

IN THE ARKANSAS SUPREME COURT

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

v. **No. CV-20-454**

**JOHN THURSTON, in his capacity as
Arkansas Secretary of State, et al.** **RESPONDENT**

**ALLISON WHITE, individually and on behalf of
PROTECT ARKANSAS COMMUNITIES, and
PROTECT ARKANSAS COMMUNITIES,
A BALLOT QUESTION COMMITTEE** **INTERVENORS**

RESPONDENT’S NOTICE
AND
MOTION TO VACATE

For his Notice and Motion to Vacate, Secretary of State John
Thurston states:

1. By *per curiam* entered herein on July 24, 2020, this Court directed Respondent “to continue facial review of the petition regarding redistricting submitted by Arkansas Voters First and to begin verifying signatures” on the petition.
2. In the same *per curiam*, this Court granted Arkansas Voters First a thirty-day provisional cure period, stating that

“counting the signatures collected during the cure period depends on whether the petitioners are ultimately determined to be entitled to a cure period.”

3. Arkansas Voters First has submitted approximately 50,000 signatures for consideration in the provisional cure period.
4. The Secretary immediately complied with the *per curiam* and has completed the verification of the signatures originally submitted for the redistricting petition. *See* Exhibit A attached hereto.
5. Pursuant to Article 5, § 1 of the Constitution of Arkansas, at least 66,864 (75% of 89,151) signatures from registered Arkansas voters are required to correct or amend an insufficient petition. The Secretary verified that a total of 64,722 registered Arkansas voters signed the petition, thus the petition does not qualify for a cure period.
6. Because the petition does not contain valid signatures of legal voters equal to at least 75% of the number of state-wide signatures of legal voters required, this Court should vacate its July 24, 2020 provisional grant of injunctive relief granting the

provisional 30-day cure period and hold that the Secretary should not verify the additional signatures submitted.

WHEREFORE, Secretary John Thurston prays pray that this Court grant his Motion to Vacate its provisional grant of injunctive relief; that he be relieved of verifying the signatures submitted pursuant to the provisional cure; and for all other just and proper relief.

Respectfully submitted,

JOHN THURSTON
Arkansas Secretary of State

By: /s/ Gary L. Sullivan
Gary L. Sullivan
Ark Bar No. 92051
Managing Attorney
Arkansas Secretary of State's Office
500 Woodlane St., Suite 256
Little Rock, Arkansas 72201
Phone: (501) 682-3401
gary.sullivan@sos.arkansas.gov

Attorney for Respondent

CERTIFICATE OF SERVICE

I, Gary L. Sullivan, hereby certify that on August 11, 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