

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

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

Respectfully submitted,

Pro Se, Names to Follow

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Interest of *Amici Curiae*

1. We the People of Arkansas watched our legislature pass 890 new laws in 2023. Many of the laws did not benefit the People, and some were not in alignment with the rights guaranteed in our State Constitution. Though our representatives and senators are supposed to represent us, we often feel we have no voice or ability to stop them from passing laws that strip us of the liberty guaranteed in our State Constitution. The only recourse we have when the legislature passes unjust laws is this Court, and in this instance, we stand as one, alongside a suit that aims to protect our rights that the legislature has impeded.

2. This case specifically challenges two of the laws passed that severely hinder the ability of We the People to act upon the first power reserved by and for the People. Given the People of Arkansas suffer the greatest injury if this Court does not grant a permanent injunction of Ark. Code Ann. § 7-9-107 and § 7-9-126(e), the *Amici Curiae* is of most importance.

The Reasons the Amicus Brief is Necessary

3. The official Motto of Arkansas is *Regnat Populus*, “the People rule.” When the legislature creates laws that are intended to impede our rights and destroy the powers we have reserved for ourselves, we must act.

4. In Federalist 78, Alexander Hamilton wrote,

...A constitution is, in fact, and must be regarded by the judges as, a fundamental law. It therefore belongs to them to ascertain its meaning as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, to be preferred; or, in other words, the Constitution ought to be preferred to the statute, the intention of the people to the intention of their agents.

5. The movant has read the briefs of the appellant and appellee, and the amicus brief is necessary to address the following issues: Arkansas Code Ann. § 7-9-107 and § 7-9-126(e) effectively trample our ability to accomplish the first power reserved by the People, the initiative. We agree with the petitioners' constitutional challenges regarding 1) the Sufficiency Clause of Article 5, § 1 and 2) the statute requiring signatures from at least fifty counties instead of at least fifteen. We the People have, in the past, endeavored to accomplish the initiative and failed due to several reasons including added restraints by the legislature, yet the legislature unconstitutionally added more restraints in 2023. Their new tactics to destroy the initiative create such an immense barrier that it is imperative that We the People stand as one and let our voices be heard on this matter. With the acceptance of this amicus brief, we pray the Court will hear our voice, in agreement with the petitioners, and witness our plea to eliminate these unconstitutional laws.

CERTIFICATE OF SERVICE

I certify that the foregoing has been filed on _____,
in person, and I will provide a copy to all counsel of record.

Jennifer Hansen

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

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,
Pro Se, Names to Follow

CERTIFICATE OF SERVICE

I certify that the foregoing has been filed on _____,
in person, and I will provide a copy to all counsel of record.

Jennifer Hansen

CERTIFICATE OF COMPLIANCE

As required by ASCR 4-6(f), I certify that this brief complies with Administrative Order No. 19's requirements concerning confidential information, Administrative Order No. 21, Section 9's requirement that briefs not contain hyperlinks to external papers or websites, and the word-count limit in ASCR 4-6(g) in that it contains 749 words, excluding the cover, table of contents, certificate of service, and certificate of compliance.

Jennifer Hansen