fact collected outside the presence of a canvasser.

77. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 77.

78. Respondent denies the allegations in Paragraph 78.

79. Respondent admits that Paragraph 79 is an accurate quotation of the proposed ballot title.

80. Respondent denies the allegations in Paragraph 80.

81. Respondent incorporates his responses to Paragraphs 1-80 in their entirety.

82. Paragraph 82 consists of legal conclusions that do not require a response. *Walker v. McCuen*, 318 Ark. 508, 515, 886 S.W.2d 577, 581 (1994) speaks

for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 82 to the extent they are inconsistent with the law.

83. Respondent admits that the Proposed Amendment's popular name and ballot title do not state that a casino gaming license has been issued to CNE. Pleading affirmatively, Respondent states that the ballot title expressly discloses what would happen if a casino license for a casino in Pope County, Arkansas were issued prior to the effective date of the Amendment. Respondent lacks sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 83.

84. Respondent denies the allegations in Paragraph 84.

85. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 85.

86. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 86. Exhibit I speaks for itself.

87. Respondent denies the allegations in Paragraph 87.

88. Respondent incorporates his responses to Paragraphs 1-87 in their entirety.

89. Respondent denies the allegations in Paragraph 89.

90. Respondent denies the implication that Attorney General Opinion 2024-009 deals with the Proposed Amendment. Attorney General Opinion No. 2024-009 speaks for itself. The remainder of Paragraph 90 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent denies the allegations to the extent they are inconsistent with Attorney General

Opinion No. 2024-009.

91. Respondent admits that the Proposed Amendment is accurately quoted. Respondent denies the remaining allegations in Paragraph 91. The Proposed Amendment speaks for itself.

92. Respondent denies the allegations in Paragraph 92. The Proposed Amendment speaks for itself.

93. Respondent denies the allegations in Paragraph 93.

94. Respondent incorporates his responses to Paragraphs 1-93 in their entirety.

95. Paragraph 95 consists of legal conclusions that do not require a response. *Gaines v. McCuen*, 296 Ark. 513, 758 S.W.2d 403 (1988) and *Arkansas Women's Political Caucus v. Reviere*, 283 Ark. 463, 467, 677 S.W.2d 846, 848 (1984) speak for themselves. To the extent a response is required, Respondent admits the remaining allegations in Paragraph 95.

96. Respondent admits the popular name is accurately quoted. To the extent a response is required, Respondent admits the remaining allegations in Paragraph 96.

97. Paragraph 97 consists of legal conclusions that do not require a response. Respondent admits *Ferstl v. McCuen*, 296 Ark. 504, 509, 758 S.W.2d 398, 400 (1988) is accurately quoted. To the extent a response is required, Respondent admits the allegations in Paragraph 97.

98. Paragraph 98 consists of legal conclusions that do not require a response. Arkansas Attorney General Opinion No. 2024-034 speaks for itself. To the

extent a response is required, Respondent admits the remaining allegations in Paragraph 98.

99. Paragraph 99 consists of legal conclusions that do not require a response. The popular name and ballot title are accurately quoted. To the extent a response is required, Respondent admits the remaining allegations in Paragraph 99.

100. Respondent denies the allegations in Paragraph 100.

101. Respondent incorporates his responses to Paragraphs 1-100 in their entirety.

102. Paragraph 102 consists of legal conclusions that do not require a response. Respondent admits the Proposed Amendment is accurately quoted. To the extent a response is required, Respondent admits the allegations in Paragraph 102.

103. Paragraph 103 consists of legal conclusions that do not require a response. The Proposed Amendment and Arkansas Attorney General Opinions 2005-168 and 2023-127 speak for themselves. To the extent a response is required, Respondent denies the allegations in Paragraph 103.

