



JOHN THURSTON

ARKANSAS SECRETARY OF STATE

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David A. Couch  
Attorney at Law  
1501 N. University Ave., Suite 228  
Little Rock, AR 72207

*via electronic mail to arhog@me.com*

July 17, 2020

Re: Declaration of Insufficiency  
Sponsor: Arkansas Voters First  
Petition: A Constitutional Amendment Establishing Top Four Open Primary Elections and Majority Winner  
General Elections with Instant Runoff if Necessary

Dear Mr. Couch:

I would like to clarify a statement made in my original letter of insufficiency dated July 14, 2020. As noted in that letter, the above referenced petition has been declared insufficient because Arkansas Voters First did not comply with Ark. Code Ann. § 7-9-601(b)(3). Therefore, the submitted signatures “shall not be counted by the Secretary of State for any purpose,” Ark. Code Ann. § 7-9-601(f), and I “without delay notif[ied] the sponsors of [this] petition” of its insufficiency. Ark. Const. art. 5, § 1; *see* Ark. Code Ann. § 7-9-111(d)(1) (“If the signatures submitted on a statewide initiative petition . . . are found to be insufficient, the Secretary of State *shall forthwith notify the sponsors in writing*, through their designated agent, and shall set forth his or her reasons for so finding.” (emphasis added)).

I want to clarify the statement I made regarding the possibility that there may be other as yet undetermined reasons the petition may not be sufficient. I did not intend to infer that our normal intake procedures would cease. In fact, we have been continuously evaluating the petition under our normal intake analysis (facial review), which does not involve counting the signatures.

Once intake is complete on the petition, I will issue a revised letter listing all reasons, if there are others in addition to the one originally reported, that the petition is insufficient.

Sincerely,

/s/ John Thurston

John Thurston  
Arkansas Secretary of State