IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF ARKANSAS WESTERN (LITTLE ROCK) DIVISION

LIBERTARIAN PARTY OF ARKANSAS, KRISTIN VAUGHN, ROBERT CHRIS HAYES, DEBRAH STANDIFORD, and MICHAEL PAKKO **PLAINTIFFS**

VS.

NO. 4:15-CV-635-JM

HONORABLE MARK MARTIN in his official capacity as Arkansas Secretary of State

DEFENDANT

<u>DEFENDANT, HONORABLE MARK MARTIN'S</u> SECOND AMENDED ANSWER TO PLAINTIFFS' COMPLAINT

Comes Now, Defendant, Honorable Mark Martin, ("Defendant Secretary"), in his official capacity as Arkansas Secretary of State, for his Second Amended Answer to the "as-applied" challenge to certain sections of the Arkansas Code as alleged in Plaintiffs' Complaint, and states:

1. Defendant Secretary admits the Libertarian Party of Arkansas, Kristin Vaughn, Robert Chris Hayes, Debrah Standiford, and Michael Pakko have brought an "as-applied" challenge to certain sections of the Arkansas Code in their lawsuit against Defendant Secretary in his official capacity. The remaining allegations in the first unnumbered paragraph of the Complaint are denied.

I. PARTIES PLAINTIFF

- 2. Defendant Secretary admits Libertarian Party of Arkansas is a newly-recognized political party in the State of Arkansas, as set forth on Exhibit 1 hereto (Amended and Substituted Affidavit of Leslie Bellamy, Assistant Director of Elections for the State of Arkansas).
 Defendant Secretary lacks sufficient information and belief as to the remaining allegations made in the first unnumbered paragraph of Section I of Plaintiffs' Complaint, and so denies those allegations. Exhibit 1 is incorporated herein by reference as part of Defendant Secretary's Amended Answer.
- 3. Defendant Secretary admits that Plaintiff Kristin Vaughn, was a registered voter in the State of Arkansas at the time of the filing of the Complaint but notes that registration status can change due to a variety of factors. Defendant Secretary lacks sufficient information and belief as to Vaughn's registration status after the date of filing and so denies that she continues to be a registered voter on that basis. Defendant Secretary lacks sufficient information and belief as to the remaining allegations made in the second unnumbered paragraph of Section 1 of Plaintiffs' Complaint, and so denies those allegations.
- 4. Defendant Secretary admits that Plaintiff Robert Chris Hayes, was a registered voter in the State of Arkansas at the time of the filing of the Complaint but notes that registration status can change due to a variety of factors. Defendant Secretary lacks sufficient information and belief as to Hayes' registration status after the date of filing and so denies that he continues to be a registered voter on that basis. Defendant Secretary lacks

- sufficient information and belief as to the remaining allegations made in the third unnumbered paragraph of Section 1 of Plaintiffs' Complaint, and so denies those allegations.
- 5. Defendant Secretary admits that Plaintiff Debrah Standiford, was a registered voter in the State of Arkansas at the time of the filing of the Complaint but notes that registration status can change due to a variety of factors. Defendant Secretary lacks sufficient information and belief as to Standiford's registration status after the date of filing and so denies that she continues to be a registered voter on that basis. Defendant Secretary lacks sufficient information and belief as to the remaining allegations made in the fourth unnumbered paragraph of Section 1 of Plaintiffs' Complaint, and so denies those allegations.
- 6. Defendant Secretary admits that Plaintiff Michael Pakko, was a registered voter in the State of Arkansas at the time of the filing of the Complaint but notes that registration status can change due to a variety of factors. Defendant Secretary lacks sufficient information and belief as to Pakko's registration status after the date of filing and so denies that he continues to be a registered voter on that basis. Defendant Secretary lacks sufficient information and belief as to the remaining allegations made in the fifth unnumbered paragraph of Section 1 of Plaintiffs' Complaint, and so denies those allegations.
- 7. Defendant Secretary admits that all the named Plaintiffs were registered voters in the State of Arkansas at the time of the filing of the Complaint but notes that registration

status can change due to a variety of factors. Defendant Secretary lacks sufficient information and belief as to Plaintiffs' registration status after the date of filing and so denies that they continue to be registered voters on that basis. Defendant Secretary lacks sufficient information and belief as to the remaining allegations made in the sixth unnumbered paragraph of Section 1 of Plaintiffs' Complaint, and so denies those allegations.

II. PARTIES DEFENDANT

8. Defendant Secretary admits that he is the Secretary of State. There are numerous legal conclusions made in the first paragraph of Section II of the Complaint, and those legal conclusions require no response. To the extent that there are factual allegations made in the first unnumbered paragraph of Section II of the Complaint, Defendant Secretary denies those allegations. Defendant Secretary specifically denies that he administers any election in the State of Arkansas and further denies that he administers the voter registration laws of the State of Arkansas. Defendant Secretary further denies that he has supervisory authority over all election official and officers of the County Boards of Election Commissioners. Defendant Secretary further denies that he has the responsibility to promulgate, repeal, and modify such rules and regulations as he deems necessary to facilitate and assist in achieving and maintaining uniformity in the application, operation, and interpretation of the State and Federal election laws and a

maximum degree of correctness, impartiality, and efficiency in administration of election laws.

9. Defendant Secretary admits that his offices are in the Arkansas State Capitol Building, Suite 256, 500 Woodlane Avenue, Little Rock, Arkansas 72201. Defendant Secretary denies the remaining allegations made in the second unnumbered paragraph of Section II of Plaintiffs' Complaint.

III. JURISDICTION AND VENUE

10. Defendant Secretary admits that venue is proper, although this Court does not have subject matter jurisdiction because Plaintiffs lack standing to bring the suit. Defendant Secretary denies the remaining allegations made in the first unnumbered paragraph of Section III of the Complaint.

IV. CLAIMS OF PLAINTIFFS

11. The allegations made in the first unnumbered paragraph of Section IV of the Complaint state legal conclusions, and so no response is required. To the extent that there are factual allegations therein, Defendant Secretary admits that the Arkansas Code says what it says, and that it speaks for itself. To the extent that there are other factual allegations in the first unnumbered paragraph of Section IV of the Complaint, Defendant Secretary denies those allegations.

V. SECTIONS OF THE ARKANSAS CODE

- 12. The allegations made in the first unnumbered paragraph of Section V of the Complaint state legal conclusions, and so no response is required. To the extent that there are factual allegations therein, the Secretary denies those allegations.
- 13. Defendant Secretary admits the Arkansas Code says what it says, and that it speaks for itself; no response is required for legal conclusions asserted. To the extent that there are factual allegations made in the second unnumbered paragraph of Section V of the Complaint, Defendant Secretary denies those allegations.
- 14. Defendant Secretary admits the Arkansas Code says what it says, and that it speaks for itself; no response is required for legal conclusions asserted. To the extent that there are factual allegations made in the third unnumbered paragraph of Section V of the Complaint, Defendant Secretary denies those allegations.
- 15. Defendant Secretary admits the Arkansas Code says what it says, and that it speaks for itself; no response is required for legal conclusions asserted. To the extent that there are factual allegations made in the fourth unnumbered paragraph of Section V of the Complaint, Defendant Secretary denies those allegations.
- 16. Defendant Secretary admits the Arkansas Code says what it says, and that it speaks for itself; no response is required for legal conclusions asserted. To the extent that there are factual allegations made in the fifth unnumbered paragraph of Section V of the Complaint, Defendant Secretary denies those allegations.

VI. UNLABELED

- 17. The allegations made in the unnumbered first paragraph of Section VI of the Complaint state legal conclusions, and so no response is required. To the extent that there are factual allegations made in the first unnumbered paragraph of Section VI of the Complaint, Defendant Secretary denies those allegations.
- 18. The allegations made in second unnumbered of Section VI of the Complaint state legal conclusions, and so no response is required. To the extent that there are factual allegations made in the fifth unnumbered paragraph of Section VI of the Complaint, Defendant Secretary denies those allegations.

VII. UNLABELED

19. The allegations made in the first paragraph of Section VII of the Complaint state legal conclusions, and so no response is required. To the extent that there are factual allegations made in the first unnumbered paragraph of Section VII of the Complaint, Defendant Secretary denies those allegations.

VIII. UNLABELED

20. The allegations made in the first unnumbered paragraph of Section VIII of the Complaint state legal conclusions, and so no response is required. To the extent that there are factual allegations made in the first unnumbered paragraph of Section VIII of the Complaint, Defendant Secretary denies those allegations.

