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OCT - 4 2024

TERRY HAWKINS
CIRCUIT CLERK

IN THE CIRCUIT COURT OF CRITTENDEN COUNTY, ARKANSAS

SHIRLEY P. BROWN and LAVONDA TAYLOR

PETITIONERS

V.

CASE NO. 18 CV-2024-894

FRANK BARTON, ANITA BELL, and JAMES PULLIAUM in their official capacity
As the CRITTENDEN COUNTY BOARD OF ELECTION COMMISSIONERS;
And CRITTENDEN COUNTY

RESPONDENTS

NOTICE OF APPEAL

Respondents, Frank Barton, Anita Bell and James Pulliaum, in their official capacity as The Crittenden County Board of Election Commissioners, hereby give notice of their appeal from that part of the Final Order and Writ of Mandamus entered on September 30, 2024, by the Circuit Court of Crittenden County, Arkansas' findings "as to those portions of plaintiff's petition (as amended by ARCP 15(b)), and as to those portions of plaintiff's amended petition relative to early voting in the 2024 General Election in Crittenden County at Seventh Street Church of Christ in West Memphis " and the Circuit Court specific finding "that Ark. Code Ann §7-5-418 clearly and unambiguously grants County Clerk, Paula Brown, the authority to designate Seventh Street Church of Christ in West Memphis an early voting for the 2024 election and she clearly unambiguously made that decision; "and from the Circuit Court of Crittenden County, Arkansas's alternate finding " that this statutory grant of authority to County Clerk is separate and distinct from grant of authority given to Commission in Ark. Code Ann §7-5-418(b)(1). As a result, if the Court were compelled to conduct statutory construction analysis, the only way to properly harmonize the two subsections is to find that while each deal with the same subject

matter each have separate objects and purposes. Additionally, and in the alternative, even if the language in the statute was ambiguous, the Court would interpret the statute as granting County Clerk Paul Brown the authority to conduct early voting outside the county courthouse independent of the Commission based on the clear legislative intent expressed in the history of the statute. The Court also finds that Defendants' argument that §7-5-401(c) somehow modifies, alters or impliedly repeals a county clerk's otherwise clear grant of authority in Ark. Code Ann §7-5-418(a)(1)(A) is misplaced; and, in fact, the Court would also find, in the alternative, that Ark. Code Ann. §7-5-401(c) is actually complimentary to Ark. Code Ann. §7-5-418(a)(1)(A) and is itself an expression of the Arkansas Legislature's intent to grant county clerks the right to conduct early voting outside the courthouse independent of a county board of election commission.

These respondents also appeal from that part of the Circuit Court of Crittenden County, Arkansas Final Order and Writ of Mandamus entered on September 30, 2024, that "orders and directs the Commission Defendants to conduct early voting at the Seventh Street Church of Christ in West Memphis for the 2024 General Election in the same or substantially the same manner as early voting was conducted at First Baptist Church (West Memphis) for the 2022 General Election. The Commission Defendants shall conduct the early voting ordered herein and shall, in all ways, comply with all applicable Arkansas law concerning voting by the citizens of Crittenden County applicable to early voting including, without limitation, Ark. Code. Ann. §§7-5-211;7-5-202;7-5-416;7-5-418;7-5-413; and 7-5-107 together with all applicable rules, regulations and guidance promulgated by the State Board of Election Commissioners not in conflict with this Order. To the extent any rule, regulation or guidance of the State Board of Election Commission is in conflict with this Order, this Order shall control".

Respondents designate the entire content of the record on appeal including Circuit Court Clerk's record and transcript of entire hearing conducted on September 23, 2024 and September 25, 2024 and

state these respondents/appellants have ordered the entire transcript and made financial arrangements with the court reporter pursuant to Ark. Code Ann. §16-13-510(c).

Respondents/ appellants state their appeal is to the Arkansas Supreme Court pursuant to Rule 1-2(a)(4) of the Rules of the Arkansas Supreme Court and Court of Appeals pertaining to elections and election procedures.

Respondents/appellants abandon any pending but unresolved claim.

Respondents/Appellants

BY 

Joe M. Rogers (69068)

Counsel for Frank Barton, Anita Bell and James Pulliaum, in their Official Capacity as the Crittenden County Board of Election Commissioners

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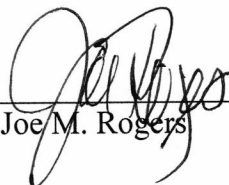
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer was served upon the following attorney (s) by emailing a copy, as follows:

Jennifer A. Waymack Standerfer
jenniferwaymack@sbcglobal.net

this 4th day of October, 2024.


Joe M. Rogers