

IN THE ARKANSAS SUPREME COURT

**BONNIE MILLER, individually and on behalf of
ARKANSAS VOTERS FIRST and
OPEN PRIMARIES ARKANSAS,
BALLOT QUESTION COMMITTEES**

PETITIONERS

v.

No. CV-20-454

**JOHN THURSTON, in his capacity as
Arkansas Secretary of State; and
The State Board of Election Commissioners**

RESPONDENTS

**ARKANSANS FOR TRANSPARENCY,
a ballot question committee; and
JONELLE FULMER,
individually and on behalf of
ARKANSANS FOR TRANSPARENCY**

INTERVENORS

**RESPONSE TO EMERGENCY MOTION
FOR PRELIMINARY INJUNCTION**

For his Response to Emergency Motion for Preliminary Injunction,
Secretary of State John Thurston states:

1. The Secretary incorporates by reference the responses and affirmative defenses made in his responses to the Consolidated Original Petition and its amendments and supplement.
2. The Secretary admits that AVF has submitted signatures to the Arkansas Secretary of State's Office in support of two initiative petitions. Affirmatively, the Secretary states that AVF did not

submit enough valid signatures to have the proposed measures placed on the ballot or to qualify for a cure period.

3. The Secretary admits that whether or not the petitions have or will qualify for the ballot is the subject of this litigation.
4. The Secretary admits that the deadline to certify any proposed measures, questions, or amendments to the Arkansas Constitution to the County Boards of Election Commissioners is Thursday, August 20, 2020.
5. The Secretary admits that he has not indicated whether or not he intends to certify the two proposed amendments at issue herein. Affirmatively, there are fully-briefed issues pending before this Court that, if decided before tomorrow's deadline for certification to the ballot, could prohibit the Secretary from certifying one or more measures to the ballot. The Secretary is aware of his duties under Ark. Code Ann. § 7-5-204(c)(1) and does not need to be ordered to comply with them. If this Court does not issue decisions on the issues herein that prohibit the Secretary from certifying the amendments to the counties, the Secretary will follow the law.

6. The Secretary will follow the law and this Court's orders. If the proposed amendments are placed on the ballot, the Secretary admits that when this Court rules against the Petitioners, any votes cast for the proposed amendments will not be counted.
7. The Secretary denies that the relief requested in Petitioners' "WHEREFORE" paragraph is necessary.

WHEREFORE, Secretary of State John Thurston prays that the motion be denied; and for all other proper relief.

Respectfully submitted,

JOHN THURSTON
Arkansas Secretary of State

By: /s/ Gary L. Sullivan
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Attorney for Respondent

CERTIFICATE OF SERVICE

I, Gary L. Sullivan, hereby certify that on August 19, 2020, I electronically filed the foregoing with the Clerk of the Court using the eFlex filing system, which shall serve all counsel of record:

/s/ Gary L. Sullivan