

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

**GET LOUD ARKANSAS, et al.**

**Plaintiffs,**

**Case No. 5:24-cv-05121-TLB**

**v.**

**JOHN THURSTON, et al.**

**Defendants.**

**ANSWER OF SEPARATE DEFENDANT BECKY LEWALLEN**

Separate Defendant Becky Lewallen (hereinafter referred to as “Defendant”) hereby answers Plaintiffs’ Complaint for Declaratory Relief and Injunctive Relief (hereinafter referred to as the “Complaint”). Any allegation that is not specifically admitted is denied. As to the numbered paragraphs of the Complaint, the Defendant answers as follows:<sup>1</sup>

**INTRODUCTION**

1. Defendant admits that she was initially informed that she could accept voter registration applications with a digital signature and that the Attorney General issued an opinion regarding this matter; however, she lacks sufficient information or knowledge of the remaining allegations, and therefore denies the same.

2. Defendant admits that on or about February 28, 2024, she was advised by the Secretary of State to not accept voter registration applications executed by electronic

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<sup>1</sup> The headings herein are recreated from Plaintiff’s Complaint and are included for the purposes of organization and clarity only. Further, the headings are material to which no response is required; to the extent a response is required, it is denied.

signature; however, she lacks sufficient information or knowledge of the remaining allegations, and therefore denies the same.

3. Defendant denies the allegation that the denial of an electronic signature is a suppressive tactic of any voters. Defendant further states that the Civil Rights Act of 1964 and the United States Code Congressional and Administrative News (“USCCAN”) speak for themselves. Otherwise, denied.

4. The report on the U.S. Commission on Civil Rights speaks for itself. Otherwise, denied.

5. Denied.

6. Denied.

### **JURISDICTION & VENUE**

7. Defendant admits that the Plaintiffs brought this action pursuant to 42 U.S.C. §§1983, 1988 and 52 U.S.C. § 10101. Defendant further admits that this Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343. Otherwise, denied.

8. Admitted.

9. Admitted.

10. Admitted.

### **PARTIES**

11. Defendant lacks sufficient information or knowledge and therefore denies.

12. Defendant lacks sufficient information or knowledge and therefore denies.

13. Defendant lacks sufficient information or knowledge and therefore denies.

14. Defendant lacks sufficient information or knowledge and therefore denies.

15. Defendant lacks sufficient information or knowledge and therefore denies.

16. Defendant lacks sufficient information or knowledge and therefore denies.

17. Defendant lacks sufficient information or knowledge and therefore denies.

18. Defendant lacks sufficient information or knowledge and therefore denies.

19. Defendant lacks sufficient information or knowledge and therefore denies.

20. Defendant admits that Sharon Brooks, Jamie Clemmer, Bilenda Harris-Ritter, William Luther, James Harmon Smith, III, and Jonathan Williams serve as Commissioners on the State Board of Election Commissioners (hereinafter referred to as the “Board”) for the State of Arkansas. Defendant further admits that John Thurston is the Secretary of State and is an ex officio member of the Board. Defendant admits that these defendants are sued in their official capacities. The Arkansas Code Annotated and the Constitution of Arkansas speak for themselves. Otherwise, denied.

21. Defendant admits that Betsy Harrell, Becky Lewallen, and Terri Hollingsworth serve as the County Clerks for Benton County, Washington County, and Pulaski County, respectively, and are sued in their official capacities. The Arkansas Code Annotated and the Constitution of Arkansas speak for themselves. Otherwise, denied.