21. The allegations made in the second unnumbered paragraph of Section VIII of the Complaint state legal conclusions, and so no response is required. To the extent that there are factual allegations made in the second unnumbered paragraph of Section VIII of the Complaint, Defendant Secretary denies those allegations. Defendant specifically denies that the nominating convention had to take place more than a year before the general election in 2016.

IX. UNLABELED

22. The allegations made in the unnumbered paragraph of Section IX of the Complaint state legal conclusions, and so no response is required. To the extent that there are factual allegations made in the unnumbered paragraph of Section IX of the Complaint,

Defendant Secretary denies those allegations.

X. UNLABELED

- 23. The allegations made in the first unnumbered paragraph of Section X of the Complaint state legal conclusions, and so no response is required. To the extent that there are factual allegations made in the first unnumbered paragraph of Section X of the Complaint, Defendant Secretary denies those allegations.
- 24. The allegations made in paragraph A of Section X of the Complaint state legal conclusions, and so no response is required. To the extent that there are factual

- allegations made in the paragraph A of Section X of the Complaint, Defendant Secretary denies those allegations.
- 25. The allegations made in paragraph B of Section X of the Complaint state legal conclusions, and so no response is required. To the extent that there are factual allegations made in paragraph B of Section X of the Complaint, Defendant Secretary denies those allegations.

XI. UNLABELED

26. The allegations made in the unnumbered paragraph of Section XI of the Complaint state legal conclusions, and so no response is required. To the extent that there are factual allegations made in the unnumbered paragraph of Section XI of the Complaint, Defendant Secretary denies those allegations.

XII. PLAINTIFFS' PRAYER FOR RELIEF

27. The allegations made in the prayer for relief section of the Complaint state legal conclusions, and so no response is required. To the extent that there are factual allegations made in the prayer for relief Section of the Complaint, Defendant Secretary denies those allegations. Defendant Secretary further denies that any of the named plaintiffs is entitled to any of the relief they seek in their Complaint. Defendant Secretary denies the allegations and claims for relief in paragraph number 1 of the prayer for relief.

- 28. Defendant Secretary denies that any of the named plaintiffs is entitled to any of the relief they seek in paragraph 2 of their prayer for relief.
- 29. Defendant Secretary denies that any of the named plaintiffs is entitled to any of the relief they seek in paragraph 3 of their prayer for relief.
- 30. Defendant Secretary denies that any of the named plaintiffs are entitled to any of the relief they seek in paragraph 4 of their prayer for relief.
- 31. Defendant Secretary denies each and every material factual allegation made in the Complaint, unless explicitly admitted herein.

XIII. AFFIRMATIVE DEFENSES

- 32. Pleading affirmatively, Defendant states that Acts of the Arkansas General Assembly are entitled to a presumption of constitutionality, and that Plaintiffs bear the burden of proving that any Act of the Legislature is unconstitutional as applied to them, individually. The Amended Affidavit of the Assistant Director of Elections, in support of these Affirmative Defenses is attached hereto, and incorporated herein. **Exhibit 1.** The candidates who filed for office with the Arkansas Secretary of State (i.e., state candidates), including all of those filing as Libertarian Party nominees, is attached hereto, and incorporated herein by reference in support of this response. **Exhibit 2.**
- 33. Pleading affirmatively, Defendant Secretary states that Plaintiffs lack standing to bring the present action because there has been no harm to Plaintiffs caused by this Defendant.

- 34. Pleading affirmatively, Defendant Secretary states that there are insufficient allegations of causation as to the actions of Defendant Secretary that are the subject of Plaintiffs' Complaint. Defendant Secretary denies that he caused any harm to Plaintiffs, or any of them.
- 35. Pleading affirmatively, Defendant Secretary states that there are insufficient allegations of proximate cause as to the actions of Defendant Secretary that are the subject of Plaintiffs' Complaint. Defendant Secretary denies that he proximately caused any harm to Plaintiffs, or any of them.
- 36. Pleading affirmatively, Defendant Secretary states that Plaintiffs case concerning the November 2015 filing period is not capable of repetition, since Act 4 of 2015 – First Special Session - is only a temporary change, and will no longer be the law after the 2016 General Election.
- 37. Pleading affirmatively, Defendant Secretary states that Plaintiffs' case as to future deadlines (election cycles after 2016) is not ripe for review, as a different set of laws (previously codified) will go back into effect on and after January 1, 2017. Plaintiffs are in essence seeking adjudication over future events, with completely different allegations of "future harm" that may not even occur as anticipated by Plaintiffs. Plaintiffs lack standing.
- 38. Pleading affirmatively, Plaintiffs' Complaint does not allege they have taken any action, other than the candidate filing by Plaintiff Chris Hayes, nor have Plaintiffs been prohibited from taking any action, to become Libertarian candidates in the 2016

- elections. A significant number of Libertarians did successfully file to become candidates for the 2016 elections, including candidates for every federal office (except President and Vice President, so far), as shown on **Exhibit 2** hereto (17 Libertarian Party of Arkansas candidates filed and qualified for Office by November 9, 2015).
- 39. Pleading affirmatively, Defendant Secretary states that the remaining Plaintiffs (excepting Hayes) have failed to fulfill unchallenged statutory requirements to be placed on the ballot for the 2016 general election. Deadlines to file political practices pledges, affidavits of eligibility, and notices of candidacy have passed, and Plaintiffs make no allegation in the Complaint that they have met or attempted to meet unchallenged statutory requirements, other than the candidate forms submitted by Plaintiff Chris Hayes.
- 40. Pleading affirmatively, Defendant Secretary states that the Court lacks subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1).
- 41. Pleading affirmatively, Defendant Secretary states that the Court lacks personal jurisdiction over Defendant, in anything other than his official capacity, pursuant to Federal Rule of Civil Procedure 12(b)(2).
- 42. Pleading affirmatively, Defendant Secretary states that Plaintiffs' Complaint fails to state sufficient facts upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6).
- 43. Pleading affirmatively, Defendant Secretary states that Plaintiff Libertarian Party of Arkansas submitted their petition to be recognized as a political party in Arkansas on or

- about June 2, 2015, as set forth on **Exhibit 1,** i.e., long before the statutory deadline at issue. Their submission was consistent with their previous petitions for previous elections; submitting their petition for the 2014 elections on or about October 15, 2013.
- 44. Pleading affirmatively, Defendant Secretary states that Plaintiffs acknowledged that nomination through the Party's Nominating Convention, the filing of the candidate's political practices pledge, affidavit of eligibility, and notice of candidacy, were required to be completed by the party filing period ending on Monday November 9, 2015, as set forth by the number of candidates certified to Secretary of State by the Libertarian Party of Arkansas. **Exhibit 2.**
- 45. Pleading affirmatively, Defendant Secretary states that pursuant to Article I §4, cl. 1, of the United States Constitution, the times, places and manner of holding elections for State Senators and Representatives is vested in the discretion of the State of Arkansas; the Libertarian Party already has a candidate in each federal race on the ballot in the State of Arkansas (except President and Vice President), and it appears that federal elections cannot be the subject of this Complaint. Defendant asks Plaintiffs to make a more definite statement of their Complaint if they disagree with this assertion. Fed. R. Civ. P. 12(e).
- 46. Pleading affirmatively, Defendant Secretary states the Court should dismiss the Complaint on the basis of sovereign immunity, pursuant to the Eleventh Amendment to the United States Constitution.

- 47. Pleading affirmatively, Defendant Secretary states the Court should dismiss the Complaint under the doctrine of state-court sovereign immunity, pursuant to Ark. Const. art. 5, § 20.
- 48. Pleading affirmatively, Defendant Secretary states the Court should dismiss the Complaint under the doctrine of sovereign immunity.
- 49. Pleading affirmatively, and in the alternative, Defendant Secretary states the Court should dismiss the Complaint under the doctrine of qualified immunity.
- 50. Pleading affirmatively, Defendant Secretary states that punitive damages are inappropriate against Defendant Secretary acting in his official capacity, and even in the rare instances where exemplary damages are awarded, such damages are still subject to limitations imposed by the Eighth Amendment to the United States Constitution and Supreme Court precedent under *BMW of North America, Inc. v. Gore*, 517 U.S. 559.
- 51. Pleading affirmatively, Defendant Secretary states that Plaintiffs are estopped from obtaining any of the relief they seek from this Court at this juncture, on the basis of collateral estoppel, judicial estoppel, equitable estoppel, and any other theory of estoppel recognized by state or federal law.
- 52. Pleading affirmatively, Defendant Secretary states that Plaintiffs are precluded from obtaining any relief from this Court at this juncture, as the relief they seek is now illegal under Arkansas law where Plaintiffs (except Hayes) failed to meet unchallenged statutory filing requirements.

