

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS  
FOURTH DIVISION

BRYAN KING and THE LEAGUE OF  
WOMEN VOTERS IN ARKANSAS

PLAINTIFFS

VS. 60CV-23-1816

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

DEFENDANT

ORDER

Comes now the Plaintiffs' Motion for Judgment on the Pleadings and the Defendant's Motion to Strike Plaintiffs' Motion for Judgment on the Pleadings, and based on the files and records of the case, the pleadings of the parties, the arguments made at the hearing held February 26, 2024, and all other matters considered, the Court DOTH FIND:

Plaintiffs filed the instant case against the Defendant on March 10, 2023, requesting declaratory and injunctive relief. Plaintiffs are attacking the constitutionality of the legislature's recently passed Act 236 of 2023. Plaintiffs allege that the legislation unconstitutionally burdens Arkansans' right to circulate petitions and ballot initiatives and referendums. Plaintiffs filed the instant Motion for Judgment on the Pleadings on December 11, 2023. Defendant filed his response on December 26, 2023. There is also a pending Motion to Dismiss from the Defendant filed in May 2023 that has not been ruled upon. A hearing was held on the pending matters on February 26, 2024.

Defendant raises multiple objections to the Plaintiffs' Motion, alleging that Plaintiffs lack standing and that Defendant is entitled to sovereign immunity. Viewing all of the pleadings, the Court does have concerns about standing. With all deference to Plaintiff King, his role as a legislator gives him no special standing that any other registered Arkansas voter bringing such a suit would have. And in such a case for declaratory and injunctive relief, simply being a registered voter is not sufficient to confer standing on him.

Plaintiff League of Women Voters comes somewhat closer to chinning the bar on proving standing, as the record shows that they have been involved in voter initiatives in the past and may be in the future, including the upcoming November 2024 election. Nonetheless, their argument regarding their standing also falls short. Plaintiffs' counsel stated for the record that the League is currently involved in two ballot initiatives that would be affected by Act 236, but that fact is not pled in Plaintiffs' Complaint.

Defendant's argument regarding sovereign immunity must fail. All standing issues aside, Plaintiffs are alleging that a piece of legislation is unconstitutional. Sovereign immunity is not implicated by any of the allegations in the Complaint.

The Court makes no findings at this time regarding the constitutionality of Act 236. That decision will be reserved for a later date. Plaintiff has five days from the entry of this Order to amend their Complaint to address the standing issues that the Court has pointed out here. If not, the Defendant's Motion to Dismiss will be granted.

IT IS SO ORDERED.

\_\_\_\_\_  
HERBERT T. WRIGHT, JR. – CIRCUIT JUDGE

\_\_\_\_\_  
DATE



**Case Title:** BRYAN KING ET AL V JOHN THURSTON

**Case Number:** 60CV-23-1816

**Type:** ORDER OTHER

So Ordered

A handwritten signature in black ink, appearing to read "Herb Wright", written over a horizontal line.

Honorable Herbert T Wright