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IN THE ARKANSAS SUPREME COURT

LAUREN COWLES, individually and on behalf
of ARKANSANS FOR LIMITED GOVERNMENT,
an Arkansas ballot question committee PETITIONERS

v. No. _____

JOHN THURSTON, in his official capacity
as Arkansas Secretary of State RESPONDENT

ORIGINAL ACTION COMPLAINT

For their original action complaint, petitioners state:

1. On July 5, 2024, petitioner Lauren Cowles ("Cowles"), on behalf of petitioner Arkansans for Limited Government ("AFLG"), submitted 101,525 signatures and accompanying paperwork to respondent, Arkansas Secretary of State John Thurston ("Secretary"), for certification of the ballot initiative petition known as the Arkansas Abortion Amendment of 2024 (the "Amendment").

2. The vast majority of the signatures were collected by volunteers, working across Arkansas for months to obtain the signatures necessary for the Secretary to certify the Amendment for the November 2024 General Election ballot. Despite these efforts, the Secretary did not count the signatures petitioners submitted. Instead, five days later, the Secretary rejected the submission as insufficient, without affording petitioners an opportunity to correct the submission.

3. The Secretary's rejection of petitioners' submission was incorrect and unlawful, and petitioners challenge that rejection through this action. The Secretary

rejected the submission for one reason: because, he alleged, petitioners did not comply with Ark. Code Ann. § 7-9-111(f)(2), which concerns submissions of certain statements to the Secretary. But petitioners did comply with § 7-9-111(f)(2). And even if they had not, failure to comply with § 7-9-111(f)(2) is correctable, and they have corrected any perceived failure. Additionally, petition parts and signatures are still valid and should be counted even if there is a lack of compliance with § 7-9-111(f)(2), as the Secretary's office has explicitly represented to this Court in at least two other cases. Finally, the Secretary failed to perform an initial count of all signatures on the initiative petition, despite his statutory obligation to do so.

4. The Secretary's unlawful rejection of petitioners' submission prevents the people of Arkansas from exercising their right to adopt, or reject, the Amendment. This Court should correct the Secretary's error and reaffirm Arkansas's motto, *Regnat Populus*, The People Rule.

Jurisdiction and Parties

5. This is an original action under Article 5, § 1, of the Arkansas Constitution, Amendment 80, § 2(D)(4), to the Arkansas Constitution, Ark. Code Ann. § 7-9-112, and Arkansas Supreme Court Rule 6-5.

6. The Arkansas Supreme Court has original and exclusive jurisdiction to review the sufficiency of all state-wide initiative petitions. Ark. Const. art. 5, § 1.

7. Petitioner Lauren Cowles is an Arkansas citizen, resident, and

registered voter. She is also the Executive Director of AFLG.

8. Petitioner AFLG is an Arkansas ballot question committee registered with the Arkansas Ethics Commission. Ex. 1, Statements of Organization. AFLG is a sponsor of the Amendment.

9. Respondent John Thurston is the Arkansas Secretary of State. As such, he is charged with making an initial determination of the sufficiency of all state-wide petitions, subject to review by this Court. Ark. Const. art. 5, § 1.

Factual Allegations

10. On November 27, 2023, AFLG registered with the Arkansas Ethics Commission as an Arkansas ballot question committee. Ex. 1. AFLG was constituted to support the Amendment, and it has done so through various means, including by arranging for the circulation of the Amendment and filing it with the Secretary of State for verification of signatures.

11. AFLG has been and continues to be a sponsor of the Amendment.

12. On January 23, 2024, the Arkansas Attorney General certified the ballot title and popular name for the Amendment.

13. After the Attorney General's certification, hundreds of volunteers from across Arkansas worked long hours to collect enough signatures for the Amendment to be placed on the November 2024 General Election ballot.

14. AFLG also hired Verified Arkansas, LLC, to provide canvassing

services. Paid canvassers hired by Verified Arkansas also collected signatures for the Amendment.

15. On June 27, 2024, Allison Clark, on behalf of AFLG, sent a Sponsor Affidavit with two exhibits to the Secretary. The Sponsor Affidavit stated, among other things, "The Sponsor has provided each Paid Canvasser listed on the attached Exhibit A a copy of the most recent edition of the Secretary of State's Initiatives and Referenda Handbook." The Sponsor Affidavit also stated, "The Sponsor has explained to each Paid Canvasser listed on Exhibit A the Arkansas law applicable to obtaining signatures on an initiative or referendum petition." Exhibit A was a list of approximately 191 paid canvassers, including each canvasser's name and address, among other information.