- 53. Pleading affirmatively, Defendant Secretary states that Plaintiffs are precluded from obtaining any relief from this Court as a result of their own laches.
- 54. Pleading affirmatively, Defendant Secretary states that Plaintiffs are precluded from obtaining the relief they seek, as the statutory filing period for candidacies expired on November 9, 2015 at 12:00 noon for partisan candidates and Plaintiffs (excluding Hayes) had not met requirements for eligibility; that is effectively a statute of limitations on their action as to harm alleged in the 2016 cycle.
- 55. Pleading affirmatively, Defendant Secretary states that the successful filing by Plaintiff Hayes (for Second Congressional District as a Libertarian Party of Arkansas candidate), and the other successful Libertarian Party of Arkansas candidate filings set forth on Exhibit 2, demonstrate that Plaintiffs cannot meet their burden of proving that this Defendant caused them any harm during this election cycle (2016).
- 56. Pleading affirmatively, Defendant Secretary states that Plaintiffs could have held their Nominating Convention as late as the morning of November 9, 2015, i.e., less than one year prior to the 2016 election day.
- 57. Pleading affirmatively, Defendant Secretary states that numerous other candidates filed their statutorily required forms with the Secretary of State, including nonpartisan judicial candidates, nonpartisan prosecutorial candidates, Independent candidates, write-in candidates, and seventeen (17) Libertarian Party candidates, as set forth on Exhibit 2.
- 58. Pleading affirmatively, Defendant Secretary states that Plaintiffs are precluded from obtaining any relief by their failure to include necessary parties, that is, County Clerks

who are responsible for local, district, and county offices. Fed. R. Civ. P. 12(b)(7); Fed. R. Civ. P. 19. The absence of County Clerks prevents the Court from granting complete relief to the existing parties where Defendant Secretary is prohibited by the Arkansas Constitution (separation of powers doctrine) from protecting the interests of County Clerks. *Fort Yates Pub. Sch. Dist. v. Murphy*, 786 F.3d 662, 671 (8th Cir. 2015); Ark. Const. Art. 4, §§ 1 and 2; Ark. Const. Art. 7, § 19; Ark. Const. Am. 41.

- 59. Pleading affirmatively, Defendant Secretary states that Plaintiffs are precluded from obtaining any relief by their failure to include necessary parties, that is, the established political parties in Arkansas, currently the Democratic Party of Arkansas, and the Republican Party of Arkansas, who are constrained to file all of their candidates within the party filing period (ending on November 9, 2015), and whose First Amendment interests as Political Parties, and whose member's interests as voters cannot be protected by Defendant Secretary. Fed. R. Civ. P. 12(b)(7); Fed. R. Civ. P. 19. The absence of the established political parties (and their respective voters) prevents the Court from granting complete relief to the existing parties where Defendant Secretary cannot protect the competing First Amendment rights of those non-parties. Fort Yates Pub. Sch. Dist. v. Murphy, 786 F.3d 662, 671 (8th Cir. 2015).
- 60. Pleading affirmatively, Defendant Secretary states that Plaintiffs seek relief that is an imposition upon the Equal Protection rights of non-parties, including voters who vote for established political party candidates, and established political parties (currently the Democratic Party of Arkansas and the Republican Party of Arkansas).

- 61. Pleading affirmatively, Defendant Secretary pleads that Plaintiffs are precluded from obtaining relief by waiver, avoidance, and any other affirmative defense.
- 62. Pleading affirmatively, Defendant Secretary states the deadlines at issue are among other reasons narrowly tailored to advance the State's compelling interests in timely certifying new party candidates who wish to be placed in the ballot, allowing sufficient time for those who seek to challenge party petition signatures through litigation, and providing additional time to those who seek to promote ballot initiatives and independent candidate petitions to have signatures reviewed and litigation concluded prior to the new petition certification deadlines in view of the federal laws UOCAVA Act and MOVE Act.
- 63. Pleading affirmatively, Defendant states that there are competing First Amendment interests at stake and that the State of Arkansas has made legitimate policy choices within its constitutional discretion embodied in its ballot access requirements for the state candidates at issue on the face of the Complaint as filed.
- 64. Pleading affirmatively, Defendant Secretary states that Arkansas' changes to new political party filing deadlines in 2013 were reasonable, politically neutral, regulations that merely have the effect of channeling expressive activity at the polls in light of competing interests at stake.
- 65. Pleading affirmatively, Defendant Secretary states that Arkansas' changes to all political party filing deadlines in 2015 were reasonable, politically neutral, regulations that merely

- have the effect of channeling expressive activity at the polls in light of competing interests at stake.
- 66. Pleading affirmatively, Defendant Secretary states that the State of Arkansas has legitimate administrative reasons for its ballot access deadlines. Exhibit 1.
- 67. Pleading affirmatively, Defendant Secretary states that the State of Arkansas has legitimate and constitutionally protected reasons for prohibiting "sore losers" from exiting a party primary and seeking to win election to office with a different political party, and that this policy forms at least part of the basis for changes made to the law concerning filing deadlines for new political parties.
- 68. Pleading affirmatively, Defendant Secretary states that the State of Arkansas has legitimate and constitutionally protected reasons for prohibiting "fusion candidacies" where one candidate seeks election under different party labels, and that this policy forms at least part of the basis for changes made to the law concerning filing deadlines for new political parties.
- 69. Pleading affirmatively, Defendant Secretary states that Arkansas' change in the applicable ballot access deadlines was necessary, among other reasons, to allow time to cast and verify certain signatures, and to allow time for signatures (and petitions) to be challenged through litigation.
- 70. Pleading affirmatively, Defendant Secretary states that Arkansas' change in the ballot access law was done in part in order to comply with applicable federal law, UOCAVA and MOVA Acts.

- 71. Pleading affirmatively, and in the alternative, Defendant Secretary states that there is no harm to Plaintiffs resulting from any early deadline, as Arkansas also has a one-year residency requirement for most offices, and that residency requirement must be met no later than election day, i.e., a provision of Arkansas law that is not challenged in the Complaint, but which is no less restrictive in its application.
- 72. Pleading affirmatively, Defendant Secretary states that on the face of the Complaint,
 Plaintiffs' Complaint is an "as-applied" challenge to themselves only, and consequently
 any remedy imposed by the Court must be limited to a remedy that would apply only to
 the named Plaintiffs herein, and no other persons.
- 73. Pleading affirmatively, Defendant Secretary states that Plaintiffs have made an election of remedies in their "as-applied" challenge, and cannot now elect different remedies than prayed in the Complaint.
- 74. Pleading affirmatively, Defendant Secretary states that Plaintiffs have failed to attach to their Complaint specific allegations of harm as to each of the named Plaintiffs, and that the lack of Affidavits and other supporting documentation is fatal to their Complaint.
- 75. Pleading affirmatively, Defendant Secretary states that the State of Arkansas has legitimate and constitutionally protected reasons for prohibiting "party raiding" which is the organized switching of blocks of voters from one party to another in order to manipulate the outcome of the other party's primary election, and that this policy forms at least part of the basis for changes made to the law concerning filing deadlines for new political parties.

- 76. Pleading affirmatively, Defendant Secretary states that the State of Arkansas has legitimate and constitutionally protected reasons for treating political parties equally under the Equal Protection clause of Amendment XIV of the U.S. Constitution, and that this policy forms at least part of the basis for changes made to the law concerning filing deadlines for new political parties.
- 77. Pleading affirmatively, Defendant Secretary states that the State of Arkansas has legitimate and constitutionally protected reasons for treating political parties equally under the Equal Protection clause of the Arkansas Constitution (Art. II, § 3), and that this policy forms at least part of the basis for changes made to the law concerning filing deadlines for new political parties.
- 78. Defendant Secretary of State asks the Court to dismiss the Complaint; in the alternative, to issue a Judgment in favor of Defendant on the Pleadings; in the alternative, to issue Judgment in favor of Defendant as a Matter of Law; to deny Plaintiffs any of the relief they seek against Defendant Secretary; in the alternative, that the Court limit any remedy to the narrowest remedy available that will address only the purported harm shown to have been caused to each individual Plaintiff, particularly, in their "as-applied" challenge; and that the Court take such additional action in favor of Defendant Secretary as is appropriate under the circumstances.

