

**IN THE ARKANSAS SUPREME COURT**

**EDDIE ARMSTRONG** and **LANCE HUEY**,  
individually and on behalf of  
**RESPONSIBLE GROWTH ARKANSAS**, a  
ballot questions committee

**PETITIONERS**

v.

**CASE NO. CV 22-482**

**JOHN THURSTON**, in his official  
capacities as Secretary of State and Chair of  
the State Board of Election Commissioners;  
**STATE BOARD OF ELECTION  
COMMISSIONERS**

**RESPONDENTS**

**ANSWER**

Respondents John Thurston, in his official capacity as Secretary of State and Chair of the State Board of Election Commissioners, and the Commissioners of the State Board of Election, in their official capacities, for their Answer to Petitioners’ Original Complaint, state as follows:

1. Respondents admit that Petitioners filed their Original Complaint to challenge the Board of Election Commissioners’ (“Board”) decision to decline to certify the proposed initiated amendment to the Arkansas Constitution with the popular name “An Amendment to Authorize the Possession, Personal Use, and Consumption of Cannabis by Adults, to Authorize the Cultivation and Sale of Cannabis by Licensed

Commercial Facilities, and to Provide for the Regulation of Those Facilities” (“Proposed Amendment”). Respondents deny any and all remaining allegations contained in paragraph 1 of Petitioners’ Original Action Complaint (“Petitioners’ Complaint”).

2. Respondents deny the allegations contained in paragraph 2 of Petitioners’ Complaint.

3. Respondents deny the allegations contained in paragraph 3 of Petitioners’ Complaint.

### **Jurisdiction and Parties**

4. Respondents state that Amendment 7 to the Arkansas Constitution and Rule 6-5 of the Rules of the Arkansas Supreme Court speak for themselves. Respondents deny the remaining allegations contained in paragraph 4 of Petitioners’ Complaint.

5. Respondents admit the allegations contained in paragraph 5 of Petitioners’ Complaint.

6. Respondents lack sufficient information to admit or deny the allegations contained paragraph 6 of Petitioners’ Complaint, and therefore, they are denied.

7. Respondents lack sufficient information to admit or deny the allegations contained paragraph 7 of Petitioners' Complaint, and therefore, they are denied.

8. Respondents state that Exhibit 1 to Petitioners' Complaint speaks for itself. Respondents deny the remaining allegations contained in paragraph 8 of Petitioners' Complaint.

9. Respondents state that Amendment 7 to the Arkansas Constitution and Ark. Code Ann. § 7-9-126 speak for themselves. Respondents deny the remaining allegations contained in paragraph 9 of Petitioners' Complaint.

10. Respondents state that Ark. Code Ann. § 7-4-101(b), Ark. Code Ann. § 7-9-111(i), and Ark. R. Civ. P. 4(f)(12) speak for themselves. Respondents deny the remaining allegations contained in paragraph 10 of Petitioners' Complaint.

### **Factual Allegations**

11. Respondents state that Exhibit 2 to Petitioners' Complaint speaks for itself. Respondents deny the remaining allegations contained in paragraph 11 of Petitioners' Complaint.

12. Respondents admit that Secretary Thurston submitted the popular name and ballot title to the Board pursuant to Ark. Code Ann. § 7-9-111.

13. Respondents state that Exhibit 3 to Petitioners' Complaint speaks for itself. Respondent denies any remaining allegations contained in paragraph 13 of Petitioners' Complaint.

14. Respondents state that Ark. Code Ann. § 7-9-111 speaks for itself. Respondent denies any remaining allegations contained in paragraph 14 of Petitioners' Complaint.

15. Respondents admit the allegations contained in paragraph 15 of Petitioners' Complaint.

16. Respondents state that Exhibit 4 of Petitioners' Complaint speaks for itself. Respondents admit that the Board declined to certify the Proposed Amendment. Respondents deny any remaining allegations contained in paragraph 16 of Petitioners' Complaint.

17. Respondents admit the allegations contained in paragraph 17 of Petitioners' Complaint.

**Count I – Sufficiency of the Ballot Title and Popular Name**

18. Paragraph 18 of Petitioners’ Complaint contains no allegations and merely repeats the allegations contained in paragraphs 1 through 17 of the Petitioners’ Complaint. Therefore, no further response is necessary to paragraph 18 of Petitioners’ Complaint.

19. Respondents state that Amendment 7 to the Arkansas Constitution speaks for itself. Respondents deny any remaining allegations contained in paragraph 19 of Petitioners’ Complaint.

20. Respondents state that Ark. Code Ann. § 7-9-111 speaks for itself. Respondents deny any remaining allegations contained in paragraph 20 of Petitioners’ Complaint.

21. Respondents state that Ark. Code Ann. § 7-9-111 speaks for itself. Respondents deny any remaining allegations contained in paragraph 21 of Petitioners’ Complaint.

22. Respondents admit that at the Board’s August 3, 2022, meeting the Board declined to certify the Proposed Amendment for the reasons set forth in Exhibit 4 to Petitioners’ Complaint. Respondents deny any remaining allegations contained in paragraph 22 of Petitioners’

Complaint.

23. Respondents state that Exhibit 3 to Petitioners' Complaint is the Certification of Sufficiency of the signature requirement set forth in Article 5, Section 1 of the Arkansas Constitution. Respondents state that Exhibit 4 to Petitioners' Complaint is the Board's written notice to Responsible Growth Arkansas that it declined to certify the Proposed Amendment which speaks for itself. Respondents deny any remaining allegations contained in paragraph 23 of Petitioners' Complaint.

24. Respondents state that Exhibit 5 to Petitioners' Complaint speaks for itself.

25. Respondents deny the allegations contained in paragraph 25 of Petitioners' Complaint.

26. Respondents deny the allegations contained in paragraph 26 of Petitioners' Complaint.

27. Respondents deny the allegations contained in paragraph 27 of Petitioners' Complaint.

28. Respondents deny the allegations contained in paragraph 28 of Petitioners' Complaint.

29. Respondents deny that Petitioners' are entitled to a preliminary injunction ordering the Secretary of State to certify the Amendment to appear on the ballot pending resolution of this action. Respondents deny the remaining allegations contained in paragraph 29 of Petitioners' Complaint.

30. Respondents deny any and all allegations contained in Petitioners' "WHEREFORE" clause of Petitioners' Complaint.

### **Affirmative Defenses**

31. Respondents state that Petitioners' Complaint should be dismissed pursuant to Ark. R. Civ. P. 12(b)(6) for failure to state facts upon which relief can be granted.

WHEREFORE, Respondents respectfully request that Petitioners' Original Complaint be dismissed with prejudice, and for all other just and proper relief to which they may be entitled.

Respectfully submitted,

LESLIE RUTLEDGE  
Attorney General

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**CERTIFICATE OF SERVICE**

I Kate Donovan, hereby certify that on August 16, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which shall send notification of such filing to the following:

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