

SUPREME COURT OF ARKANSAS

No. CV-20-454

BONNIE MILLER, INDIVIDUALLY
AND ON BEHALF OF
ARKANSAS VOTERS FIRST AND
OPEN PRIMARIES ARKANSAS,
BALLOT QUESTION COMMITTEES
PETITIONERS

V.

JOHN THURSTON, IN HIS CAPACITY
AS ARKANSAS SECRETARY OF
STATE
RESPONDENT

ARKANSANS FOR TRANSPARENCY,
A BALLOT QUESTION COMMITTEE,
AND JONELLE FULMER,
INDIVIDUALLY AND ON BEHALF OF
ARKANSANS FOR TRANSPARENCY
INTERVENORS

Opinion Delivered: July 24, 2020

AN ORIGINAL ACTION

MOTION TO EXPEDITE AND FOR
PRELIMINARY INJUNCTION
GRANTED; MOTION TO
INTERVENE GRANTED; SPECIAL
MASTER APPOINTED; BRIEFING
SCHEDULE SET.

PER CURIAM

At issue in this original action are two statewide initiative petitions proposing amendments to the Arkansas Constitution. On July 17 and July 21, 2020, petitioners Bonnie Miller, individually and on behalf of Arkansas Voters First and Open Primaries Arkansas, ballot question committees, filed their consolidated original petition and amended consolidated original-action petition. Petitioners challenge respondent's decisions declaring their initiative petitions insufficient to qualify for the November 3, 2020 general election ballot. Pending is petitioners' motion to expedite and for preliminary injunction. Also

pending is a motion to intervene filed by Arkansans for Transparency, a ballot question committee, and Jonelle Fulmer, individually and on behalf of Arkansans for Transparency. We grant the motion to intervene.

We grant expedited consideration and appoint the Honorable John Fogleman as special master to resolve the factual disputes raised in the amended petition. The response to the amended consolidated original-action petition is due July 27, 2020. The special master's report shall be filed no later than August 3, 2020. The briefing schedule is set as follows: petitioners' brief due August 5, 2020; respondent's and intervenors' briefs due August 7, 2020; and reply brief due August 10, 2020.

The motion for temporary injunctive relief is granted as follows. Respondent is directed to continue facial review of the petition regarding redistricting submitted by Arkansas Voters First and to begin verifying signatures on both initiative petitions. Petitioners are granted a thirty-day cure period to commence on the date of this order.¹

This court has routinely required parties to post a bond in original actions brought under amendment 7 when a master is appointed. *See Lange v. Martin*, 2016 Ark. 302 (per curiam). Respondent is not subject to the payment of costs because of sovereign immunity. *See id.* Therefore, petitioners and intervenors are directed to file a bond to be approved by our clerk in the amount of \$5,000 to secure payment of costs adjudged against them in taking and transcribing proof, including the master's fee.

It is so ordered.

¹ This cure period is provisional, and counting the signatures collected during the cure period depends on whether the petitioners are ultimately determined to be entitled to a cure period.

WOOD, J., not participating in the motion to intervene.