WHEREFORE, and for the foregoing reasons, Defendant Secretary of State Mark

Martin, in his official capacity, prays that this Court grant Defendant the relief he seeks herein;
that the Court deny Plaintiffs any of the relief they seek; that the Court dismiss the Plaintiffs'

Complaint; that the Court deny Plaintiffs any injunctive relief; in the alternative, that the Court
limit any relief to Plaintiffs the specific declaratory relief requested, only upon strict proof
presented by Plaintiffs; alternatively, that the Court limit any remedy to the narrowest possible
remedy that would ameliorate any particularized harm caused to each individually named

Plaintiff, independently, on their "as-applied" challenge; that the Court deny Plaintiffs' their
request for any costs, fees, or expenses; and that the Court grant Defendant such additional relief
to which he may be entitled under the circumstances.

Dated this the day of Man, 2016.

Respectfully submitted,

HONORABLE MARK MARTIN
ARKANSAS SECRETARY OF STATE
In his Official Capacity, Defendant

By:

A.J. Kelly

General Counsel and Deputy Secretary of State

PO Box 251570

Little Rock, AR 72225-1570

(501) 682-3401

Fax: (501) 682-1213

And

Andrés Rhodes Associate General Counsel Secretary of State State Capitol – Suite 256 500 Woodlane Avenue Little Rock, AR 72201 (501) 682-3401 Fax: (501) 682-1213

Attorneys for Defendant Arkansas Secretary of State

CERTIFICATE OF SERVICE

I do hereby certify that on this 9th day of May, 2016, I have initially served the foregoing Second Amended Answer via fax and subsequently via the electronic filing system in the Federal District Court Clerk's Office (CM/ECF) (as an exhibit to the Motion for Leave to File a Second Amended Answer):

James C. Linger 1710 South Boston Avenue Tulsa, OK 74119-4810

W. Whitfield Hyman (*Via Fax*) 300 North 6th Street Fort Smith, AR 72901

A.J. Kelly

AFFIDAVIT

Comes now Affiant, Leslie Bellamy, duly deposed on oath, and states:

- 1. My name is Leslie Bellamy.
- 2. I am over the age of eighteen (18), am competent to make this affidavit, and know of no reason why I could not make this affidavit.
- 3. I am the Assistant Director of the Elections Department in the Office of the Arkansas Secretary of State, and I make this affidavit from my own personal knowledge.
- 4. The party filing period was a one week period that began at noon on Monday, November 2, 2015 and ended at noon Monday November 9, 2015, and this was the filing period applicable to the President of the United States, Arkansas Senior U.S. Senate seat, all four United States Congressional Districts, two Justice seats in the Arkansas Supreme Court, one of which is the Chief Justice to the Arkansas Supreme Court, all one hundred (100) House seats; one half of the state senate seats, as well as more than one hundred (100) State Circuit and District Judge positions in the State of Arkansas for the 2016 elections.
- 5. A new political party seeking recognition must have filed a petition with the Secretary of State. The petition must have contained the signatures of at least 10,000 registered voters in the State, no later than sixty (60) days before the party filing period commencing on November 2, 2015. Upon certification by the Secretary of State, a new political party is declared.
- 6. The Libertarian Party successfully petitioned to become a "new" political party on June 2, 2015; and their petition met legal requirements as certified by the Secretary of State on July 8, 2015.
- 7. A Person seeking to have his or her name placed on the ballot for the 2016 General Election as a candidate in a newly recognized party must have been nominated by the Party at its 2015 Nominating Convention pursuant to Arkansas Code Annotated §7-7-205(c)(2). Every party candidate must have also submitted a political practices pledge, an affidavit of eligibility, and a notice of candidacy by noon, November 9, 2015 with the appropriate official (Secretary of State for state and federal offices; County Clerk for county offices).
- 8. Kristin Vaughn failed to submit a political practices pledge, an affidavit of eligibility, or a notice of candidacy with the Secretary of State by the end of the party filing period ending on November 9, 2015.
- 9. Chris Hayes timely submitted a political practices pledge, an affidavit of eligibility, and a notice of candidacy with the Secretary of State on November 4, 2015, five (5) days before the party filing period ended on November 9, 2015.

- 10. Debrah Standiford failed to submit a political practices pledge, an affidavit of eligibility, or a notice of candidacy with the Secretary of State by the end of the party filing period ending on November 9, 2015.
- 11. Michael Pakko failed to submit a political practices pledge, an affidavit of eligibility, or a notice of candidacy with the Secretary of State by the end of the party filing period ending on November 9, 2015.
- 12. The deadline for Defendant Secretary of State to "certify" names of candidates (as having met all requirements and therefore to be included on the primary election ballot) to the seventy-five (75) county board of election commissioners in the State was November 30, 2015.
- 13. The deadline for County Clerks to "certify" names of candidates (as having met all requirements and therefore to be included on the primary election ballot) to its county board of election commissioners in each County of the State was also November 30, 2015.
- 14. Chris Hayes met all of the filing requirements and on or before August 25, 2016, Secretary of State will certify his name to all applicable county boards of election commissioners for inclusion the November 8, 2016 General Election Ballot as an Libertarian candidate for U.S. Congress District 02 (7 counties).
- 15. Aside from Chris Hayes, the Secretary of State will additionally certify sixteen (16) other candidates as Libertarian Party candidates to the General Election ballot for 2016.
- 16. The Preferential Primary Election is March 1, 2016.
- 17. The General Primary Runoff Election is March 22, 2016.
- 18. The Secretary of State's Certification of names to the primary ballot was on November 19, 2015.
- 19. The 2016 General Election will take place on Election Day, November 8, 2016.
- 20. Certain deadlines for newly established parties were temporarily moved through Act 4 of the First Extraordinary Session of 2015. Act 4 was enacted with the explicit purpose of moving the date of 2016's primary elections so that the Arkansas primary election will take place at the same time as the primary elections in Alabama, Georgia, North Carolina, Tennessee, Texas, and Virginia, in an effort sometimes called the "SEC Primary" (formerly known as "Super Tuesday"). The date of the preferential primary election was temporarily moved with the stated desire to be part of the nominating process for Presidential candidates, that is, to ensure that Arkansas voters had a voice in the selection of party candidates for President.

- 21. All other elections normally taking place on the preferential primary election day (and general election for judicial and non-partisan prosecutor candidates) were also temporarily moved to the newly established March 1 date in an effort to minimize the great costs associated with funding party primaries, as established by Arkansas Code Annotated § 7-7-201(a) and case law under *Republican Party v. Faulkner County*, 49 F.3d 1289 (8th Cir. 1995), and after the experience of the 2008 "separate" primaries for President (in February) and other candidates (on the normal date in May, 3 weeks before the 2nd Tuesday in June) which resulted in significantly reduced turnout in the May preferential primary.
- 22. Exhibit 2 is a complete list of all the individuals who submitted the required forms with the Secretary of State by the end of the party filing period and were certified as candidates for their respective primaries, or will be certified for the general election.

