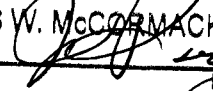


FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

NOV 08 2016

JAMES W. MCCORMACK, CLERK
By:  DEF. CLERK

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

**JIM WATSON, CYNDE WATSON, and
SHARON BOEHM HUSSMAN**

PLAINTIFFS

V.

NO. 4:16-CV-809-JM

**HONORABLE MARK MARTIN in his official
capacities as Secretary of State, and
Chairman of the State Board of Election
Commissioners; RHONDA COLE, C.S. WALKER,
JAMES HARMON SMITH, III, STUART SOFFER,
CHARLES ROBERTS, and CHAD PEKRON, as
Members of the State Board of Election
Commissioners**

DEFENDANTS

**DEFENDANT, HONORABLE MARK MARTIN'S
MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

Comes now Honorable Mark Martin, Defendant, in his official capacities as Secretary of State for the State of Arkansas and Chairman of the Arkansas State Board of Election Commissioners, for his Motion to Dismiss, and states:

1. The Court should dismiss the Complaint.
2. The Court lacks subject-matter jurisdiction. Fed. R. Civ. P. 12(b)(1).
3. The Court lacks personal jurisdiction over Respondent Mark Martin in his official capacity as Chairman of the State Board of Election Commissioners. Fed. R. Civ. P. 12(b)(2).

4. There has been insufficiency of process and service of process upon Defendant Mark Martin in his official capacity as Chairman of the State Board of Election Commissioners. Fed. R. Civ. P. 12(b)(3) and (4).
5. Plaintiffs fail to state a claim upon which relief can be granted. Fed. R. Civ. P. 12(b)(6).
6. Plaintiffs have failed to include necessary parties, in particular the County Clerks of each of the seventy-five counties in Arkansas, and the County Boards of Election Commissioners in each of the seventy-five counties in Arkansas. Fed. R. Civ. P. 12(b)(7); Fed. R. Civ. P. 19(a)(1)(A).
7. Defendant, Honorable Mark Martin, asks the Court to dismiss the Complaint against him in both of his official capacities as Secretary of State and as Chairman of the State Board of Election Commissioners; to deny Plaintiffs any of the relief they seek; and to grant Defendant Secretary the relief requested herein.


WHEREFORE, Defendant, Honorable Mark Martin, Secretary of State and Chairman of the State Board of Election Commissioners, prays that the Court grant him the relief he seeks herein; that the Court deny Plaintiffs any of the relief they seek; and that the Court dismiss the Complaint.

Dated this 8th day of November 2016.

Respectfully submitted,

HONORABLE MARK MARTIN
In his Official Capacities as

Secretary of State and
Chairman of the State Board of
Election Commissioners, **Defendant**

By: 
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CERTIFICATE OF SERVICE

I do hereby certify that on this 8th day of November, 2016, I have served the foregoing via the electronic filing system in the Federal District Court Clerk's Office (CM/ECF):

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