

**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
FOURTH DIVISION**

THE LEAGUE OF WOMEN VOTERS OF ARKANSAS

Plaintiff

Case No. 60CV-23-1816

**JOHN THURSTON, in his official capacity
as the Arkansas Secretary of State**

Defendant

ANSWER TO AMENDED COMPLAINT

Defendant’s obligation to answer Plaintiff’s Complaint only arises after the Court issues a final ruling on Defendant’s motion to dismiss. *See* Ark. R. Civ. P. 12(a)(2)(A). Since some of the issues in the motion to dismiss remain undecided, Defendant submits this answer only out of an abundance of caution after the Court’s July 3, 2024 order.

Secretary Thurston, for his Answer to Plaintiffs’ Amended Complaint states:

1. He admits that Plaintiff is making the stated claims in Paragraph 1. He denies that those claims have any merit.
2. He admits that Arkansas’ Constitution provides for an initiative and referendum process. He admits that Act 236 of 2023 requires that a certain percentage of signatures be obtained from 50 counties instead of 15. He denies the remainder of the allegations in paragraph 2.
3. He admits that Plaintiff is seeking a declaration and an injunction. He denies that Act 236 of 2023 is unconstitutional, or that Plaintiff is entitled to the declaration and injunction that they seek. He denies the remainder of the allegations in paragraph 3.
4. Plaintiff lacks standing, he has sovereign immunity, and Plaintiff has failed to state a claim upon which relief can be granted. Therefore, he denies that this Court has subject matter jurisdiction.
5. He admits that venue is proper.

6. He is without knowledge or information sufficient at this time to admit or deny the allegations in paragraph 6.

7. He is without knowledge or information sufficient at this time to admit or deny the allegations in paragraph 7.

8. Paragraph 8 is admitted.

9. The statement of the law speaks for itself, and he denies any and all summations, conclusory statements and allegations related to the statement. All other allegations in paragraph 9 are denied.

10. The statement of the law speaks for itself, and he denies any and all summations, conclusory statements and allegations related to the statement. All other allegations in paragraph 10 are denied.

11. The statement of the law speaks for itself, and he denies any and all summations, conclusory statements and allegations related to the statement. All other allegations in paragraph 11 are denied.

12. The statement of the law speaks for itself, and he denies any and all summations, conclusory statements and allegations related to the statement. All other allegations in paragraph 12 are denied.

13. Paragraph 13 does not demand a response. The copy of Act 236 of 2023 speaks for itself.

14. The statement of the law speaks for itself, and he denies any and all summations, conclusory statements and allegations related to the statement. All other allegations in paragraph 14 are denied.

15. He admits that Article 5 Section 1 of the Arkansas Constitution requires signatures

from at least 15 counties, and Act 236 requires signatures from at least 50 counties. He denies that Act 236 is unconstitutional. All other allegations in paragraph 15 are denied.

16. Plaintiff incorrectly quotes the law in Paragraph 16. The first quotation should read “at least seventy five percent (75%) of the required number of signatures of legal voters from each of *at least* fifteen (15) counties of the state.” Their quotation omits the phrase “at least.” Act 236 also does not lower the required percentage of electors needed from 75% to 50%. The remaining statements of the law speak for themselves, and he denies any and all summations, conclusory statements and allegations related to the statement. All other allegations in paragraph 16 are denied.

17. The statement of the law speaks for itself, and he denies any and all summations, conclusory statements and allegations related to the statement. All other allegations in paragraph 17 are denied.

18. The statement of the law speaks for itself, and he denies any and all summations, conclusory statements and allegations related to the statement. All other allegations in paragraph 18 are denied.

19. Paragraph 19 is denied.

20. Plaintiff should be denied all of the relief that they request in their prayer for relief, and their amended complaint should be dismissed.

21. Affirmatively pleading, Plaintiff does not have standing to bring their claim.

22. Affirmatively pleading, Plaintiff has failed to state a claim upon which relief can be granted under Rule 12(b)(6).

23. Affirmatively pleading, Defendant Thurston is entitled to sovereign immunity from this Amended Complaint.

24. Defendant herein incorporates all his prior arguments made in his Motion to

Dismiss and his Motion to Strike, or in the alternative respond, to Plaintiff's Motion for Judgment on the Pleadings. Defendant continues to maintain that Plaintiff's MJOP was not filed timely, as it must be filed after the pleadings have closed.

WHEREFORE, having fully responded to the Amended Complaint, Defendant John Thurston in his official capacity, prays that Plaintiff's Amended Complaint be dismissed and for all other just and proper relief to which he may be entitled.

Respectfully submitted,
TIM GRIFFIN
Attorney General

s/Justin Brascher
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CERTIFICATE OF SERVICE

I, Justin Brascher, hereby certify that on July 18, 2024, I electronically filed the foregoing pleading using the CM/ECF system, which will send notifications to all attorneys of record.

s/Justin Brascher
Justin Brascher