

**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.

**BRIEF IN SUPPORT OF SEPARATE DEFENDANT'S RESPONSE TO
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Plaintiffs' bring this action challenging the requirement that applicants submit an original signature, or "wet signature" when registering to vote in Arkansas. Get Loud Arkansas ("GLA") claims to have developed an online tool that would allow applicants to register to vote in Arkansas from a smart device or computer. GLA claims that allowing applicants to ability to register to vote in this manner would boost voter registration for young and minority voters. Tellingly, GLA doesn't explain why young and minority voters are disadvantaged by traditional voter registration methods. The Plaintiffs' Motion for Preliminary Injunction centers around the materiality provision of the Civil Rights Act of 1964.

The Court must consider four factors in determining whether to grant a motion for preliminary injunction: "(1) the threat of irreparable harm to the movant; (2) the state of the balance between this harm and the injury that granting the injunction will inflict on other parties litigant; (3) the probability that movant will succeed on the merits; and (4) the public interest." *Home Instead, Inc. v. Florance*, 721 F.3d 494, 497 (8th Cir. 2013)

“While no single factor is determinative, the probability of success factor is the most significant.” *Id.*

GLA fails to meet its burden in showing the probability that it will succeed on the merits. The instrument used by an applicant to attest to their qualifications as a voter carries significant weight. The State has a substantial interest in assuring that the person signing the voter registration form is the person they claim to be – specifically, that they are a U.S. citizen and a resident of the State of Arkansas. A person must attest, under penalty of perjury, to, *inter alia*, these requirements when registering to vote by signing their voter registration. The act of physically signing and attesting to the requirement to vote “carries a solemn weight that merely submitting an electronic image of one’s signature via an application does not.” *Vote.org v. Byrd*, 2023 WL 7169095, at *6 (N.D.Fla. Oct. 30, 2023) (citing *Vote.org v. Callanen*, 39 F.4th 297, 308 (5th Cir. 2022)).

The requirement for a wet signature on voter registration forms “advances voter integrity..., and, under the totality of the circumstances, makes such a signature a material requirement.” *Vote.org v. Callanen*, 89 F.4th 459, 489 (5th Cir. 2023).

For the foregoing reasons, the Court should deny the Plaintiffs’ request for a preliminary injunction.

Respectfully submitted,

BECKY LEWALLEN, In her official capacity as
Washington County Clerk

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

I hereby certify that, on July 25, 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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