16. This was not the first time that AFLG had submitted a Sponsor Affidavit and accompanying list of paid canvassers—it was approximately the seventeenth time. Beginning on or around May 8, 2024, AFLG submitted the Sponsor Affidavit and accompanying paid canvasser list whenever it added paid canvassers.

17. AFLG also sent by email an updated list of paid canvassers to the Secretary on July 4, 2024, in the same form as the previous lists, adding additional paid canvassers. The list submitted on July 4 included approximately 265 paid canvassers.

18. AFLG did not submit a Sponsor Affidavit with the July 4 list because

the Secretary's office specifically told AFLG that such an affidavit was not required.

19. On July 5, 2024, Cowles, on behalf of AFLG, submitted signatures and accompanying paperwork to the Secretary for his review and certification of the Amendment for the November 2024 General Election ballot.

20. The submission contained, among other documents, AFLG's count of 101,525 signatures in support of placing the Amendment on the November 2024 General Election ballot. This number of signatures was a conservative count by AFLG. The number of signatures actually submitted to the Secretary by petitioners was likely higher than that number. The 101,525 signatures facially exceeded the requirements for certification on the November 2024 General Election ballot.

21. The submission also contained a statement listing the paid canvassers used by AFLG. This listed the same approximately 265 paid canvassers on the list sent to the Secretary on July 4.

22. Before the filing, AFLG had asked the Secretary's office exactly what it would need to sign and submit to the Secretary on the day of filing. In response, the Secretary's office sent AFLG one attachment, the Receipt for Initiative or Referendum Petition, but did not include any other documents. At the filing, the Secretary's attorneys and representatives assured Cowles that she had filed the necessary paperwork with her submission.

23. On July 10, 2024, the Secretary sent a letter to Cowles, stating, "The

first part of our review [of initiative petitions] is to ensure that the sponsor has complied with all statutory requirements for submitting a petition. Because you failed at this first step, it is my duty to reject your submission." Ex. 2, Letter from the Secretary to Cowles.

24. The letter rejected AFLG's submission for one reason: the Secretary concluded that AFLG failed to comply with Ark. Code Ann. § 7-9-111(f)(2), which requires the person filing the petition to submit certain statements regarding paid canvassers. The letter stated that AFLG "did not submit any statements meeting this requirement." Ex. 2.

25. According to the Secretary, this required him to reject AFLG's submission. The Secretary said, even if it did not require him to reject the "submission outright, it would certainly mean that signatures gathered by paid canvassers in your submission could not be counted for any reason." Ex. 2. The letter stated that, as a "courtesy," the Secretary's office determined "the initial count of signatures gathered by paid canvassers in your putative submission. That number was 14,142. After removing those signatures, and assuming your attestation as valid, 87,382 volunteer signatures remain—3,322 signatures less than the required 90,704." Ex. 2. In other words, the Secretary performed an initial count of signatures gathered by paid canvassers but did not perform an initial count of signatures gathered by volunteer canvassers.

26. The Secretary is not providing petitioners an opportunity to cure or correct any perceived deficiencies in their submission.

27. On July 11, 2024, Cowles responded to the Secretary's letter. Ex. 3. Cowles's response explained, among other things, that AFLG had complied with Ark. Code Ann. § 7-9-111(f)(2), that the Secretary had unlawfully rejected the petition parts collected by the paid canvassers, and that the Secretary had failed to fulfill his duties to perform an initial count of all signatures submitted by AFLG. It also explained that any noncompliance with § 7-9-111(f)(2) is correctable. Thus, the letter stated, "AFLG presumes that your letter offers AFLG an opportunity to correct pursuant to § 7-9-111(d) and/or Arkansas Constitution Article 5 § 1. AFLG avails itself of this opportunity by submitting the enclosed statement and accompanying documents." Ex. 3 at 2.

28. The letter enclosed the previous June 27, 2024, sponsor affidavit that AFLG submitted to the Secretary. Ex. 3 at 4-7. It also included a "Sponsor Statement Regarding Compliance with Ark. Code Ann. § 7-9-111(f)(2)" signed by Cowles on behalf of AFLG. Ex. 3 at 8-17. The Sponsor Statement stated, "Another copy of the list containing the names of all 266 paid canvassers is attached hereto at **Exhibit A**. There have been no additions or deletions to this list since it was submitted to the Secretary of State on July 4 and July 5, 2024." Ex. 3 at 8, ¶ 6. It also stated, "For each of the 266 paid canvassers, AFLG provided a copy of the most recent edition

of the Secretary of State's initiatives and referenda handbook before the paid canvasser solicited signatures." Ex. 3 at 9, ¶ 7.