104. Respondent denies that Petitioners are entitled to an injunction keeping the Proposed Amendment off of the 2024 ballot, as the August 22, 2024, deadline for certification has already passed. Respondents admit that based upon discovery in this matter and representations made by LVC, LVC did not comply with Arkansas Code Annotated § 7-9-601(b)(3). Therefore, no votes cast on the Proposed Amendment should be counted. Respondent denies the remaining allegations in Paragraph 104.

105. Respondent incorporates his responses to Paragraphs 1-104 in their

entirety.

106. Paragraph 106 consists of legal conclusions that do not require a response. Respondent admits Ark. Code Ann. § 7-9-107(d)(1) is accurately quoted. To the extent a response is required, Respondent admits the allegations in Paragraph 106.

107. Respondent admits that *Bailey v. McCuen*, 318 Ark. 277, 284-285, 884 S.W.2d 938, 942 (1994) is accurately quoted.

108. Exhibit A speaks for itself. To the extent a response is required, Respondent admits the allegations in Paragraph 108.

109. Exhibit A speaks for itself. To the extent a response is required, Respondent admits the allegations in Paragraph 109.

110. Respondent denies the allegations in Paragraph 110.

111. Respondent admits that the text of the Proposed Amendment was not changed by the Attorney General.

112. Paragraph 106 consists of legal conclusions that do not require a response. Respondent admits Exhibit B is accurately quoted. To the extent a response is required, Respondent denies the allegations in Paragraph 112.

113. Respondent admits that the plain language of the amendment requires a “majority of registered voters.” Respondent admits that a “majority of registered voters” is a higher requirement than a majority of those who actually cast a vote. Respondent lacks sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 113.

114. Paragraph 114 consists of legal conclusions that do not require a

response. Art. 5 § 1 of the Arkansas Constitution and Ark. Code Ann. § 14-14-905(f)(1) speak for themselves. To the extent a response is required, Respondent denies the allegations in Paragraph 114.

115. Respondent admits that Article 5 of the Arkansas Constitution is accurately quoted.

116. Paragraph 116 consists of legal conclusions that do not require a response. 131 A.L.R. 1382 and *People ex rel. Davenport v. Brown*, 11 Ill. 478 (1850) speak for themselves. To the extent a response is required, Respondents deny the allegations in Paragraph 116.

117. Paragraph 117 consists of legal conclusions that do not require a response. and Respondent admits *Rockefeller v. Matthews*, 249 Ark. 341, 345, 459 S.W.2d 110, 112 (1970) is accurately quoted and *Vance v. Austell*, 45 Ark. 400 (1885) speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 117.

118. Paragraph 118 consists of legal conclusions that do not require a response. Ark. Code Ann. §§ 7-9-108 and 109 speak for themselves. Respondent admits *Bailey v. McCuen*, 318 Ark. 277, 284-285, 884 S.W.2d 938, 942 (1994) is accurately quoted. To the extent a response is required, Respondent admits the allegations in Paragraph 118.

119. Respondent denies that Petitioners are entitled to an injunction keeping the Proposed Amendment off of the 2024 ballot, as the August 22, 2024, deadline for certification has already passed. Respondents admit that based upon discovery in this matter and representations made by LVC, LVC did not comply with

Arkansas Code Annotated § 7-9-601(b)(3). Therefore, no votes cast on the Proposed Amendment should be counted. Respondent denies the remaining allegations in Paragraph 119.

120. Respondent incorporates his responses to Paragraphs 1-119 in their entirety.

121. Respondent admits the allegations in Paragraph 121. Exhibit A speaks for itself.

122. Respondent admits the allegations in Paragraph 122. Exhibit A speaks for itself.

123. Respondent denies the allegations in Paragraph 123.

124. Respondent admits the Attorney General did not alter the text of the Proposed Amendment and did change the popular name. Respondent denies the remaining allegations in Paragraph 124.

125. Paragraph 125 consists of legal conclusions that do not require a response. Respondent denies that The Proposed Amendment and popular name are accurately quoted. To the extent a response is required, Respondent denies the allegations in Paragraph 125.

