

**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**

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**Answer to Original Action Complaint**

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

1. Respondent admits the allegations in Paragraph 1.
2. Respondent denies the allegations in Paragraph 2. Exhibit A speaks for itself.
3. Respondent denies the allegations in Paragraph 3. Exhibit B speaks for itself.
4. Respondent denies the allegations in Paragraph 4. Exhibit C speaks for itself.
5. Respondent admits that Local Voters in Charge (LVC) is the listed sponsor of the Initiative Petition. Respondent denies the remainder of the allegations in Paragraph 5.

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, and therefore denies them.

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, and therefore denies them.

8. Respondent denies the allegations in Paragraph 8.

9. Respondent admits that Petitioners are asserting that the certification is invalid, but Respondent denies that assertion in Paragraph 9.

10. Ark. Const. art. 5 § 1 speaks for itself. Respondent denies that LVC failed to get sufficient valid signatures for the initiative to be placed on the ballot. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 10, and therefore denies them.

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

12. Respondent denies the allegations in Paragraph 12. The Proposed Amendment and *Lange v. Martin*, 2016 Ark. 337, 500 S.W.3d 154 speak for themselves.

13. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 13, and therefore denies them.

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, and therefore denies them.

15. Respondent admits the CNE has been granted a license to conduct casino gaming in Pope County, Arkansas. Respondent lacks sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 15, and therefore denies them.

16. Respondent admits the allegations in Paragraph 16.

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

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

19. Respondent incorporates responses to Paragraphs 1-18 in their entirety.

20. Respondent admits the allegations in Paragraph 20. Ark. Const. art. 5 § 1, Ark. Code Ann. § 7-9-126(e), and Ark. Const. Amend. 7 speak for themselves.

21. Respondent lacks sufficient information to admit or deny the allegations in Paragraph 21, and therefore denies them.

22. Ark. Code Ann. § 7-9-103(4)(6) speaks for itself. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 22, and therefore denies them.

23. Respondent incorporates his responses to Paragraphs 1-22 in their entirety.

24. Respondent lacks sufficient knowledge or information to admit or

deny the allegations in Paragraph 24, and therefore denies them. Exhibits G and H speak for themselves.

25. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 25, and therefore denies them.

26. Paragraph 26 consists of legal conclusions that do not require a response. Ark. Code Ann. § 7-9-601(g) speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 26.

27. 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.

28. Respondent incorporates his responses to Paragraphs 1-27 in their entirety.

29. Paragraph 29 consists of legal conclusions that do not require a response. Ark. Code Ann. § 7-9-601(a) speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 29.

30. Paragraph 30 consists of legal conclusions that do not require a response. Ark. Code Ann. § 7-9-601(c) speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 30.

31. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 31, and therefore denies them.

32. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 32, and therefore denies them.

33. Respondent lacks sufficient knowledge or information to admit or

deny the allegations in Paragraph 33, and therefore denies them.

34. Respondent admits that the Arkansas Attorney General issued opinion number 2024-053 on July 3, 2024. The opinion speaks for itself.

35. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 35, and therefore denies them.

36. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 36, and therefore denies them.

37. Respondent incorporates his responses to Paragraphs 1-36 in their entirety.

38. Paragraph 38 consists of legal conclusions that do not require a response. Ark. Code Ann. § 7-9-601(c) speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 38.

39. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 39, and therefore denies them.

40. With respect to the allegations that PCI's agents submitted declarations from paid canvassers to the Secretary of State, Respondent lacks sufficient knowledge or information to admit or deny those allegations, and therefore denies them. Ark. Code Ann. § 7-9-601 speaks for itself. The remainder of the allegations in Paragraph 40 are legal conclusions that do not require a response. To the extent a response is required, Respondent denies the allegations in Paragraph 40.

41. Paragraph 41 consists of legal conclusions that do not require a response. *Miller v. Thurston*, 2020 Ark. 267, at 8, 605 S.W.3d 255, 259 speaks for itself. To the extent a response is required, Respondent denies the allegations in

Paragraph 41.

42. With respect to the allegations that PCI, not LVC, continuously submitted updated canvasser lists throughout the signature gathering process, Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 42, and therefore denies them. The rest of Paragraph 42 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent denies the allegations in Paragraph 42.

43. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 43, and therefore denies them. Exhibits G and H speak for themselves. To the extent a response is required, Respondent denies the allegations in Paragraph 43.

44. Paragraph 44 consists of legal conclusions that do not require a response. Ark. Code Ann. § 7-9-601(b)(3) speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 44.