23. Further Affiant	sayeth naug	ght.	
I mlus	My		
Leslie Bellamy Assistant Director, Ele Arkansas Secretary of		ion	
State of Arkansas)		
County of Pulaski)	ss:	

On this 9th day of February, 2016, before me, the undersigned notary public, duly acting, personally appeared Leslie Bellamy well known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Brotlany D Grancia Notary Public

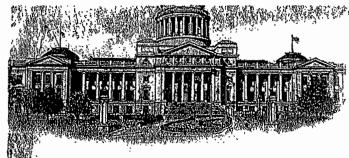
My commission expires:

9-23-2025

OFFICIAL SEAL - #12695521
BRITTANY D. GARCIA
NOTARY PUBLIC-ARKANSAS

PULASKI COUNTY
MY COMMISSION EXPIRES: 09-23-25

[SEAL]



ARKANSAS SECRETARY OF STATE Mark Martin

Main Menu | By Contest | By Location | Voting In Arkansas | Candidate Info | Past Election Results

Candidate Information

2016 Preferential Primary and Nonpartisan General Election

Name	Position	Party	Filing Date
Dianne Curry	U.S. Congress District 02	Democratic	11/09/2015
Jerry M. Rephan	State Representative District 25	Democratic	11/09/2015
Irvin Camacho	State Representative District 89	Democratic	11/09/2015
Nate Looney	State Representative District 58	Democratic Democratic	11/09/2015
John Wolfe	U.S. President	Democratic	11/09/2015
Melissa Larkan Fults	State Representative District 27	Democratic	11/06/2015
Roque "Rocky" De La Fuente	U.S. President	Democratic	11/06/2015
Susan Inman	State Representative District 32	Democratic	11/06/2015
Frankle Gilliam	State Representative District 57	Democratic	11/06/2015
Hunter Williams	State Representative District 54	Democratic	11/06/2015
Kent Walker	State Representative District 38	Democratic	11/06/2015
Susan K. McGaughev	State Representative District 81	Democratic	11/06/2015
Representative Milton Nicks Jr.	State Representative District 50	Democratic	11/05/2015
Dorothy Hall	State Representative District 10	Democratic	11/05/2015
James Valentine	U.S. President	Democratic	11/05/2015
Senator Bruce Maloch	State Senate District 12	Democratic	11/05/2015
Representative Monte Hodges	State Representative District 55	Democratic	11/05/2015
Senator Bobby J. Pierce	State Senate District 27	Democratic	11/05/2015
Martin J. O'Malley	U.S. President	Democratic	11/04/2015
Representative David Hillman	State Representative District 13	Democratic	11/04/2015
Bob G. Ware	State Representative District 11	Democratic	11/04/2015
Justice of the Peace Richard Bright	State Representative District 18	Democratic	11/04/2015
Hillary Clinton	U.S. President	Democratic	11/04/2015
Floyd M. Thomas Jr.	State Representative District 7	Democratic	11/03/2015
Representative Scott Baltz	State Representative District 61	Democratic	11/03/2015
State Representative Bob Johnson	State Representative District 42	Democratic	11/03/2015
Bill Rahn	State Representative District 39	Democratic	11/03/2015
Representative John W. Walker	State Representative District 34	Democratic	11/03/2015
State Representative Warwick Sabin	State Representative District 33	Democratic	11/03/2015
State Rep. Sheilla E. Lampkin	State Representative District 9	Democratic	11/03/2015
Will Bond	State Senate District 32	Democratic	11/03/2015
Representative Steve Magle	State Representative District 72	Democratic	11/02/2015
Eddle L. Armstrong III	State Representative District 37	Democratic	11/02/2015
State Reprensentative Clarke Tucker	State Representative District 35	Democratic	11/02/2015
Representative Deborah Ferguson	State Representative District 51	Democratic	11/02/2015
<u>Joe Jett</u>	State Representative District 56	Democratic	11/02/2015
Representative Chris Richey	State Representative District 12	Democratic	11/02/2015
David Burnett	State Senate District 22	Democratic	11/02/2015
<u>Victoria Leigh</u>	State Representative District 38	Democratic	11/02/2015
State Representative Michael John Gray	State Representative District 47	Democratic	11/02/2015
Lesa Wolfe Crowell	State Representative District 73	Democratic	11/02/2015
Representative Vivian Flowers	State Representative District 17	Democratic	11/02/2015
Joe Woodson	State Senate District 34	Democratic	11/02/2015
Conner Eldridge	U.S. Senate	Democratic	11/02/2015
Bernle Sanders	U.S. President	Democratic	11/02/2015
Rep. Reginald Murdock	State Representative District 48	Democratic	11/02/2015

George B. McGill	State Representative District 78	Democratic	11/02/2015	
State Representative Fred Love	State Representative District 29	Democratic	11/02/2015	
Representative Charles Blake	State Representative District 36	Democratic	11/02/2015	
Representative Kenneth B. Ferguson	State Representative District 16	Democratic	11/02/2015	
Jeffrey R. Wardlaw	State Representative District 8	Democratic	11/02/2015	
Senator Eddie L. Cheatham	State Senate District 26	Democratic	11/02/2015	
Fred Allen	State Representative District 30	Democratic	11/02/2015	
Grimsley Graham	State Representative District 94	Democratic	11/02/2015	
State Rep. David Fielding	State Representative District 5	Democratic	11/02/2015	
<u> Fonda F. Hawthorne</u>	State Representative District 4	Democratic	11/02/2015	
George Overbey Jr.	State Representative District 69	Democratic	11/02/2015	
State Representative David Whitaker	State Representative District 85	Democratic	11/02/2015	
Representative Brent Talley	State Representative District 3	Democratic	11/02/2015	
State Representative Marshall Wright	State Representative District 49	Democratic	11/02/2015	
Rep. Grea Leding	State Representative District 86	Democratic	11/02/2015	
St. Representative Charles L. Armstrong	State Representative District 30	Democratic	11/02/2015	
State Senator Stephanie Flowers	State Senate District 25	Democratic	11/02/2015	
State Representative Camille Bennett	State Representative District 14	Democratic	11/02/2015	
Garry L. Smith	State Representative District 7	Democratic	11/02/2015	
Representative Mark D. McElroy	State Representative District 11	Democratic	11/02/2015	
Rep. James Ratliff	State Representative District 60	Democratic	11/02/2015	
Henry T. Nielson	State Representative District 20	Independent	11/09/2015	
Glenn Glover	State Representative District 7	Independent	11/09/2015	
Kyle Adams	State Representative District 83	Libertarian	11/06/2015	
Grant Brand	State Representative District 95	Libertarian	11/06/2015	
Cecil Anderson	State Representative District 3	Libertarian	11/06/2015	
Mark West	U.S. Congress District 01	Libertarian	11/05/2015	
Wayne Willems	State Representative District 15	Libertarian	11/05/2015	
Glen Schwarz	State Representative District 29	Libertarian	11/04/2015	
Jácob À. Mosler	State Senate District 32	Libertarian	11/04/2015	
Chris Hayes	U.S. Congress District 02	Libertarian	11/04/2015	
Kerry Hicks	U.S. Congress District 04	Libertarian	11/02/2015	
Michael J. Kalagias	State Representative District 96	Libertarian	11/02/2015	
Stephen Edwards	State Representative District 77	Libertarian	11/02/2015	
Nathan LaFrance	U.S. Congress District 03	Libertarian	11/02/2015	
Elvis Presley	State Senate District 26	Libertarian	11/02/2015	
Frank Gilbert	U.S. Senate	Libertarian	11/02/2015	
Christopher Olson	State Representative District 61	Libertarian	11/02/2015	
Garry Baker	State Representative District 44	Libertarian	11/02/2015	
Michael Williams	State Representative District 33	Libertarian	•	
	·	Non Partisan	11/02/2015	
Clark W. Mason	State Supreme Court Associate Justice Position 5	Judicial	11/09/2015	
		Non Partisan		
Christopher D. Brockett	Franklin County District Court Ozark	Judicial	11/09/2015	
James I. Williams IV	Circuit Judge, District 11-West, Division 01, Subdistrict	Non Partisan	1110010015	
James L. Williams II	11.1	Judicial	11/09/2015	
Judgé Rita Bailey	State District Court District 31, Jacksonville/Maumelle	Non Partisan	11/09/2015	
padde Isla Daney	State District Court District 31, Jacksonville, Plaumelle	Judicial	11/09/2013	
Robert E. Kinchen	Circuit Judge, District 01, Division 4, Subdistrict 1.1	Non Partisan	11/06/2015	
<u> </u>	on an endago, planted by printed by publication 11	Judicial	11,00,2013	
Judge Mark Leverett	State District Court District 31, Little Rock 3	Non Partisan	11/06/2015	
	·	Judicial		
Judge Milas "Butch" Hale III	State District Court District 31, Sherwood	Non Partisan Judicial	11/06/2015	
		Non Partisan		
Judge Dan Kemp	State Supreme Court Chief Justice Position 1	Judicial	11/06/2015	
		Non Partisan		
Phyllis Worley	State District Court District 23, Division 2	Judicial	11/06/2015	
2		Non Partisan		
Jamés McMenls	Court of Appeals Associate Judge District 05	Judicial	11/06/2015	
Judge Alice Gray	Circuit Judge Dietrict 06 Division 12 Subdietrict 6 4	Non Partisan	11/05/2015	
Judge Alice Oldy	Circuit Judge, District 06, Division 12, Subdistrict 6.1	Judicial	11/05/2015	
Chalk S. Mitchell	Circuit Judge, District 01, Division 4, Subdistrict 1.1	Non Partisan	11/05/2015	
G-1917, St. 1 1100/1911		Judicial		
Becky Arnold Jones	Columbia County District Court	Non Partisan	11/05/2015	
	·	Judicial		

