

IN THE DISTRICT COURT OF THE UNITED STATES  
EASTERN DIVISION OF ARKANSAS  
LITTLE ROCK DIVISION

WE, THE PEOPLE, CONSTITUENTS  
OF DISTRICT 50 OF ARKANSAS STATE

PLAINTIFFS

VS.

NO. 4:15-CV-00521 JM/BD

ARKANSAS BOARD OF ELECTION COMMISSIONERS,  
CROSS COUNTY BOARD OF ELECTION COMMISSION,  
CRITTENDEN COUNTY COMMISSION, JUDGE MARY  
MCGOWAN, GOVERNOR MIKE BEEBE STATE OF  
ARKANSAS, and MARK MARTIN, SECRETARY OF  
STATE OF ARKANSAS

DEFENDANTS

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ANSWER OF SEPARATE DEFENDANT CROSS  
COUNTY BOARD OF ELECTION COMMISSION  
AND MOTION TO DISMISS

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Comes now the separate Defendant, Cross County Elections Commission (hereinafter referred to as 'CCEC'), by and through the Cross County attorney, Vincent E. Guest, and for its answer to Plaintiff's complaint filed August 19, 2015, states:

1. Defendant CCEC is without information to admit or deny the allegations contained in paragraphs labeled as "Statement" and "Background Facts" of the Plaintiff's complaint, and therefore denies the same.
2. Defendant CCEC is without information to admit or deny the allegations contained in paragraphs one (1) through four (4) under the section labeled as

"Constituents Claim of Voter Fraud" of the Plaintiff's complaint, and therefore denies the same.

3. Defendant CCEC is without information to admit or deny the allegations contained in paragraphs one (1) through eight (8) under the section labeled as "Additional Facts Created the Environment of Voter Fraud" of the Plaintiff's complaint, and therefore denies the same.

4. Defendant CCEC is without information to admit or deny the allegations contained in paragraphs one (1) through nineteen (19) under the section labeled as "Scheme of Conspiratorial Behavior Denying the Right to Vote" of the Plaintiff's complaint, and therefore denies the same.

5. Defendant CCEC is without information to admit or deny the allegations contained in paragraphs twenty (20) through twenty-six (26) under the section labeled as "Conspiracy" of the Plaintiff's complaint, and therefore denies the same.

6. Defendant CCEC is without information to admit or deny the allegations contained in paragraphs one (1) through two (2) under the section labeled as "Cause of Action" of the Plaintiff's complaint, and therefore denies the same; however, the Defendant CCEC specifically denies that it is organized as a corporation operating within the State of Arkansas.

7. Defendant CCEC is without information to admit or deny the allegations contained in paragraph one (1) under the section labeled as "Second Cause of Action" of the Plaintiff's complaint, and therefore denies the same.

MOTION TO DISMISS

8. Defendant CCEC, request this matter be dismissed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim for which relief can be granted and pursuant to Rule 12(b)(7) for failure to join a party under Rule 19.

9. Plaintiff has failed to state a claim in his complaint for which relief can be granted by this court, and the allegations plead do not meet the requirements of the causes of action that the Plaintiff has plead.

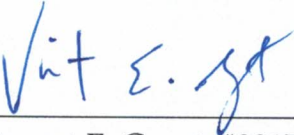
10. Plaintiff has failed to join the individual commissioners of the Cross County Election Commission who make up the CCEC and make decisions on its behalf, and these persons are indispensable parties to this litigation.

11. Defendant CCEC is entitled to recover its attorney's fees and costs and request the same.

WHEREFORE, PREMISES CONSIDERED, Separate Defendant, Cross County Election Commission, prays that Plaintiff's complaint filed August 19, 2015, be dismissed, denied and held for naught and that the Defendant be awarded attorney's fees, costs and any and all other relief to which Defendant may be entitled.

RESPECTFULLY SUBMITTED,

CROSS COUNTY ELECTION COMMISSION

By: 

Vincent E. Guest, #99174

Cross County Attorney

218 North Terry Street

Post Office Box 1437

Wynne, AR 72396

870.208.8881

870.238.7680 facsimile

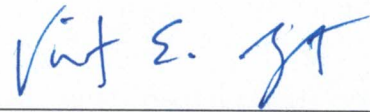
**CERTIFICATE OF SERVICE**

I, Vincent E. Guest, do hereby certify that the foregoing has been duly served this 29th day of December, 2015, upon the following by depositing copies of the same in the U.S. mail with proper postage affixed to insure delivery and addressed as follows:

Mr. Fred Smith

P.O. Box 303

Crawfordsville, AR 72327



Vincent E. Guest