

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
FIFTH DIVISION

THE LEAGUE OF WOMEN VOTERS
OF ARKANSAS and ARKANSAS UNITED et al.

PLAINTIFFS

v. CASE NO. 60CV-21-3138

JOHN THURSTON, in his official capacity
As the Secretary of State of Arkansas;
And SHARON BROOKS, BILENDA
HARRIS-RITTER, WILLIAM LUTHER,
CHARLES ROBERTS, JAMES SHARP, and
J. HARMON SMITH, in their official capacities
As members of the Arkansas State Board of
Election Commissioners,

DEFENDANTS

**MOTION TO DISMISS AMENDED COMPLAINT FOR INJUNCTIVE
RELIEF AND DECLARATORY JUDGMENT**

Come Now Defendants, in their official capacities, by and through Attorney General Leslie Rutledge and Assistant Attorney General Michael A. Mosley, and for their Motion to Dismiss Amended Complaint for Injunctive Relief and Declaratory Judgment herein state and allege:

1. Plaintiffs, the League of Women Voters (“LOWV”) and Arkansas United attempt to brought suit against Defendants in their official capacities, i.e., the State. Defendants filed a motion to dismiss and the Plaintiffs amended their Complaint to include, *inter alia*, individual Plaintiffs. All Plaintiffs challenge four Acts of the 93rd General Assembly as unconstitutional and allegedly violative of the right to suffrage, equal protection, and other provisions of the Arkansas Constitution.

2. Plaintiffs fail to state facts upon which relief can be granted under Ark. R. Civ. P. 12(b)(6), and their claims fail as a matter of law.

3. Defendants have filed a brief in support contemporaneously herewith and incorporate the same herein by reference as if repeated word for word pursuant to Ark. R. Civ. P. 10(c). Defendants also incorporate by reference their previously-filed motion to dismiss and brief in support as if repeated word for word herein pursuant to Ark. R. Civ. P. 10(c).

4. Additionally, Defendants reserve the right if this motion is denied to assert any and all applicable affirmative defenses including but not limited to: lack of standing, lack of ripeness, the constitutional avoidance doctrine, severability, the political question doctrine, and any and all state and federal immunities. Additionally, Defendants assert Plaintiffs have failed to join indispensable parties under Ark. R. Civ. P. 19, and interested parties under the Arkansas Declaratory Judgment Act.

5. For the reasons stated herein and in the accompanying brief, the Amended Complaint should be dismissed *in toto*.

WHEREFORE, Defendants respectfully request the Court grant their motion and all other just and proper relief to which they are entitled.

Respectfully submitted,

LESLIE RUTLEDGE
Attorney General

By: Michael A. Mosley
Michael A. Mosley
Ark Bar No. 2002099

Assistant Attorney General
Arkansas Attorney General's Office
323 Center Street, Suite 200
Little Rock, AR 72201
Phone: (501) 682-1019
Fax: (501) 682-2591
Email: michael.mosley@arkansasag.gov

CERTIFICATE OF SERVICE

I, Michael A. Mosley, hereby certify that I served the Clerk of Court with the foregoing on this the 20th day of July, 2021, via the e-flex electronic filing system, which shall send notice to all Counsel of Record.

Michael A. Mosley
Michael A. Mosley

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