29. On July 15, 2024, the Secretary responded to Cowles's letter and reiterated his rejection of petitioners' submission for noncompliance with Ark. Code Ann. § 7-9-111(f)(2).

Claim for Relief

The Secretary's Insufficiency Determination

30. Petitioners incorporate into this claim for relief all preceding paragraphs of the complaint.

31. The Secretary has authority to decide the sufficiency of all state-wide petitions in the first instance, "subject to review by the Supreme Court of the State, which shall have original and exclusive jurisdiction over all such causes." Ark. Const. art. 5, § 1.

32. The Secretary's July 10, 2024, letter to Cowles was a determination that petitioners' submission was insufficient. *See id.*; Ark. Code Ann. § 7-9-111(a). The Secretary is not providing AFLG an opportunity to cure or correct any perceived deficiencies in its submission.

33. The Secretary's insufficiency determination, which is based entirely on noncompliance with Ark. Code Ann. § 7-9-111(f)(2), is incorrect for multiple reasons.

34. First, petitioners complied with Ark. Code Ann. § 7-9-111(f)(2). Section 7-9-111(f)(2) provides in full:

> (2) If signatures were obtained by paid canvassers, the person filing the petitions under this subsection shall also submit the following:
>
> > (A) A statement identifying the paid canvassers by name; and
> >
> > (B) A statement signed by the sponsor indicating that the sponsor:
> >
> > > (i) Provided a copy of the most recent edition of the Secretary of State's initiatives and referenda handbook to each paid canvasser before the paid canvasser solicited signatures; and
> > >
> > > (ii) Explained the requirements under Arkansas law for obtaining signatures on an initiative or referendum petition to each paid canvasser before the paid canvasser solicited signatures.

35. In compliance with subsection A, on July 5, 2024, at the time of filing the initiative petition, Cowles submitted to the Secretary a statement that identified each of the paid canvassers by name. These same canvassers were also identified to the Secretary in an email from AFLG on July 4, 2024.

36. In compliance with subsection B, AFLG submitted approximately 17 signed statements to the Secretary attesting to the information necessary in subsection B between May 8 and June 27, 2024.

37. Second, even if petitioners failed to comply with § 7-9-111(f)(2), they have corrected such failure, as is permitted by the law. *See* Ark. Const. art. 5, § 1

("Amendment of Petition"); Ark Code Ann. § 7-9-111(d). In her July 11, 2024, response letter to the Secretary, Cowles included a "Sponsor Statement Regarding Compliance with Ark. Code Ann. § 7-9-111(f)(2)" that complied with the requisites of § 7-9-111(f)(2). Ex. 3 at 8-17.

38. Third, all petition parts and signatures are still counted even if there is a lack of compliance with § 7-9-111(f)(2). The Secretary's office has confirmed at least twice to this Court its agreement with this statement. *See* Respondent's Brief and Supplemental Addendum at Arg. 5-6, *Benca v. Martin*, No. CV-16-785 (Ark. Oct. 12, 2016) ("*Benca* Brief"); Respondent's Brief and Supplemental Addendum at Arg. 12-13, *Ross v. Martin*, No. CV-16-776 (Ark. Oct. 12, 2016). As the Secretary's office stated, "Section 7-9-111 does not have a 'do not count' penalty associated with it. . . . The express designation of a 'do not count' penalty in other subsections of this section of the Arkansas Code (and Acts 1413 of 2019 and 1219 of 2015), indicates that the absence of such a provision in 7-9-111 was an intentional omission." *Benca* Brief at Arg. 6. For that reason, the Secretary's office agreed that "no signatures" should be disqualified for violation of § 7-9-111. *Id.* at Arg. 7.

39. Fourth, the Secretary has failed his duty to "[p]erform an initial count of the signatures." Ark. Code Ann. § 126(a). In his July 10 letter to Cowles, the Secretary indicated that he had performed an initial count of the signatures collected by paid canvassers but had not performed an initial count of the signatures collected

by volunteer canvassers. Because he is, at minimum, required to perform an initial count of all signatures before making a sufficiency determination, his sufficiency determination is incorrect.

