

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION**

**LEAGUE OF WOMEN VOTERS OF ARKANSAS,  
et al.**

**PLAINTIFFS,**

**v.**

**No. 5:20CV05174 PKH**

**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.**

**ANSWER TO SECOND AMENDED COMPLAINT**

Defendants submit this answer to Plaintiffs' Second Amended Complaint (DE 42). Except as otherwise specifically admitted herein, Defendants deny every allegation, including any allegations in headings. Defendants respond to the numbered paragraphs with the following correspondingly numbered paragraphs:

1. Defendants deny that Arkansas's absentee-ballot laws fail to protect voters' right to vote or deprives them of due process. Paragraph 1 otherwise does not call for a response, but to the extent a response is called for, Defendants deny the same.

2. Defendants deny paragraph 2.

3. Defendants deny paragraph 3.

4. Defendants deny that Arkansas law places any burden on Plaintiffs. Defendants otherwise lacks information sufficient to admit or deny paragraph 4, and deny the same.

5. Defendants deny paragraph 5

6. Defendants deny paragraph 6.

7. Defendants deny that the burdens imposed by the remedy Plaintiffs seek are minimal. Paragraph 7 otherwise does not call for a response, but to the extent a response is called for, Defendants deny the same.

8. Defendants deny that Arkansas law creates any risk that they will be deprived of the right to vote. Defendants otherwise lack information sufficient to admit or deny paragraph 8, and deny the same.

9. Defendants deny that Arkansas law creates any risk of disenfranchisement or causes the League to divert resources. Defendants otherwise lack information sufficient to admit or deny paragraph 9, and deny the same.

10. Defendants lack information sufficient to admit or deny paragraph 10, and deny the same.

11. Defendants lack information sufficient to admit or deny paragraph 11, and deny the same.

12. Defendants lack information sufficient to admit or deny paragraph 12, and deny the same.

13. Defendants lack information sufficient to admit or deny paragraph 13, and deny the same.

14. Defendants lack information sufficient to admit or deny paragraph 14, and deny the same.

15. Defendants lack information sufficient to admit or deny paragraph 15, and deny the same.

16. Defendants lack information sufficient to admit or deny paragraph 16, and deny the same.

17. Defendants lack information sufficient to admit or deny paragraph 17, and deny the same.

18. Paragraph 18 speaks for itself and states legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny paragraph 18.

19. Paragraph 18 speaks for itself and states legal conclusions that do not call for a response, but to the extent that a response is called for, Defendants deny paragraph 19.

20. Paragraph 20 speaks for itself and does not call for a response, but to the extent a response is called for, Defendants deny the same.

21. Defendants deny paragraph 21.

22. Defendants deny paragraph 22.

23. Paragraph 23 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

24. Defendants admit that venue is proper. Defendants lacks information to admit or deny the locations of the League's members, and deny the same. Defendants otherwise deny paragraph 24.

25. Paragraph 25 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

26. Paragraph 26 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

27. Paragraph 27 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

28. Paragraph 28 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

29. Paragraph 29 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

30. Paragraph 30 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

31. Paragraph 31 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

32. Paragraph 32 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

33. Paragraph 33 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

34. Defendants deny paragraph 34.

35. Defendants deny paragraph 35.

36. Defendants deny paragraph 36.

37. Defendants deny paragraph 37.

38. Defendants deny paragraph 38.

39. Defendants deny paragraph 39.

40. Paragraph 40 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

41. Defendants deny paragraph 41.

42. Defendants deny paragraph 42.

43. Defendants deny paragraph 43.

44. Defendants deny paragraph 44.

45. Defendants lack information sufficient to admit or deny paragraph 45, and deny the same.

46. Defendants lack information sufficient to admit or deny paragraph 46, and deny the same.

47. Defendants deny that Arkansas law is enforced unlawfully. Defendants otherwise lack information sufficient to admit or deny paragraph 47, and deny the same.

48. Defendants deny paragraph 48.

49. Defendants deny paragraph 49.

50. Defendants deny paragraph 50.

51. Defendants lack information sufficient to admit or deny paragraph 51, and deny the same.

52. Defendants deny paragraph 52.

53. Defendants lack information sufficient to admit or deny paragraph 53, and deny the same.

54. Defendants lack information sufficient to admit or deny paragraph 54, and deny the same.

55. Defendants lack information sufficient to admit or deny paragraph 55, and deny the same.

56. Defendants lack information sufficient to admit or deny paragraph 56, and deny the same.

57. Paragraph 57 speaks for itself and does not call for a response, but to the extent a response is called for, Defendants deny the same.

58. Paragraph 58 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

59. Paragraph 59 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

60. Paragraph 60 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

61. Paragraph 61 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

62. Paragraph 62 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

63. Paragraph 63 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

64. Paragraph 64 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

65. Paragraph 65 speaks for itself and does not call for a response, but to the extent a response is called for, Defendants deny the same.

66. Paragraph 66 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

67. Paragraph 67 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

68. Paragraph 68 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

69. Paragraph 69 states legal conclusions that do not call for a response, but to the extent a response is called for, Defendants deny the same.

70. Paragraph 70 speaks for itself and does not call for a response, but to the extent a response is called for, Defendants deny the same.

71. Paragraph 71 speaks for itself and does not call for a response, but to the extent a response is called for, Defendants deny the same.

72. Paragraph 72 speaks for itself and does not call for a response, but to the extent a response is called for, Defendants deny the same.

73. Paragraph 73 speaks for itself and does not call for a response, but to the extent a response is called for, Defendants deny the same.

74. Paragraph 74 speaks for itself and does not call for a response, but to the extent a response is called for, Defendants deny the same.

75. Paragraph 75 speaks for itself and does not call for a response, but to the extent a response is called for, Defendants deny the same.

76. Paragraph 76 speaks for itself and does not call for a response, but to the extent a response is called for, Defendants deny the same.

77. Paragraph 77 speaks for itself and does not call for a response, but to the extent a response is called for, Defendants deny the same.

78. Defendants deny that Plaintiffs are entitled to any relief, including but not limited to the relief requested in the “Prayer for Relief.”

79. Defendants deny all allegations not specifically admitted.

#### **DEFENSES**

80. The Constitution, including the Eleventh Amendment, bars Plaintiffs’ claims.

81. The doctrine of laches bars Plaintiffs’ claims.

82. Plaintiffs lack standing.
83. The counties are necessary and indispensable parties who have not been joined.
84. Plaintiffs fail to state a claim upon which relief can be granted.
85. Defendants reserve the right to assert additional defenses.

Dated: December 8, 2021

Respectfully submitted,

LESLIE RUTLEDGE  
Attorney General

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Assistant Solicitor General

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