45. Paragraph 45 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent denies the allegations in Paragraph 45.

46. Paragraph 46 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent denies the allegations in Paragraph 46.

47. Paragraph 47 consists of legal conclusions that do not require a response. Ark. Code Ann. § 7-9-126(b)(4)(A) and Ark. Code Ann. § 7-9-101(8) speak for themselves. To the extent a response is required, Respondent denies the

allegations in Paragraph 47.

48. Paragraph 48 consists of legal conclusions that do not require a response. Respondent states that Ark. Code Ann. § 7-9-601(f) speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 48.

49. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 49, and therefore denies them.

50. Respondent incorporates his responses to Paragraphs 1-49 in their entirety.

51. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 51, and therefore denies them.

52. Paragraph 52 consists of legal conclusions that do not require a response. Ark. Code Ann. § 7-9-103(c)(6) speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 52.

53. Paragraph 53 consists of legal conclusions that do not require a response. Ark. Code Ann. §§ 5-55-601 (b)(2)(F) and 5-55-601(c) speak for themselves. To the extent a response is required, Respondent denies the allegations in Paragraph 53.

54. Paragraph 54 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 denies the allegations in Paragraph 54.

55. Paragraph 55 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.

56. Paragraph 56 does not demand a response. To the extent a response is required, Respondent denies the allegations in Paragraph 56.

57. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 57, and therefore denies the allegations in Paragraph 57.

58. Respondent incorporates his responses to Paragraphs 1-57 in their entirety.

59. Respondent denies the allegations in Paragraph 59. Ark Code Ann. § 7-9-108(b) and *Benca v. Martin*, 2016 Ark. 359 at 12, 500S.W.3d 742, 750 speak for themselves.

60. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 60, and therefore denies them.

61. Paragraph 61 consists of legal conclusions that do not require a response. Ark. Code Ann. § 7-9-126(b) speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 61.

62. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 62, and therefore denies them.

63. Respondent incorporates his responses to Paragraph 1-62 in their entirety.

64. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 64, and therefore denies them.

65. Respondent lacks sufficient knowledge or information to admit or



deny the allegations in Paragraph 65, and therefore denies them.

66. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 66, and therefore denies them.

67. Respondent incorporates his responses to Paragraphs 1-66 in their entirety.

68. Paragraph 68 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 denies the allegations in Paragraph 68.

69. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 69, and therefore denies them.

70. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 70, and therefore denies them.

71. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 71, and therefore denies them.

72. Respondent denies the allegations in Paragraph 72.

73. Paragraph 73 does not require a response. The ballot title speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 73.

74. Respondent denies the allegations in Paragraph 74.

75. Respondent incorporates his responses to Paragraphs 1-74 in their entirety.

76. Paragraph 76 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 76.

77. 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. Respondent lacks sufficient knowledge or information to admit or deny the remaining allegations in Paragraph 77, and therefore denies them.

78. Respondent denies the allegations in Paragraph 78.

79. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 79, and therefore denies them.

80. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 80, and therefore denies them.

81. Respondent denies the allegations in Paragraph 81.

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

83. Respondent denies the allegations in Paragraph 83.

84. Paragraph 84 consists of legal conclusions that do not require a response. Attorney General Opinion No. 2024-009 speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 84.

85. Respondent denies the allegations in Paragraph 85. The Proposed Amendment speaks for itself.

86. Respondent denies the allegations in Paragraph 86. The Proposed Amendment speaks for itself.

87. Respondent denies the allegations in Paragraph 87.

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

89. Paragraph 89 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.

90. The popular name speaks for itself.

91. Paragraph 91 consists of legal conclusions that do not require a response. *Ferstl v. McCuen*, 296 Ark. 504, 509, 758 S.W.2d 398, 400 (1988) speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 91.

92. Paragraph 92 consists of legal conclusions that do not require a response. Arkansas Attorney General Opinion No. 2024-034 speaks for itself.

93. Paragraph 93 consists of legal conclusions that do not require a response. The popular name and ballot title speak for themselves.

94. Respondent denies the allegations in Paragraph 94.

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

96. Paragraph 96 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 96.

97. Paragraph 97 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 97.

98. Respondent denies the allegations in Paragraph 98.

99. Respondent incorporates his responses to Paragraphs 1-98 in their entirety.

100. Paragraph 100 consists of legal conclusions that do not require a response. Ark. Code Ann. § 7-9-107(d)(1) speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 100.

101. Paragraph 101 consists of legal conclusions that do not require a response. *Bailey v. McCuen*, 318 Ark. 277, 284-285, 884 S.W.2d 938, 942 (1994) speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 101.