40. The Secretary's insufficiency determination is therefore contrary to the law and should be vacated.

Prayer for Relief

WHEREFORE, petitioners pray that this Court:

1. Find that the Secretary's determination of insufficiency and rejection of petitioners' submission of the Amendment for certification was incorrect;

2. Vacate the determination of insufficiency;

3. Expedite proceedings and provide emergency relief as will be requested in an accompanying motion to expedite and for emergency relief;

4. Order that the Secretary's incorrect insufficiency determination cannot prejudice petitioners' rights to a full certification and correction process of the Amendment;

5. Order that the Secretary must count all signatures submitted by petitioners, including those gathered by paid canvassers;

6. Order that, if proceedings in this action have not terminated in time for the full certification and correction process to occur before the deadline to certify initiatives for the November 2024 ballot, then the Secretary must certify the

Amendment for the November 2024 General Election ballot; and

7. Provide any other just and proper relief the Court deems necessary.

DATED: July 16, 2024.

SHULTS LAW FIRM LLP
200 West Capitol Avenue, Suite 1600
Little Rock, AR 72201-3621
Telephone: (501) 375-2301
Facsimile: (501) 375-6861

By: /s/ *Peter Shults*
Peter Shults
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Steven Shults
Ark. Bar No. 78139
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Attorneys for Petitioners

EXHIBIT 1

BALLOT QUESTION COMMITTEE (BQC)*
STATEMENT OF ORGANIZATION

To be filed with:
Arkansas Ethics Commission
Post Office Box 1917
Little Rock, AR 72203
Phone (501) 324-9600
Fax (501) 324-9606

(Arkansas Ethics Commission File Stamp)

FILED
NOV 27 2023
ARKANSAS ETHICS COMMISSION
BY

☐ Check if this is an amendment to a previously filed statement of organization

Section One: BQC Name

Name of BQC (in full): Arkansans for Limited Government

Section Two: BQC Address & Phone Number

If BQC has no office address, use the address of the BQC officer authorized to receive notices on behalf of the BQC.

Address: PO Box 7866

City: Little Rock State: AR Zip: 72217 Telephone Number: 501.553.7054

Section Three: BQC Officers and Directors

Provide the name, title, address, and telephone number of the treasurer and other principal officers and directors of the BQC.

Name: Hershey Garner Title: Chair

Address: PO Box 7866 City: Little Rock State: AR Zip: 72217

Telephone Number: 501.553.7054

Name: James McHugh Title: Treasurer

Address: PO Box 7866 City: Little Rock State: AR Zip: 72217

Telephone Number: 501.553.7054

Name: Title:

Address: City: State: Zip:

Telephone Number:

Name: Title:

Address: City: State: Zip:

Telephone Number:

* The term "ballot question committee" is defined in Ark. Code Ann. § 7-9-402(2)(A) and (B) and § 600(c)(1) and (2) of the Ethics Commission's Rules on Ballot and Legislative Question Committees.

Revised 12/2017

Section Four: Financial Information

Provide the name and address of each financial institution in which the BQC deposits money or anything else of monetary value.

Name of Financial Institution: First National Bank

Address: 200 W Court Street City: Paragould State: AR Zip: 72450

Name of Financial Institution: _____

Address: _____ City: _____ State: _____ Zip: _____

Section Five: Members

Provide the name of each person who is a member of the committee. A person that is not an individual may be listed by its name without also listing its own members, if any.

For AR People

Section Six: Brief Statement

Provide a brief statement identifying the substance of each ballot question as to which the BQC will expressly advocate the qualification, disqualification, passage, or defeat, and, if known, the date each ballot question shall be presented to a popular vote at an election.

To advocate for the passage of the Arkansas Reproductive Healthcare Amendment; to advocate for personal freedom against government interference in Arkansans' healthcare decisions.

11/27/2023
Date

Signature of BQC Officer

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For AR People

Rachel Spencer

Section Six: Brief Statement

Provide a brief statement identifying the substance of each ballot question as to which the BQC will expressly advocate the qualification, disqualification, passage, or defeat, and, if known, the date each ballot question shall be presented to a popular vote at an election.

To advocate for the passage of the Arkansas Abortion Amendment or any future iteration of said amendment, which was originally titled The Arkansas Reproductive Healthcare Amendment; to advocate for personal freedom against government interference in Arkansans' healthcare decisions.