## **GENERAL ALLEGATIONS**

### **I. Registering to vote in Arkansas**

22. The referenced portion of the Arkansas Constitution and the case law speak for themselves. Otherwise, denied.

23. The referenced Amendment to the Arkansas Constitution and the case law speak for themselves. Otherwise, denied.

24. The referenced Amendment to the Arkansas Constitution speaks for itself. Otherwise, denied.

25. The referenced Amendment to the Arkansas Constitution speaks for itself. Otherwise, denied.

26. The referenced Amendment to the Arkansas Constitution speaks for itself. Otherwise, denied.

27. The referenced Amendment to the Arkansas Constitution speaks for itself. Otherwise, denied.

**II. Arkansas's low rates of voter registration and participation.**

28. Defendant lacks sufficient information or knowledge and therefore denies.

29. Defendant lacks sufficient information or knowledge and therefore denies.

30. Defendant lacks sufficient information or knowledge and therefore denies.

**III. GLA develops a successful online tool to help Arkansans register to vote.**

31. Defendant lacks sufficient information or knowledge and therefore denies.

32. Defendant lacks sufficient information or knowledge and therefore denies.

33. Defendant lacks sufficient information or knowledge and therefore denies.

34. Defendant lacks sufficient information or knowledge and therefore denies.

35. Defendant lacks sufficient information or knowledge and therefore denies.

36. Defendant lacks sufficient information or knowledge and therefore denies.

37. Defendant lacks sufficient information or knowledge and therefore denies.

38. Defendant lacks sufficient information or knowledge and therefore denies.

39. Defendant lacks sufficient information or knowledge and therefore denies.

40. Defendant lacks sufficient information or knowledge and therefore denies.

41. Defendant lacks sufficient information or knowledge and therefore denies.

**IV. The Secretary of State confirms that GLA's online tool complies with Arkansas law.**

42. Defendant admits that electronic signatures have become more common and acknowledges that voters may register to vote at an Arkansas Department of Motor

Vehicle office with an electronic signature. Otherwise, Defendant lacks sufficient information or knowledge and therefore denies.

43. Defendant lacks sufficient information or knowledge and therefore denies.

44. Defendant lacks sufficient information or knowledge and therefore denies.

45. Defendant lacks sufficient information or knowledge and therefore denies.

46. Defendant lacks sufficient information or knowledge and therefore denies.

47. Defendant lacks sufficient information or knowledge and therefore denies.

48. Defendant lacks sufficient information or knowledge and therefore denies.

**V. The Secretary of State reverses course and advises county clerks to reject applications with electronic signatures.**

49. Defendant lacks sufficient information or knowledge and therefore denies.

50. Defendant admits that the Secretary of State sent her a letter dated February 28, 2024 and that the letter speaks for itself. Otherwise, Defendant lacks sufficient information or knowledge and therefore denies.

51. The referenced letter speaks for itself. Otherwise, Defendant lacks sufficient information or knowledge and therefore denies.

52. Defendant lacks sufficient information or knowledge and therefore denies.

53. Defendant admits that she received an email from Lindsey French on March 8, 2024 and that the email speaks for itself.

54. Defendant lacks sufficient information or knowledge and therefore denies.

55. Defendant admits that the Attorney General's office issued an opinion dated April 10, 2024 and that the opinion speaks for itself. Otherwise, denied.

56. Defendant lacks sufficient information or knowledge and therefore denies.

57. Defendant admits that the SBEC adopted an emergency rule (hereinafter referred to as the “SBEC Rule”) on April 23, 2024 and that the rule speaks for itself.

58. Defendant lacks sufficient information or knowledge and therefore denies.

59. Defendant lacks sufficient information or knowledge and therefore denies.

60. The referenced Amendment to the Arkansas Constitution and emergency rule speak for themselves.

61. Admitted.

**VI. Qualified Arkansas voters, including Plaintiffs Nikki Pastor and Blake Loper, have had their voter registration applications rejected due to the wet signature rule.**

62. Defendant admits that the voter registration submitted with an electronic signature for Nikki Pastor was rejected. Otherwise, Defendant lacks sufficient information or knowledge as to the remaining allegations and therefore denies. Pleading affirmatively, Defendant states that her office did mail paper voter registration applications to any applicant whose electronic signature was rejected so they could register to vote.

63. Defendant lacks sufficient information or knowledge and therefore denies.

64. Defendant admits that a voter application with an electronic signature was submitted to her office. Otherwise, Defendant lacks sufficient information or knowledge as to the remaining allegations and therefore denies.