126. Respondent denies that Petitioners are entitled to an injunction keeping the Proposed Amendment off of the 2024 ballot, as the August 22, 2024, deadline for certification has already passed. Respondents admit that based upon discovery in this matter and representations made by LVC, LVC did not comply with Arkansas Code Annotated § 7-9-601(b)(3). Therefore, no votes cast on the Proposed Amendment should be counted. Respondent denies the remaining

allegations in Paragraph 126.

127. Respondent incorporates his responses to Paragraphs 1-126 in their entirety.

128. Paragraph 128 consists of legal conclusions that do not require a response. *Lange v. Martin*, 2016 Ark. 337, 500 S.W.3d 154 speaks for itself. To the extent a response is required, Respondent admits that a ballot title must disclose any clear conflict with federal law. The remainder of the allegations in Paragraph 128 are denied.

129. Paragraph 129 consists of legal conclusions that do not require a response. The Proposed Amendment and the United States Constitution speak for themselves. To the extent a response is required, Respondent denies the allegations in Paragraph 129.

130. Respondent denies the allegations in Paragraph 130.

131. Respondent incorporates his responses to Paragraphs 1-130 in their entirety.

132. Paragraph 132 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent denies the allegations in Paragraph 132.

133. Paragraph 133 consists of legal conclusions that do not require a response. The Proposed Amendment speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 133.

134. Paragraph 134 consists of legal conclusions that do not require a response. The Proposed Amendment and popular name speak for themselves. To the

extent a response is required, Respondent denies the allegations in Paragraph 134.

135. Paragraph 135 consists of legal conclusions that do not require a response. Respondent admits Article 2 § 22 of the Arkansas Constitution and Amendment V of the United States Constitution is accurately quoted. To the extent a response is required, Respondent denies the allegations in Paragraph 135.

136. Paragraph 136 consists of legal conclusions that do not require a response. Respondent admits *Staunch v. City of Columbia Heights*, 212 F.3d 425 (8th Cir. 2000) is accurately quoted. To the extent a response is required, Respondent denies the allegations in Paragraph 136.

137. Paragraph 137 consists of legal conclusions that do not require a response. Amendment 100 to the Arkansas Constitution and the Casino Gaming Rules speak for themselves. To the extent a response is required, Respondent denies the allegations in Paragraph 137.

138. Paragraph 138 consists of legal conclusions that do not require a response. Ark. Code Ann. § 25-15-211 and Amendment 100 to the Arkansas Constitution speak for themselves. To the extent a response is required, Respondent denies the allegations in Paragraph 138.

139. Paragraph 139 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent denies the allegations in Paragraph 139.

140. Paragraph 140 consists of legal conclusions that do not require a response. Amendment 100 to the Arkansas Constitution, the Casino Gaming Rules and the Arkansas Code Annotated speak for themselves. To the extent a response

is required, Respondent denies the allegations in Paragraph 140.

141. Respondent denies the allegations in Paragraph 141.

142. Respondent incorporates his responses to Paragraphs 1-141 in their entirety.

143. Paragraph 143 consists of legal conclusions that do not require a response. The United States Constitution speaks for itself. Respondent admits the Arkansas Constitution is accurately quoted. To the extent a response is required, Respondent admits the allegations in Paragraph 143.

144. Paragraph 144 consists of legal conclusions that do not require a response. Exhibit J speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 144.

145. Paragraph 145 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent denies the allegations in Paragraph 145.

146. Paragraph 146 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent denies the allegations in Paragraph 146.

147. Paragraph 147 consists of legal conclusions that do not require a response. Respondent admits *Allied Structural Steel Co. v. Spannaus*, 438 U.S. 234, 249 (1978) and *White City Motor Corp. v. Malone*, 599 F.2d 283, 287 (8th Cir. 1979) are accurately quoted. To the extent a response is required, Respondent denies the allegations in Paragraph 147.