12/15/23
Date

Signature of BQC Officer

BALLOT QUESTION COMMITTEE (BQC)*
STATEMENT OF ORGANIZATION

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FILED
APR 25 2024
ARKANSAS ETHICS COMMISSION
BY

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Revised 12/2017

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Section Five: Members
Provide the name of each person who is a member of the committee. A person that is not an individual may be listed by its name without also listing its own members, if any.

For AR People

Rachel Spencer

Healthcare Alliance for Reproductive Care (HARC)

Grandmothers for Reproductive Rights (GRR)

Section Six: Brief Statement
Provide a brief statement identifying the substance of each ballot question as to which the BQC will expressly advocate the qualification, disqualification, passage, or defeat, and, if known, the date each ballot question shall be presented to a popular vote at an election.

To advocate for the passage of the Arkansas Reproductive Healthcare Amendment; to advocate for personal freedom against government interference in Arkansans' healthcare decisions.

7/24/24
Date

Signature of BQC Officer

EXHIBIT 2

JOHN THURSTON

ARKANSAS SECRETARY OF STATE

July 10, 2024

Sent via email & regular mail

Lauren Cowles
P.O. Box 7866
Little Rock, AR 72217

RE: Proposed Constitutional Amendment
Popular Name: Arkansas Abortion Amendment of 2024

Dear Ms. Cowles:

The Secretary of State is officially charged under Article 5, § 1 of the Arkansas Constitution to review statewide initiatives and referenda petitions. The first part of our review is to ensure that the sponsor has complied with all statutory requirements for submitting a petition. Because you failed at this first step, it is my duty to reject your submission.

I have determined that you failed to comply with Ark. Code Ann. § 7-9-111(f)(2). That provision requires the sponsor to submit (1) a statement identifying the paid canvassers by name, and (2) a signed statement indicating that the sponsor has provided a copy of the most recent edition of the Secretary of State's initiatives and referenda handbook and explained the requirements under Arkansas law for obtaining signatures on the petition to each paid canvasser before the paid canvasser solicited signatures. In *McDaniel v. Spencer* in 2015, the Arkansas Supreme Court expressly found this requirement to be constitutional. You did not submit any statements meeting this requirement. By contrast, other sponsors of initiative petitions complied with this requirement. Therefore, I must reject your submission.

Even if your failure to comply with Ark. Code Ann. § 7-9-111(f)(2) did not require me to reject your submission outright, it would certainly mean that signatures gathered by paid canvassers in your submission could not be counted for any reason. You submitted an affidavit attesting that the total number of signatures submitted was 101,525. As a courtesy to you, I instructed my office to determine the initial count of signatures gathered by paid canvassers in your putative submission. That number was 14,143. After removing those signatures, and assuming your attestation as valid, 87,382 volunteer signatures remain—3,322 signatures less than the required 90,704. Therefore, even if I could accept your submission, I would be forced to find that your petition is insufficient on its face for failure to obtain the required 90,704 signatures.

Sincerely,

John Thurston

John Thurston
Arkansas Secretary of State

State Capitol • Suite 256 • 500 Woodlane Street • Little Rock, Arkansas 72201-1094
501-682-1010 • Fax 501-682-3510
e-mail: arsos@sos.arkansas.gov • www.sos.arkansas.gov

EXHIBIT 3

ARKANSANS FOR LIMITED GOVERNMENT

July 11, 2024

The Honorable John Thurston
Arkansas Secretary of State
State Capitol
501 Woodlane Avenue
Suite 526
Little Rock, AR 72201

VIA EMAIL (ARSOS@SOS.ARKANSAS.GOV) AND HAND DELIVERY

Re: Response to Your Letter of July 10, 2024

Dear Secretary Thurston,

Arkansans for Limited Government ("AFLG") is a Sponsor of the initiative petition for the Arkansas Abortion Amendment of 2024. AFLG has received your letter dated July 10, 2024, wherein you claim that AFLG has failed to comply with the statutory requirements contained in Ark. Code Ann. § 7-9-111(f)(2), leading you to "reject" AFLG's submission. Contrary to your claim, AFLG met the requirements of Ark. Code Ann. § 7-9-111(f)(2). Additionally, this letter explains that you have unlawfully rejected the petition parts in question. Finally, the letter explains that, regardless of your erroneous position that the petition parts from paid canvassers should not be counted, you have failed to fulfill your duty to perform an initial count of all signatures submitted by AFLG, and you must continue counting.