Judge Leon Johnson	Circuit Judge District 06 Division 01 Subdistrict 6.1	Non Bartican	11/05/2015
Acode Ceon Pollingii	Circuit Judge, District 06, Division 01, Subdistrict 6.1	Non Partisan Judicial	11/05/2015
Jamaal "Jay" Walker	State District Court District 22	Non Partisan Judicial	11/05/2015
Dianna Hewitt Ladd	Circuit Judge, District 12, Division 03	Non Partisan Judicial	11/05/2015
Pulaski District Judge Wayne Gruber	State District Court District 31, Pulaski	Non Partisan Judicial	11/05/2015
E. Dion Wilson	Circuit Judge, District 01, Division 01, Subdistrict 1.1	Non Partisan Judicial	11/05/2015
Casey D. Copeland	State District Court District 2, Division 2	Non Partisan Judicial	11/05/2015
Prosecuting Attorney Cody Hiland	Court of Appeals Associate Judge District 02, Position 02	Non Partisan Judicial	11/04/2015
Tonya Alexander	Circuit Judge, District 02, Division 06, Subdistrict 2.1	Non Partisan Judiciai	11/04/2015
Judge Jeff Conner	State District Court District 1, Division 4	Non Partisan Judiciai	11/04/2015
Court of Appeals Judge Waymond Brown	Court of Appeals Associate Judge District 07	Non Partisan Judicial	11/04/2015
Job Serebrov	Court of Appeals Associate Judge District 05	Non Partisan Judicial	11/04/2015
Mark Klappenbach	Court of Appeals Associate Judge District 05	Non Partisan Judicial	11/04/2015
Curtls Walker Jr.	Circuit Judge, District 02, Division 06, Subdistrict 2.1	Non Partisan Judicial	11/04/2015
Judge Alice F. Lightle	State District Court District 31, Little Rock 1	Non Partisan Judicial	11/03/2015
Lorie Whilby	State District Court District17	Non Partisan Judiciai	11/04/2015
Court of Appeals Judge Rita W. Gruber	Court of Appeals Associate Judge District 06, Position 01	Non Partisan Judiciai	11/03/2015
Judge Bill Storey	State District Court District 2, Division 4	Non Partisan Judicial	11/03/2015
Kent Tester	State District Court District 9, Division 2	Non Partisan Judicial	11/04/2015
Judge Shannon Langston	State District Court District 18, Chickasawba	Non Partisan Judicial	11/03/2015
Ray Spruell	Franklin County District Court Ozark	Non Partisan Judicial	11/03/2015
Judge Leon N. Jamison	Circuit Judge, District 11-West, Division 04, Subdistrict 11.1	Non Partisan Judicial	09/15/2015
Judge Keith Blackman	State District Court District 19, Division 1	Non Partisan Judicial	09/11/2015
Judge Mark R. Johnson	Sharp County District Court	Non Partisan Judicial	11/03/2015
Judge Teresa Hallum Smlth	Lonoke County District Court South	Non Partisan Judicial	11/03/2015
Judge Randy Morley	State District Court District 31, North Little Rock2	Non Partisan Judicial	11/03/2015
Phillip Green	State District Court District 29, Division 3	Non Partisan Judicial	11/03/2015
<u>John Flynn</u>	Lonoke County District Court North	Non Partisan Judicial	11/03/2015
Judge Durwood W. King	State District Court District 22	Non Partisan Judicial	11/03/2015
Judge Shawn A. Womack	State Supreme Court Associate Justice Position 5	Non Partisan Judicial	11/02/2015
Barbara Ann Griffin	Jackson County District Court	Non Partisan Judicial	11/02/2015
Richard Lusby	Circuit Judge, District 02, Division 02, At Large	Non Partisan Judicial	11/02/2015
State Supreme Court Justice Courtney Goodson	State Supreme Court Chief Justice Position 1	Non Partisan Judicial	11/02/2015
Judge Annie Powell Hendricks	Circuit Judge, District 12, Division 02	Non Partisan Judiciai	11/02/2015
Judge David B. Switzer	Garland County District Court Department 1, At Large	Non Partisan Judicial	11/02/2015
District Judge Sherry Burnett	State District Court District 33	Non Partisan Judicial	11/02/2015

Judge Wendell Griffen	Circuit Judge, District 06, Division 05, Subdistrict 6.1	Non Partisan Judicial	11/02/2015
Judge Dennis C. Sutterfield	Circuit Judge, District 05, Division 04	Non Partisan Judiclai	11/02/2015
Senator David Johnson	State District Court District 31, Jacksonville/Maumelle	Non Partisan Judicial	11/02/2015
Judge Joanna Taylor	Circuit Judge, District 04, Division 07	Non Partisan Judicial	11/02/2015
John D. Lightfoot	State District Court District 35	Non Partisan Judicial	09/11/2015
David S. Blondolillo	Cross County District Court	Non Partisan Judiciai	09/16/2015
Judge Kim Bridgforth	State District Court District 29, Division 1	Non Partisan Judicial	09/16/2015
Judge Joe O'Bryan	Lonoke County District Court North	Non Partisan Judiciai	09/16/2015
Judge Susan K, Weaver	State District Court District 9, Division 2	Non Partisan Judicial	09/16/2015
David Kueter Boling	State District Court District 19, Division 1	Non Partisan Judiciai	09/16/2015
Clinton (Casey) Jones	State District Court District 2, Division 3	Non Partisan Judicial	09/16/2015
Brian K. Mueller	Logan County District Court South	Non Partisan Judicial	09/16/2015
Judge Adam G. Weeks	Lawrence County District Court	Non Partisan Judicial	09/16/2015
Judge David L. Reynolds	State District Court District 9, Division 1	Non Partisan Judicial	09/16/2015
Michelle Lawrence	Prosecuting Attorney, District 18-East	Non Partisan Judicial	09/16/2015
Chris Flanagin	State District Court District 3	Non Partisan Judicial	09/16/2015
Judge Jeremy Bueker	Arkansas County District Court North	Non Partisan Judicial	09/16/2015
Judge Reid Harrod	State District Court District 26	Non Partisan Judiclal	09/16/2015
Judge Tony Yocom	State District Court District 38	Non Partisan Judicial	09/16/2015
Paula Juels Jones	State District Court District 31, North Little Rock 1	Non Partisan Judicial	09/15/2015
Judge Hamilton H. Singleton	Circuit Judge, District 13, Division 01	Non Partisan Judicial	09/15/2015
<u>Judge Jeff Harper</u>	State District Court District 2, Division 1	Non Partisan Judicial	09/15/2015
John Burnett	State District Court District 8	Non Partisan Judicial	09/15/2015
District Judge Chaney Taylor	State District Court District 14	Non Partisan Judicial	09/15/2015
Judge Daniel D. Ives	Ouachita County District Court East Camden	Non Partisan Judicial	09/15/2015
Judge Steve Routon	State District Court District 25	Non Partisan Judiciai	09/15/2015
<u>Donald Goodner</u>	Scott County District Court	Non Partisan Judicial	09/15/2015
Judge Jim Short	Fulton County District Court	Non Partisan Judicial	09/15/2015
Jack Barker	State District Court District 35	Non Partisan Judicial	09/14/2015
Judge Teresa French	Circuit Judge, District 10, Division 05, At Large	Non Partisan Judicial	09/14/2015
Jacob L. Newton	Stone County District Court	Non Partisan Judicial	09/14/2015
Lee B. Warden	State District Court District 35	Non Partisan Judicial	09/16/2015
Judge Ron Hunter	State District Court District 20	Non Partisan Judiclai	09/14/2015
Judge B. Park Eldridge, Jr.	Arkansas County District Court South	Non Partisan Judicial	09/14/2015
T. David Carruth	Monroe County District Court Clarendon	Non Partisan Judiciai	09/16/2015