65. Defendant admits that Pastor’s application with an electronic signature was rejected and that Pastor remains unregistered. Pleading affirmatively, Defendant states that she mailed a voter registration to Pastor on April 4, 2024 that has not been returned. Otherwise, denied.

66. Defendant lacks sufficient information or knowledge and therefore denies.

67. Defendant lacks sufficient information or knowledge and therefore denies.
68. Defendant lacks sufficient information or knowledge and therefore denies.
69. Defendant lacks sufficient information or knowledge and therefore denies.
70. Defendant lacks sufficient information or knowledge and therefore denies.
71. Defendant lacks sufficient information or knowledge and therefore denies.
72. Defendant lacks sufficient information or knowledge and therefore denies.

**VII. GLA and VDO are harmed by the wet signature rule.**

73. Defendant lacks sufficient information or knowledge and therefore denies.
74. Defendant lacks sufficient information or knowledge and therefore denies.
75. Defendant lacks sufficient information or knowledge and therefore denies.
76. Defendant lacks sufficient information or knowledge and therefore denies.
77. Defendant lacks sufficient information or knowledge and therefore denies.
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80. Defendant lacks sufficient information or knowledge and therefore denies.
81. Defendant lacks sufficient information or knowledge and therefore denies.
82. Defendant lacks sufficient information or knowledge and therefore denies.
83. Defendant lacks sufficient information or knowledge and therefore denies.
84. Defendant lacks sufficient information or knowledge and therefore denies.

**CLAIM FOR RELIEF**

**COUNT I**

**Materiality Provision of the Civil Rights Act of 1964**  
**52 U.S.C. § 10101(a)(2)(B); 42 U.S.C. §§ 1983, 1988; 28 U.S.C. §§ 2201, 2022**

85. The Defendant incorporates by reference the responses to numbered paragraphs 1 through 84 of the Complaint.

86. The United States Code speaks for itself.

87. The United States Code speaks for itself. Otherwise, denied.

88. The Arkansas Constitution speaks for itself.

89. The United States Code speaks for itself. Otherwise, denied.

90. The United States Code speaks for itself. Otherwise, denied.

91. Denied.

### **PRAYER FOR RELIEF**

WHEREFORE, the Defendant further denies that the Plaintiffs are entitled to any relief pursuant to the Complaint.

### **AFFIRMATIVE DEFENSES**

1. Plaintiffs' Complaint fails to state a claim upon which relief can be granted.

2. Plaintiffs lack standing.

3. Plaintiffs' Complaint fails to allege sufficient facts showing they are entitled to the requested relief.

4. Plaintiffs' claims are not justiciable.

5. The SBEC Rule does not violate the United State Constitution, the Constitution of the State of Arkansas, or Arkansas law.

6. The SBEC Rule serves and is supported by rational, legitimate, and compelling state interests, including but not limited to preserving the integrity of the elections in Arkansas.

7. The SBEC Rule does not discriminate against or disparately impact anyone based on race or age.



8. Defendants have not deprived Plaintiffs, or any Plaintiff, of any constitutional rights under color of law.

9. Defendant may be subject to absolute immunity, qualified immunity, or sovereign immunity.

10. There is no basis for an award of attorney's fees or costs to Plaintiffs in this action.

11. Defendant raises the above defenses so they will not be waived and reserves the right to add defenses that may become apparent during discovery or to dismiss those which may later show not to apply.

WHEREFORE, the Defendant prays that the Plaintiffs' Complaint be dismissed and for any and all other just and proper relief to which she is entitled.

Respectfully submitted,

BECKY LEWALLEN, In her official capacity as  
Washington County Clerk

By: /s/ Brian R. Lester  
Brian R. Lester  
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**CERTIFICATE OF SERVICE**

I hereby certify that, on July 2, 2024, a copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system.

/s/ Brian R. Lester  
Brian R. Lester

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