The text of § 7-9-111(f)(2) states, in full:

> If signatures were obtained by paid canvassers, the person filing the petitions under this subsection shall also submit the following:
>
> (A) A statement identifying the paid canvassers by name; and
>
> (B) A statement signed by the sponsor indicating that the sponsor:
>
> (i) Provided a copy of the most recent edition of the Secretary of State's initiatives and referenda handbook to each paid canvasser before the paid canvasser solicited signatures; and
>
> (ii) Explained the requirements under Arkansas law for obtaining signatures on an initiative or referendum petition to each paid canvasser before the paid canvasser solicited signatures.

In compliance with § 7-9-111(f)(2), AFLG submitted to you on June 27, 2024, the enclosed Sponsor Affidavit that meets these requirements. Specifically, the Sponsor Affidavit attached a list

that identified paid canvassers by name and contained a statement, signed by AFLG, indicating that AFLG provided those paid canvassers with a copy of the most recent edition of the Secretary of State's initiatives and referenda handbook and explained the requirements under Arkansas law for obtaining signatures on an initiative or referendum. In addition, even if the Sponsor Affidavit had failed to meet the statutory requirements in some technical way, AFLG's compliance efforts with respect to § 7-9-111(f)(2) are abundant, well-documented, and repeatedly acknowledged by your office, which is required to file and preserve AFLG's submissions. Ark. Code Ann. § 7-9-123. Further, on July 5, in compliance with § 7-9-111(f)(2)(A), AFLG submitted to you again a list of all 266 paid canvassers, which your staff explicitly told AFLG was not required. AFLG also on July 5 submitted 266 affidavits, signed by each individual canvasser, affirming that AFLG provided them the information required by § 7-9-111(f)(2)(B). In drafting the paid canvasser affidavits, AFLG copied the exact language of a sample affidavit provided by your office to AFLG. These materials had already been provided to you, and were only provided again in an abundance of caution, even against the insistence of your staff that some of this information was not required.

Your letter fails to specify in what manner AFLG failed to comply with the plain language of the statute, leaving AFLG to guess at your reasoning. AFLG therefore submits a new statement, enclosed with this letter, restating its compliance with the requirements of § 7-9-111(f)(2). This "correction" is explicitly permissible in this scenario. Indeed, the title of § 7-9-111 reads, "Determination of sufficiency of petition—Corrections." Based on this language, AFLG presumes that your letter offers AFLG an opportunity to correct pursuant to § 7-9-111(d) and/or Arkansas Constitution Article 5 § 1. AFLG avails itself of this opportunity by submitting the enclosed statement and accompanying documentation.

Additionally, your rejection of petition parts defies the statute. The law is clear that petition parts can only be excluded from the initial count for a limited number of reasons. Section 7-9-126(b) provides the exclusive and exhaustive list of reasons for rejecting a petition part for initial counting purposes. You do not allege that the petitions submitted by AFLG are deficient in any of the ways listed in § 7-9-126(b). Further, § 7-9-111 does not have a "do not count" penalty associated with it, a point that you yourself made to the Arkansas Supreme Court in response to an effort to disqualify a ballot initiative. *See* Respondent's Brief and Supplemental Addendum, at Arg. 5, *Benca v. Martin*, No. CV-16-785 (Ark. Oct. 12, 2016). As you also pointed out in that brief, "the express designation of a 'do not count' penalty in other subsections of the Arkansas Code . . . indicates that the absence of such a provision in 7-9-111 was an intentional omission." AFLG agrees. Because the alleged deficiency you point out is not associated with a "do not count" penalty, and because you have not alleged that AFLG is deficient in any of the ways outlined in § 7-9-126(b), you must count the paid canvasser petition parts, or, at a minimum, allow AFLG the opportunity to correct.

Finally, regardless of your erroneous position that the paid canvasser petition parts should not be counted, you have a duty to count every signature on every other petition part. Your July 10 letter makes clear that you relied upon AFLG's representation regarding the total number of signatures collected, not your own count. AFLG's conservative, internal signature count has no bearing on your independent duty as the official charged with verifying signatures to perform an initial count of all signatures. *See* Ark. Code Ann. § 7-9-126(a). You must continue counting.

For the reasons detailed above, please confirm as soon as possible, and no later than Monday, July 15, that the submission of the initiative petition facially contains the required number of signatures and that your office is proceeding to verify *all* of the submitted signatures, including those contained on petition parts from paid canvassers.

