

CV 24-13

IN THE SUPREME COURT OF ARKANSAS

CONRAD REYNOLDS, ARKANSAS VOTER
INTEGRITY INIATIVE, INC., individually
and on behalf of RESTORE ELECTION
INTEGRITY ARKANSAS, a ballot question
committee

PETITIONER

vs.

JOHN THURSTON, in his official capacity as
SECRETARY OF STATE and the STATE
BOARD OF ELECTION COMMISSIONERS

RESPONDENTS

AMICUS CURIAE BRIEF IN SUPPORT OF PETITIONER,
BY WE THE PEOPLE OF ARKANSAS

TENDERED

APR 04 2024

Submitted *Pro Se*

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SUMMARY OF ARGUMENTS*

The legislature has overstepped its bounds, creating laws that cause irreparable harm to the citizens of Arkansas. Laws Ark. Code Ann. § 7-9-107 and § 7-9-126(e) are unconstitutional. We the People of Arkansas must stand up when our rights are being denied so that the powers reserved for us, and future generations, cannot be overthrown.

ARGUMENT

In 2023, the Arkansas legislature created new laws that hinder the rights of Arkansas citizens. Specifically, Ark. Code Ann. § 7-9-107 and § 7-9-126(e) create unconstitutional barriers to the initiative process and are intended to stop people from accomplishing the already difficult feat. In 2022, Arkansans clearly spoke at the polls, voting down the legislature's proposed constitutional amendment to

* No party's counsel authored this brief in whole or in part. No party or counsel for a party made a monetary contribution intended to fund the preparation or submission of this brief or otherwise collaborated in the preparation or submission of the brief. No persons or entities other than amici curiae, its members, or its counsel made monetary contributions to the brief or collaborated in its preparation. ASCR 4-6(c).

change the required simple majority of voters to 60% to pass an initiative. The legislature, aware of voters' stance, moved forward in 2023 with new laws that restrict the initiative process. Again, conscious of the outcry against these bills, the legislature passed two more laws that constrain our right to the initiative.

The Laws Fail At All Levels of Constitutional Scrutiny

1. Arkansas Constitution Article 2.1 – Source of Power

All political power is inherent in the people and government is instituted for their protection, security, and benefit, and they have the right to alter, reform, or abolish the same, in such manner as they see fit.

The legislature continually tries to remove the rights guaranteed in our Constitution, yet without the consent of the People, the government has no power. The legislature has acted outside its authority to make laws that they know Arkansans don't want, and that restrict our rights. The people have the right to stand up and say no to these unconstitutional overreaches.

2. Arkansas Constitution Article 5.1 – Initiative

The first power reserved by the people is the initiative.

[...]

Unwarranted Restrictions Prohibited

No law shall be passed to prohibit any person or persons from giving or receiving compensation for circulating petitions, nor to prohibit the circulation of petitions, nor in any manner interfering with the freedom of the people in procuring petitions [...].

[...]

Self-Executing

This section shall be self-executing, and all its provisions shall be treated as mandatory, but laws may be enacted to facilitate its operation. No legislation shall be enacted to restrict, hamper or impair the exercise of the rights herein reserved to the people.

The legislature is explicitly barred from creating laws that restrict, hamper, or impair our rights to the initiative. The two laws challenged, enacted in 2023, intentionally create barriers for the endeavor.

First, Ark. Code Ann. § 7-9-107 requires a proposed ballot measure to be submitted to the Attorney General for approval before collecting signatures. Nowhere does the Constitution require this step. It is added by the legislature and hinders the progress of the initiative. The people are capable of requesting help from the Attorney General on initiatives if we so choose, but we have also reserved

the right to enact our own laws with our own pens, without the oversight of the Attorney General or the legislature. Forcing the people to go to the Attorney General for approval removes the authority and power of the people that is guaranteed in Article 5.1.

Secondly, Ark Code Ann. § 7-9-126(e) requires canvassers to gather signatures from 50 counties instead of the constitutional requirement of “at least 15 counties.” Grassroots movements work hard to gather ½ of the designated percentage of voters’ signatures from 15 counties, as this is a vast and difficult demand on true grassroots movements. It would be an enormous and likely impossible endeavor for us to gather the same requirement from 50 counties. The only feasible way to accomplish this would be to have a large financial backing, which is supposedly what the legislature is trying to stop with the addition of these restrictions.

CONCLUSION

For the foregoing reasons, if the Court determines Ark. Code Ann. § 7-9-107 and § 7-9-126(e) unconstitutional, *amici* respectfully request that the court provide a permanent injunction of Ark Code Ann. § 7-9-107 and § 7-9-126(e).

Respectfully submitted,
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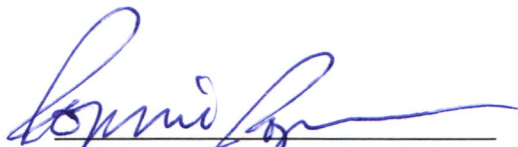
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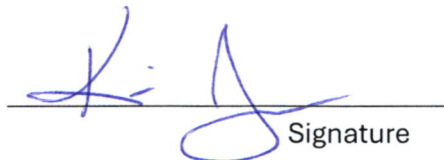
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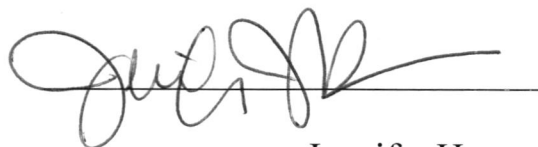
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