102. Exhibit A speaks for itself.

103. Exhibit A speaks for itself.

104. Respondent denies the allegations in Paragraph 104.

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

106. Paragraph 106 consists of legal conclusions that do not require a response. Exhibit B speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 106.

107. Paragraph 107 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 107.

108. Paragraph 108 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 108.

109. Article 5 § 1 of the Arkansas Constitution speaks for itself.

110. Paragraph 110 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.

111. Paragraph 111 consists of legal conclusions that do not require a response. *Vance v. Austell*, 45 Ark. 400 (1885) and *Rockefeller v. Matthews*, 249 Ark. 341, 345, 459 S.W.2d 110, 112 (1970) speak for themselves. To the extent a response is required, Respondent denies the allegations in Paragraph 111.

112. Paragraph 112 consists of legal conclusions that do not require a response. Ark. Code Ann. §§ 7-9-108 and 109 speak for themselves. *Bailey v. McCuen*, 318 Ark. 277, 284-285, 884 S.W.2d 938, 942 (1994) speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 112.

113. Respondent denies the allegations in Paragraph 113.

114. Respondent incorporates his responses to Paragraphs 1-113 in their entirety.

115. Respondent admits the allegations in Paragraph 115. Exhibit A speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 115.

116. Exhibit A speaks for itself.

117. Respondent denies the allegations in Paragraph 117.

118. Respondent admits the Attorney General did not alter the text of the Proposed Amendment. Respondent denies the remaining allegations in Paragraph 118.

119. Paragraph 119 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 119.

120. Respondent denies the allegations in Paragraph 120.

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

122. Paragraph 122 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 denies the allegations in Paragraph 122.

123. Paragraph 123 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 123.

124. Respondent denies the allegations in Paragraph 124.

125. Respondent incorporates his responses to Paragraphs 1-124 in their entirety.

126. Paragraph 126 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent denies the allegations in

Paragraph 126.

127. Paragraph 127 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 127.

128. Paragraph 128 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 128.

129. Paragraph 129 consists of legal conclusions that do not require a response. Article 2 § 22 of the Arkansas Constitution and Amendment V of the United States Constitution speak for themselves. To the extent a response is required, Respondent denies the allegations in Paragraph 129.

130. Paragraph 130 consists of legal conclusions that do not require a response. *Staunch v. City of Columbia Heights*, 212 F.3d 425 (8th Cir. 2000) speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 130.

131. Paragraph 131 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 131.

132. Paragraph 132 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 132.

133. Paragraph 133 consists of legal conclusions that do not require a response. 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. 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 134.

135. Respondent denies the allegations in Paragraph 135.

136. Respondent incorporates his responses to Paragraphs 1-135 in their entirety.

137. Paragraph 137 consists of legal conclusions that do not require a response. The United States and Arkansas Constitutions 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. Exhibit J speaks for itself. 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. To the extent a response is required, Respondent denies the allegations in Paragraph 140.

141. Paragraph 141 consists of legal conclusions that do not require a



response. *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) speak for themselves. To the extent a response is required, Respondent denies the allegations in Paragraph 141.

142. Paragraph 142 consists of legal conclusions that do not require a response. *Janklow* speaks for itself. To the extent a response is required, Respondent denies the allegations in Paragraph 142.

143. Paragraph 143 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent denies the allegations in Paragraph 143.

144. Paragraph 144 consists of legal conclusions that do not require a response. 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. Respondent denies the allegations in Paragraph 146.

147. Respondent incorporates his responses to Paragraphs 1-146 in their entirety.

148. *Ray v. State*, 2017 Ark. App. 574, 4, 533 S.W.3d 587, 590 speaks for itself.

149. Paragraph 149 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 denies the allegations in Paragraph 149.

150. Paragraph 150 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 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. Paragraph 152 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent denies the allegations in Paragraph 152.

153. Respondent denies the allegations in Paragraph 153.

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

155. Paragraph 155 consists of legal conclusions that do not require a response. The United States Constitution and *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) speak for themselves. To the extent a response is required, Respondent denies the allegations in Paragraph 155.

156. *Fuentes v. Shevin*, 407 U.S. 67, 80 (1972) speaks for itself.

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. Paragraph 159 consists of legal conclusions that do not require a response. To the extent a response is required, Respondent denies the allegations in Paragraph 159.

160. Respondent denies the allegations in Paragraph 160.

161. Respondent lacks sufficient knowledge or information to admit or deny the allegations in Paragraph 161, and therefore denies them.

162. Respondent denies the allegations in Paragraph 162.

163. Respondent denies the allegations in Paragraph 163.

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

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

166. Respondent denies that Petitioners are entitled to the relief they request in Paragraph 166.

167. 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 5, 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