Sincerely,

Lauren Cowles
Executive Director
Arkansans for Limited Government

cc: Mr. Josh Bridges (via email only – josh.bridges@sos.arkansas.gov)
Ms. Leslie Bellamy (via email only – leslie.bellamy@sos.arkansas.gov)

Enclosures:
Affidavit of Sponsor Regarding Additional Paid Canvassers, dated June 27, 2024
Sponsor Statement regarding compliance with Ark. Code Ann. § 7-9-111(f)(2) (with paid canvasser list)

Affidavit of Sponsor Regarding Additional Paid Canvassers

STATE OF ARKANSAS

COUNTY OF PULASKI

Having been duly sworn, the undersigned hereby states and affirms under oath as follows:

I, Allison Clark, state under oath the following:

1. I make the following statements based upon my own personal knowledge.

2. I am over the age of 18, of sound mind, and otherwise qualified to make this affidavit.

3. I am providing this affidavit on behalf of and at the direction of Arkansans For A Limited Government a Ballot Question Committee and Sponsor of an initiative petition popularly known as THE ARKANSAS ABORTION AMENDMENT 2024

4. I am the Controller of Verified Arkansas LLC ("VA"), a company hired by Arkansans For Limited Government to provide canvassing services. As part of its responsibilities, VA hires, trains and manages paid canvassers who are employees of VA.

5. The Sponsor has provided each Paid Canvasser listed on the attached Exhibit A a copy of the most recent edition of the Secretary of State's Initiatives and Referenda Handbook.

6. The Sponsor has explained to each Paid Canvasser listed on Exhibit A the Arkansas law applicable to obtaining signatures on an initiative or referendum petition.

7. The Sponsor is submitting herewith as Exhibit A a list of additional Paid Canvassers' names and current residential addresses to the Arkansas Secretary of State.

8. The Sponsor has instructed each Paid Canvasser listed on Exhibit A to provide sufficient information of the Paid Canvasser's identity to allow the Sponsor to obtain the criminal history and criminal record of the Paid Canvasser within thirty (30) days before the date that the Paid Canvasser will begin to collect signatures.

9. The Sponsor has obtained the criminal history and criminal record of each Paid Canvasser listed on Exhibit A.

10. Where indicated by such criminal history or criminal record, the Sponsor has contacted the appropriate authority in the state or jurisdiction if a criminal history or criminal record indicates an open or pending matter if that open matter would be a disqualifying offense.

11. The Sponsor has obtained at Sponsor's cost, from the Division of Arkansas State Police a current criminal history and criminal record search on each Paid Canvasser being registered with the Arkansas Secretary of State.

12. The criminal history and criminal record search for each Paid Canvasser was obtained from the Division of Arkansas State Police within 30 days before the date the Paid Canvasser will begin collecting signatures.

13. The Sponsor agrees that it will not pay or offer to pay a Paid Canvasser on a basis related to the number of signatures obtained on a statewide initiative petition or statewide referendum petition.

14. The Sponsor certifies that each Paid Canvasser in the Sponsor's employ has no disqualifying offenses.

15. The Sponsor is herewith submitting as Exhibit B to the Secretary of State each additional Paid Canvasser's signed statement that they have not pleaded guilty or nolo contendere to or been found guilty of any of the following offenses in any state of the United States, the District of Columbia, Puerto Rico, Guam, or any other United State protectorate:

i. A felony;
ii. Violation of election laws;
iii. Fraud;
iv. Forgery;
v. Counterfeiting;
vi. Identity Theft;
vii. A crime of violence, including assault, battery or intimidation;
viii. Harassment;
ix. Terroristic threatening;
x. A sex offense, including sexual harassment;
xi. A violation of the drug and narcotics laws;
xii. Breaking and entering;
xiii. Trespass;
xiv. Destruction or damage of property;
xv. Vandalism;
xvi. Arson; or
xvii. A crime of theft, including robbery, burglary, and simple theft or larceny.

Dated this 27 day of June, 2024.

Arkansans For Limited Government

Allison Clark

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF Pulaski

On this the 27 day of June, 2024, before me, a Notary Public, duly commissioned, qualified and acting within the aforesaid State and County, appeared in person the within named Allison Clark to me personally well known, who stated and acknowledged that he had so signed, executed and delivered the foregoing instrument for the consideration, uses, and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this 27 day of June 2024.

