

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 SECOND 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 begin verifying signatures” on the open primaries/ranked-choice 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. The Secretary immediately complied with the *per curiam* and has completed the verification of the signatures originally submitted for the open primaries/ranked-choice petition. See Exhibit A attached hereto.
4. 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 62,634 registered Arkansas voters signed the petition, thus the petition does not qualify for a cure period. Even if every one of the 586 culled signatures that the Special Master recommended be thrown-back for verification were from valid Arkansas voters, the petition would not qualify for a cure period.
5. 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 any additional signatures that might be 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 any signatures that might be 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 18, 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