

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
EASTERN (HELENA) DIVISION**

FUTURE MAE JEFFERS, et al.

PLAINTIFFS

vs.

No.: 2:12-CV-16-JLH

MIKE BEEBE, in his official capacity as Governor of Arkansas and Chairman of the Arkansas Board of Apportionment; MARK MARTIN, in his official capacity as Secretary of State of Arkansas and as a member of the Arkansas Board of Apportionment; DUSTIN MCDANIEL, in his official capacity as Attorney General and as a member of the Arkansas Board of Apportionment; and THE ARKANSAS BOARD OF APPORTIONMENT DEFENDANTS

**DEFENDANT SECRETARY OF STATE MARTIN'S LOCAL RULE 56.1**  
**STATEMENT OF DISPUTED MATERIAL FACTS**

The Separate Defendant Secretary of State Mark Martin contends the following material facts remain at issue:

1. What percent of black voting age population is required in Senate District 24 to provide African Americans the equal opportunity to elect their preferred candidates?

COMMENT: The Separate Defendants contend Dr. Zax's analysis of Dr. Handley's North Carolina model predicts that 49.9% BVAP is sufficient; however, Dr. Handley states that the district must be greater than 55% BVAP to be effective. See Handley Dep. (Exhibit 1), P. 175.

2. Do the white voters in Senate District 24 vote sufficiently as a bloc to usually defeat the minority's preferred candidate?

COMMENT: The Separate Defendants contend Dr. Handley's analysis that there is racial bloc voting in the Delta counties is flawed because she improperly defined the relevant geographic area (Brief, P. 15); she should have considered additional election contests (Brief, P. 16); she used suspect and unverifiable data (Brief, P. 20); and she employed the wrong statistical techniques (Brief, P. 23). Each of these challenges by Separate Defendants raises factual issues of material facts that can only be resolved through a trial on the merits.

Respectfully submitted,

/s/ Asa Hutchinson  
ASA HUTCHINSON  
Arkansas Bar No. 75065  
asa@ahlawgroup.com  
W. ASA HUTCHINSON III  
Arkansas Bar No. 2001115  
ahutchinson@ahlawgroup.com  
THE ASA HUTCHINSON LAW GROUP, PLC  
3300 Market Street, Suite 404  
Rogers, Arkansas 72758  
(479) 878-1600 – Phone  
(479) 878-1605 – Facsimile

*Attorneys for Separate Defendant Mark Martin, in  
his official capacity as Secretary of State of  
Arkansas and as a member of the Arkansas Board  
of Apportionment*

**CERTIFICATE OF SERVICE**

I, Asa Hutchinson, hereby certify that on April 27, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the listed CM/ECF participants as follows:

James F. Valley  
J F VALLEY ESQ PA  
P.O. Box 451  
Helena-West Helena, AR 72342  
[james@jamesfvalley.com](mailto:james@jamesfvalley.com)

Peter Wattson  
Attorney at Law  
5495 Timber Lane  
Shorewood, MN 55331  
[peterwattson@gmail.com](mailto:peterwattson@gmail.com)

*Attorneys for Plaintiffs*

Warren T. Readnour  
Office of the Attorney General  
323 Center Street, Suite 500  
Little Rock, Arkansas 72201  
[warren.readnour@arkansasag.gov](mailto:warren.readnour@arkansasag.gov)

David A. Curran  
Office of the Attorney General  
323 Center Street, Suite 500  
Little Rock, Arkansas 72201  
[david.curran@arkansasag.gov](mailto:david.curran@arkansasag.gov)

C. Joseph Cordi  
Office of the Attorney General  
323 Center Street, Suite 500  
Little Rock, Arkansas 72201  
[joe.cordi@arkansasag.gov](mailto:joe.cordi@arkansasag.gov)

*Attorneys for Separate Defendants  
Governor Mike Beebe, Attorney  
General Dustin McDaniel,  
and The Arkansas Board of  
Apportionment*

/s/ Asa Hutchinson