Notary Public

My Commission Expires:
4/14/34

MELISSA FULTS
SALINE COUNTY
NOTARY PUBLIC -- ARKANSAS
My Commission Expires April 16, 2034
Commission No. 00001501

SPONSOR STATEMENT REGARDING
COMPLIANCE WITH ARK. CODE ANN. § 7-9-111(f)(2)

I, Lauren Cowles, being duly sworn, depose and say as follows:

1. I am over the age of 18, am competent to testify, and have personal knowledge of the facts and information set forth in this statement.

2. I am providing this statement, in the form of an affidavit, on behalf of Arkansans for Limited Government ("AFLG"), a Ballot Question Committee and a Sponsor of the initiative petition popularly known as the Arkansas Abortion Amendment of 2024.

3. I am the Executive Director of AFLG. As part of my responsibilities in that role, I worked with Verified Arkansas LLC ("VA"), a company AFLG hired to provide canvassing services related to the Arkansas Abortion Amendment of 2024. As part of its responsibilities, VA hires, trains, and manages paid canvassers who are employees of VA.

4. VA employed 266 paid canvassers to perform canvassing services for AFLG related to the Arkansas Abortion Amendment of 2024. AFLG submitted to the Secretary of State's office on a rolling basis lists containing the names of the paid canvassers. AFLG submitted, in total, 19 lists to the Secretary of State, each subsequent list cumulative of the previous list, with the final list containing the names of all 266 paid canvassers.

5. AFLG submitted the final list containing the names of all 266 paid canvassers to the Secretary of State's office electronically on July 4, 2024, and in hard copy on July 5, 2024.

6. Another copy of the list containing the names of all 266 paid canvassers is attached hereto at **Exhibit A**. There have been no additions or deletions to this list since it was submitted to the Secretary of State on July 4 and July 5, 2024.

7. For each of the 266 paid canvassers, AFLG provided a copy of the most recent edition of the Secretary of State's initiatives and referenda handbook before the paid canvasser solicited signatures.

8. For each of the 266 paid canvassers, AFLG explained the requirements under Arkansas law for obtaining signatures on an initiative or referendum petition before the paid canvasser solicited signatures.

9. AFLG required each paid canvasser to sign an affidavit attesting, among other things, that AFLG provided the paid canvasser a copy of the most recent edition of the Secretary of State's initiatives and referenda handbook and that AFLG explained the requirements under Arkansas law for obtaining signatures on an initiative or referendum petition. Each paid canvasser acknowledged these facts and signed the affidavit before they began soliciting signatures.

10. As evidence of AFLG's compliance with Ark. Code Ann. § 7-9-111(f)(2), petition parts containing signatures solicited by a paid canvasser do not contain signatures that predate that paid canvasser's affidavit.

11. When AFLG filed the petition with signatures with the Secretary of State on July 5, 2024, AFLG submitted hard copies of all 266 paid canvasser affidavits to the Secretary of State's office.

12. AFLG also submitted, on a rolling basis with the lists of paid canvassers, sponsor affidavits attesting to AFLG's compliance with the requirements of Ark. Code Ann. § 7-9-111(f)(2). AFLG submitted, in total, 17 sponsor affidavits to the Secretary of State.

13. AFLG submitted 2 final lists of paid canvassers to the Secretary of State's office on June 29 and July 4, 2024. AFLG did not submit sponsor affidavits with the final 2 lists of paid

canvassers because the Secretary of State's office told VA that sponsor affidavits were not required with each submission of paid canvasser names.

14. During the initiative petition process, AFLG worked in good faith and cooperated with the Secretary of State's office. AFLG relied on representations regarding compliance from officials at the Secretary of State's office. When AFLG filed the petition with signatures with the Secretary of State on July 5, 2024, members of the Secretary of State's office led AFLG to believe that no additional steps or compliance measures were necessary to allow the Secretary of State to determine the facial validity of the petition.

I declare under penalty of perjury that the foregoing is true, complete, and correct.

Executed on: 7.11.24

Lauren Cowles
Executive Director
Arkansans for Limited Government

STATE OF ARKANSAS)
)
COUNTY OF PULASKI)

ACKNOWLEDGMENT

Subscribed and sworn before me, Anna E. Buckley, the undersigned Notary Public, within and for the above County and State, on July 11, 2024.

My commission expires:

10/5/2026

ANNA E. BUCKLEY Comm. No. 12699217 NOTARY PUBLIC My Comm. Exp. 10-05-2026 PULASKI CO., ARKANSAS

Anna E. Buckley
Notary Public