148. Paragraph 148 consists of legal conclusions that do not require a

response. Respondent admits *Janklow* is accurately quoted. To the extent a response is required, Respondent denies the allegations in Paragraph 148.

149. Paragraph 149 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent denies the allegations in Paragraph 149.

150. Paragraph 150 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent denies the allegations in Paragraph 150.

151. Paragraph 151 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent denies the allegations in Paragraph 151.

152. Respondent denies the allegations in Paragraph 152.

153. Respondent incorporates his responses to Paragraphs 1-152 in their entirety.

154. Respondent admits that *Ray v. State*, 2017 Ark. App. 574, 4, 533 S.W.3d 587, 590 is accurately quoted.

155. Paragraph 155 consists of legal conclusions that do not require a response. *Arnold v. State*, 2011 Ark. 395, 384 S.W.3d 488 speaks for itself. To the extent a response is required, Respondent admits the allegations in Paragraph 155.

156. Paragraph 156 consists of legal conclusions that do not require a response. The Proposed Amendment speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 156.

157. Paragraph 157 consists of legal conclusions that do not require a

response. To the extent a response is required, Respondent denies the allegations in Paragraph 157.

158. Paragraph 158 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent denies the allegations in Paragraph 158.

159. Respondent denies the allegations in Paragraph 159.

160. Respondent incorporates his responses to Paragraphs 1-159 in their entirety.

161. Paragraph 161 consists of legal conclusions that do not require a response. Respondent admits The United States Constitution and *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) are accurately quoted. To the extent a response is required, Respondent admits the allegations in Paragraph 161.

162. Respondent admits that *Fuentes v. Shevin*, 407 U.S. 67, 80 (1972) is accurately quoted.

163. Paragraph 163 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent denies the allegations in Paragraph 163.

164. Paragraph 164 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent denies the allegations in Paragraph 164.

165. Paragraph 165 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent denies the allegations in Paragraph 165.

166. Respondent denies that Petitioners are entitled to an injunction keeping the Proposed Amendment off of the 2024 ballot, as the August 22, 2024, deadline for certification has already passed. Respondents admit that based upon discovery in this matter and representations made by LVC, LVC did not comply with Arkansas Code Annotated § 7-9-601(b)(3). Therefore, no votes cast on the Proposed Amendment should be counted. Respondent denies the remaining allegations in Paragraph 166.

167. Respondent admits that, based upon discovery in this matter and representations made by LVC, LVC did not comply with Arkansas Code Annotated § 7-9-601(b)(3). Respondent lacks sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 167.

168. Respondent denies the allegations in Paragraph 168.

169. Respondent pleading affirmatively states that as of July 31, 2024, based upon information available at the time, Respondent properly certified the Proposed Amendment. Respondent admits that, based upon discovery in this matter and representations made by LVC, LVC did not comply with Arkansas Code Annotated § 7-9-601(b)(3). Based on the information available to Respondent on the date of certification, there was no basis to deny certification of the Proposed Amendment. Any remaining allegations in Paragraph 169 are denied. Respondent denies the allegations in Paragraph 169.

170. Respondent does not object to the request for expedition.

171. Respondent does not object to the appointment of a special master.

172. Respondent denies that Petitioners are entitled to an injunction

keeping the Proposed Amendment off of the 2024 ballot, as the August 22, 2024, deadline for certification has already passed. Respondents admit that based upon discovery in this matter and representations made by LVC, LVC did not comply with Arkansas Code Annotated § 7-9-601(b)(3). Therefore, no votes cast on the Proposed Amendment should be counted.

173. Respondent denies all allegations not specifically admitted herein.

Respectfully submitted,

TIM GRIFFIN
Attorney General

By: /s/ Justin Brascher
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Attorneys for Respondent

CERTIFICATE OF SERVICE

I, Justin Brascher, hereby certify that on August 26, 2024, I electronically filed the foregoing with the Clerk of the Court using the eFlex filing system, which notifies eFlex participants.

/s/Justin Brascher
Justin Brascher