Judge John C. Throesch	Randolph County District Court	Non Partisan Judicial	09/14/2015
Judge Mark Derrick	State District Court District 23, Division 2	Non Partisan Judicial	09/14/2015
Judge Mark Pate	State District Court District 23, Division 1	Non Partisan Judicial	09/14/2015
Tommy Fowler	State District Court District 19, Division 2	Non Partisan Judicial	09/14/2015
Judge Sara M. Sawyer-Hartness	State District Court District 28	Non Partisan Judiciai	09/14/2015
Jessica Steel Gunter	Howard County District Court	Non Partisan Judicial	09/11/2015
Mike Smith	Cross County District Court	Non Partisan Judicial	09/14/2015
Don McSpadden	Circuit Judge, District 16, Division 02	Non Partisan Judicial	09/14/2015
Judge Len W. Bradley	Johnson County District Court	Non Partisan Judicial	09/16/2015
Manya K. Wood	Sevier County District Court	Non Partisan Judiciai	09/11/2015
<u>Phil Milligan</u>	Circuit Judge, District 12, Division 03	Non Partisan Judicial	09/16/2015
Dale Lipsmeyer	Conway County District Court	Non Partisan Judicial	09/11/2015
Jim O'Hern	State District Court District 6, Fort Smith 1	Non Partisan Judicial	09/14/2015
Alex Guynn	Circuit Judge, District 11-West, Division 01, Subdistrict 11.1	Non Partisan Judicial	09/16/2015
Vince Guest	Cross County District Court	Non Partisan Judicial	09/16/2015
Judge Paul Bridges	State District Court District 1, Division 1	Non Partisan Judicial	09/11/2015
District Judge Andy Gill	Perry County District Court	Non Partisan Judicial	09/16/2015
Judge Stephen Thomas	State District Court District 1, Division 3	Non Partisan Judicial	09/11/2015
Judge John W. Martin	Monroe County District Court Brinkley	Non Partisan Judicial	09/11/2015
Judge Dale Ramsey	State District Court District 3	Non Partisan Judicial	09/16/2015
Judge Ronnie A. Phillips	State District Court District 34	Non Partisan Judiciai	09/11/2015
Judge L. Wren Autrey	State District Court District 37	Non Partisan Judicial	09/11/2015
Judge Jason Duffy	State District Court District 10	Non Partisan Judiciai	09/11/2015
William Harry McKlmm	Montgomery County District Court	Non Partisan Judiclai	09/14/2015
Judge Dan Stidham	State District Court District17	Non Partisan Judicial	09/16/2015
Judge Ray Bunch	State District Court District 1, Division 2	Non Partisan Judicial	09/11/2015
Judge John C. Finley III	Little River County District Court	Non Partisan Judiciai	09/11/2015
Judge Laurle A. Bridewell	State District Court District 27	Non Partisan Judicial	09/14/2015
Judge Michael Landers	Circuit Judge, District 13, Division 02	Non Partisan Judicial	09/17/2015
Vicky Bussey Cooper	State District Court District 35	Non Partisan Judicial	09/17/2015
Don Bourne, District Ct. Judge	State District Court District 8	Non Partisan Judicial	09/11/2015
Judge Phillip J. Foster	Ouachita County District Court Camden, At Large	Non Partisan Judicial	09/11/2015
Judge David L. Rush	Logan County District Court North	Non Partisan Judiciai	09/11/2015
Judge Bruce Anderson	State District Court District 28	Non Partisan Judicial	09/14/2015
Clint McGue	Lonoke County District Court North	Non Partisan Judicial	09/17/2015

Judge David Copelin	Clay County District Court	Non Partisan Judicial	09/17/2015
District Judge Fred Thorne	State District Court District 21	Non Partisan Judidal	09/11/2015
Judge Fred Kirkpatrick	State District Court District 4	Non Partisan Judicial	09/17/2015
Paul A. Efurd	Franklin County District Court Charleston	Non Partisan Judiciai	09/11/2015
Judge Stephanle Casady	State District Court District 32, Division 2	Non Partisan Judicial	09/11/2015
Raigh Ohm	Garland County District Court Department 2, At Large	Non Partisan Judicial	09/17/2015
Judge Claire Borengasser	State District Court District 6, Fort Smith 3	Non Partisan Judicial	09/10/2015
Judge David P. Saxon	State District Court District 6, Fort Smith 1	Non Partisan Judicial	09/10/2015
Judge Ben Beland	State District Court District 6, Fort Smith 2	Non Partisan Judicial	09/10/2015
John L. Kearney	State District Court District 29, Division 2	Non Partisan Judicial	09/16/2015
LeAnne Daniel	Pike County District Court	Non Partisan Judicial	09/10/2015
Judge Billy J. Hubbell	State District Court District 26	Non Partisan Judicial	09/10/2015
Judge Mike Murphy	Court of Appeals Associate Judge District 02, Position 02	Non Partisan Judiciai	09/17/2015
Judge Lance Wright	State District Court District 13	Non Partisan Judicial	09/11/2015
Judge Randy L. Hill	State District Court District 40	Non Partisan Judiciai	09/11/2015
District Judge Michael Wagoner	State District Court District 6, Greenwood	Non Partisan Judicial	09/11/2015
Shannon L. Blatt	Circuit Judge, District 12, Division 03	Non Partisan Judicial	09/10/2015
P. Luevonda Ross	Circuit Judge, District 10, Division 04, Subdistrict 10.1	Non Partisan Judicial	09/10/2015
Melinda French	State District Court District 27	Non Partisan Judiciai	09/10/2015
Scott Willhite	State District Court District 19, Division 2	Non Partisan Judicial	09/10/2015
Judge Davld E. Miller	Tzard County District Court	Non Partisan Judicial	09/10/2015
Donald Betterton	State District Court District 18, Osceola	Non Partisan Judicial	09/10/2015
Charles "Chuck" Baker	State District Court District 5	Non Partisan Judicial	09/10/2015
David C. Graham	Columbia County District Court	Non Partisan Judicial	09/10/2015
District Judge Mike Robinson	State District Court District 32, Division 1	Non Partisan Judicial	09/10/2015
Donald E. Knapp, Jr.	State District Court District 22	Non Partisan Judicial	09/10/2015
Mark F. Cooper	State District Court District 10	Non Partisan Judicial	09/10/2015
Danny Thrallkill	Polk County District Court	Non Partisan Judicial	09/10/2015
City Attorney Althea Hadden-Scott	Circult Judge, District 11-West, Division 01, Subdistrict 11.1	Non Partisan Judiciai	09/10/2015
Judge Vic Fleming	State District Court District 31, Uttle Rock 2	Non Partisan Judicial	09/10/2015
Judge Graham H. Nations	State District Court District 2, Division 2	Non Partisan Judicial	09/10/2015
Chris M. Griffin	State District Court District 1, Division 1	Non Partisan Judicial	09/10/2015
Congressman Bruce Westerman	U.S. Congress District 04	Republican	11/09/2015
Representative Lance Eads	State Senale District 7	Republican	11/09/2015
<u>Philip Humbard</u> Rànd Paul	State Representative District 88 U.S. President	Republican	11/09/2015
Bobby Jindal	U.S. President	Republican Republican	11/09/2015 11/09/2015
		· ·-p-aviivalii	

CD 1.0			
<u>Clint Penzo</u> <u>Debra M. Hobbs</u>	State Representative District 88 State Representative District 94	Republican Republican	11/09/2015 11/09/2015
Phillip Finch	State Representative District 63	Republican	11/09/2015
John Arthur Hammerschmidt	State Representative District 98	Republican	11/09/2015
Brock Olree	U.S. Congress District 02	Republican	11/09/2015
Curtis Coleman	U.S. Senate	Republican	11/09/2015
Patrick Thomas	State Representative District 42	Republican	11/09/2015
Austin McCollum	State Representative District 95	Republican	11/09/2015
Senator John Boozman	U.S. Senate	Republican	11/09/2015
Rick Santorum	U.S. President	Republican	11/09/2015
Isaac Foley	State Representative District 88	Republican	11/09/2015
Ronnie C. Spence	State Representative District 57	Republican	11/09/2015
Congressman Rick Crawford Lindsey Graham	U.S. Congress District 01	Republican	11/09/2015
Sonla Eubanks Barker	U.S. President State Representative District 7	Republican Republican	11/06/2015 11/06/2015
Congressman Steve Womack	U.S. Congress District 03	Republican	11/06/2015
Carly Florina	U.S. President	Republican	11/06/2015
Senator Jonathan Dismang	State Senate District 28	Republican	11/06/2015
Representative Lane Jean	State Representative District 2	Republican	11/06/2015
Shannon L. Taylor	State Representative District 72	Republican	11/05/2015
Jim A. Hall	State Representative District 9	Republican	11/05/2015
Chris L. Steplock	State Representative District 66	Republican	11/05/2015
Representative Jim Sorvillo	State Representative District 32	Republican	11/05/2015
Representative Mary Bentley	State Representative District 73	Republican	11/05/2015
Jimmy Gazaway	State Representative District 57	Republican	11/05/2015
Senator Eddie Joe Willams	State Senate District 29	Republican	11/05/2015
Representative Klm Hendren	State Representative District 92	Republican	11/05/2015
Congressman French HIII	U.S. Congress District 02	Republican	11/04/2015
Representative Rebecca Petty	State Representative District 94	Republican	11/04/2015
Steve Hollowell	State Representative District 49	Republican	11/04/2015
Rusty Latham Representative Dwight Tosh	State Representative District 1 State Representative District 52	Republican Republican	11/04/2015
Representative Dave Wallace	State Senate District 22	Republican	11/04/2015 11/04/2015
Wes Wagner	State Representative District 54	Republican	11/03/2015
Marsh Davis	State Representative District 61	Republican	11/03/2015
Representative David Meeks	State Representative District 70	Republican	11/03/2015
State Representative Matthew Shepherd	State Representative District 6	Republican	11/03/2015
Gov. Chris Christie	U.S. President	Republican	11/03/2015
Representative Grant Hodges	State Representative District 96	Republican	11/03/2015
Donald J. Trump	U.S. President	Republican	11/03/2015
Representative Donnie Copeland	State Senate District 34	Republican	11/02/2015
State Representative Jim Dotson	State Representative District 93	Republican	11/03/2015
Justice of the Peace R.D. Hopper	State Senate District 29	Republican	11/03/2015
Representative Robin Lundstrum	State Representative District 87	Republican	11/03/2015
Representative Douglas House Representative James Sturch	State Representative District 40	Republican	11/03/2015
Representative Mark Lowery	State Representative District 63 State Representative District 39	Republican Republican	11/02/2015
Representative Les Eaves	State Representative District 46	Republican	11/02/2015 11/02/2015
Representative Andy Davis	State Representative District 31	Republican	11/02/2015
Representative Dan Sullivan	State Representative District 53	Republican	11/02/2015
Representative Jeremy Gillam	State Representative District 45	Republican	11/02/2015
Representative Mike Holcomb	State Representative District 10	Republican	11/02/2015
Ted Cruz	U.S. President	Republican	11/02/2015
Rep. Stephen Meeks	State Representative District 67	Republican	11/02/2015
Representative Bill Gossage	State Representative District 82	Republican	11/02/2015
Representative Jon S. Eubanks	State Representative District 74	Republican	11/02/2015
Rep. David L. Branscum	State Representative District 83	Republican	11/02/2015
Representative Richard Womack	State Representative District 18	Republican	11/02/2015
Representative Mathew W. Pitsch	State Representative District 76	Republican	11/02/2015
Representative Justin Gonzales	State Representative District 19	Republican	11/02/2015
Representative Kim Hammer	State Representative District 28	Republican	11/02/2015
Representative Ken Henderson	State Representative District 71	Republican	11/02/2015
Representative Ken Bragg	State Representative District 15	Republican	11/02/2015

State Senator Bart Hester	State Senate District 1	Republican	11/02/2015
Senator Jim Hendren	State Senate District 2	Republican	11/02/2015
<u>Dwight Gonzales</u> <u>Marco Rubio</u>	State Representative District 85	Republican	11/02/2015
Representative DeAnn Vaught	U.S. President State Representative District 4	<i>Republican</i> Republican	11/02/2015 11/02/2015
Representative Bob Ballinger	State Representative District 97	Republican	11/02/2015
Representative Charlie Collins	State Representative District 84	Republican	11/02/2015
State Representative Michelle Gray	State Representative District 62	Republican	11/02/2015
Rep. Dan Douglas	State Representative District 91	Republican	11/02/2015
Andy Mayberry	State Representative District 27	Republican	11/02/2015
Richard Alvin Midkiff	State Representative District 25	Republican	11/02/2015
Charles Galnes	State Representative District 89	Republican	11/02/2015
Senator Alan Clark	State Senate District 13	Republican	11/02/2015
Bruce Coleman	State Representative District 81	Republican	11/02/2015
John R. Kasich	U.S. President	Republican	11/02/2015
Representative Mickey Gates	State Representative District 22	Republican	11/02/2015
Representative Marcus E. Richmond	State Representative District 21	Republican	11/02/2015
Representative Brandt Smith	State Representative District 58	Republican	11/02/2015
Jack Ladyman	State Representative District 59	Republican	11/02/2015
Representative Karilyn Brown	State Representative District 41	Republican	11/02/2015
Representative Josh Miller Jana K. Starr	State Representative District 66	Republican	11/02/2015
Danny Watson	State Representative District 90	Republican	11/02/2015
Mike Creekmore	State Representative District 3 State Representative District 27	Republican	11/02/2015
Senator Ronald Caldwell	State Senate District 23	Republican Republican	11/02/2015 11/02/2015
Sharon Lloyd	State Senate District 7	Republican	11/02/2015
Senator Jimmy Hickey, Jr.	State Senate District 11	Republican	11/02/2015
Representative Tim Lemons	State Representative District 43	Republican	11/02/2015
Representative John Payton	State Representative District 64	Republican	11/02/2015
Carlton Wing	State Representative District 38	Republican	11/02/2015
Representative Jana DellaRosa	State Representative District 90	Republican	11/02/2015
John Maddox	State Representative District 20	Republican	11/02/2015
Johnny Rye	State Representative District 54	Republican	11/02/2015
Les A. Warren	State Representative District 25	Republican	11/02/2015
Representative Joe Farrer	State Representative District 44	Republican	11/02/2015
Aaron Pilkington	State Representative District 69	Republican	11/02/2015
Gary Deffenbaugh	State Representative District 79	Republican	11/02/2015
<u>Jack Fortner</u> Derek Goodlin	State Representative District 99	Republican	11/02/2015
Rańdy Alexander	State Representative District 81 State Representative District 90	Republican	11/02/2015
Senator Jane English	State Representative District 90 State Senate District 34	Republican Republican	11/02/2015 11/02/2015
Senator Greg Standridge	State Senate District 16	Republican	11/02/2015
Ron McNair	State Representative District 98	Republican	11/02/2015
Rick Beck	State Representative District 65	Republican	11/02/2015
Roger D. Lynch	State Representative District 14	Republican	11/02/2015
Bruce Emerson	State Representative District 99	Republican	11/02/2015
Representative Neida Speaks	State Representative District 100	Republican	11/02/2015
Trent Garner	State Senate District 27	Republican	11/02/2015
Representative Charlene Fite	State Representative District 80	Republican	11/02/2015
Representative Justin Boyd	State Representative District 77	Republican	11/02/2015
Representative Laurie Rushing	State Representative District 26	Republican	11/02/2015
Representative Charlotte V. Douglas	State Representative District 75	Republican	11/02/2015
Representative Sue Scott	State Representative District 95	Republican	11/02/2015
<u>Čaroľ Ďálby</u>	State Representative District 1	Republican	11/02/2015
Senator John R. Cooper	State Senate District 21	Republican	11/02/2015
Representative Lanny Fite Representative Treyor Drown	State Representative District 23	Republican	11/02/2015
Mike Huckabee	State Representative District 68 U.S. President	Republican	11/02/2015
Jeff Williams	State Representative District 89	Republican Republican	11/02/2015
Shawn D, Strouss	State Representative District 57	Republican Republican	11/02/2015 11/02/2015
Frances Cavenaugh	State Representative District 60	Republican	11/02/2015
Representative Bruce Cozart	State Representative District 24	Republican	11/02/2015
Jeb Bush	U.S. President	Republican	11/02/2015
	•		

Case 4:15-cv-00635-JM Document 38 Filed 05/12/16 Page 34 of 34 Page 9 of 9

Ben Carson
Mathew Wescott
Jason Tate
Charles Neely

U.S. President
U.S. Congress District 02
U.S. Senate
U.S. Congress District 02

 Republican
 11/02/2015

 Write-In
 11/09/2015

 Write-In
 11/03/2015

 Write-In
 11/02/2015

Search again