

# ARKANSANS FOR LIMITED GOVERNMENT

July 11, 2024

The Honorable John Thurston  
Arkansas Secretary of State  
State Capitol  
501 Woodlane Avenue  
Suite 526  
Little Rock, AR 72201

***VIA EMAIL (ARSOS@SOS.ARKANSAS.GOV) AND HAND DELIVERY***

**Re: Response to Your Letter of July 10, 2024**

Dear Secretary Thurston,

Arkansans for Limited Government (“AFLG”) is a Sponsor of the initiative petition for the Arkansas Abortion Amendment of 2024. AFLG has received your letter dated July 10, 2024, wherein you claim that AFLG has failed to comply with the statutory requirements contained in Ark. Code Ann. § 7-9-111(f)(2), leading you to “reject” AFLG’s submission. Contrary to your claim, AFLG met the requirements of Ark. Code Ann. § 7-9-111(f)(2). Additionally, this letter explains that you have unlawfully rejected the petition parts in question. Finally, the letter explains that, regardless of your erroneous position that the petition parts from paid canvassers should not be counted, you have failed to fulfill your duty to perform an initial count of all signatures submitted by AFLG, and you must continue counting.

The text of § 7-9-111(f)(2) states, in full:

If signatures were obtained by paid canvassers, the person filing the petitions under this subsection shall also submit the following:

(A) A statement identifying the paid canvassers by name;  
and

(B) A statement signed by the sponsor indicating that the sponsor:

(i) Provided a copy of the most recent edition of the Secretary of State’s initiatives and referenda handbook to each paid canvasser before the paid canvasser solicited signatures; and

(ii) Explained the requirements under Arkansas law for obtaining signatures on an initiative or referendum petition to each paid canvasser before the paid canvasser solicited signatures.

In compliance with § 7-9-111(f)(2), AFLG submitted to you on June 27, 2024, the enclosed Sponsor Affidavit that meets these requirements. Specifically, the Sponsor Affidavit attached a list

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that identified paid canvassers by name and contained a statement, signed by AFLG, indicating that AFLG provided those paid canvassers with a copy of the most recent edition of the Secretary of State's initiatives and referenda handbook and explained the requirements under Arkansas law for obtaining signatures on an initiative or referendum. In addition, even if the Sponsor Affidavit had failed to meet the statutory requirements in some technical way, AFLG's compliance efforts with respect to § 7-9-111(f)(2) are abundant, well-documented, and repeatedly acknowledged by your office, which is required to file and preserve AFLG's submissions. Ark. Code Ann. § 7-9-123. Further, on July 5, in compliance with § 7-9-111(f)(2)(A), AFLG submitted to you again a list of all 266 paid canvassers, which your staff explicitly told AFLG was not required. AFLG also on July 5 submitted 266 affidavits, signed by each individual canvasser, affirming that AFLG provided them the information required by § 7-9-111(f)(2)(B). In drafting the paid canvasser affidavits, AFLG copied the exact language of a sample affidavit provided by your office to AFLG. These materials had already been provided to you, and were only provided again in an abundance of caution, even against the insistence of your staff that some of this information was not required.

Your letter fails to specify in what manner AFLG failed to comply with the plain language of the statute, leaving AFLG to guess at your reasoning. AFLG therefore submits a new statement, enclosed with this letter, restating its compliance with the requirements of § 7-9-111(f)(2). This "correction" is explicitly permissible in this scenario. Indeed, the title of § 7-9-111 reads, "Determination of sufficiency of petition—Corrections." Based on this language, AFLG presumes that your letter offers AFLG an opportunity to correct pursuant to § 7-9-111(d) and/or Arkansas Constitution Article 5 § 1. AFLG avails itself of this opportunity by submitting the enclosed statement and accompanying documentation.

Additionally, your rejection of petition parts defies the statute. The law is clear that petition parts can only be excluded from the initial count for a limited number of reasons. Section 7-9-126(b) provides the exclusive and exhaustive list of reasons for rejecting a petition part for initial counting purposes. You do not allege that the petitions submitted by AFLG are deficient in any of the ways listed in § 7-9-126(b). Further, § 7-9-111 does not have a "do not count" penalty associated with it, a point that you yourself made to the Arkansas Supreme Court in response to an effort to disqualify a ballot initiative. *See* Respondent's Brief and Supplemental Addendum, at Arg. 5, *Benca v. Martin*, No. CV-16-785 (Ark. Oct. 12, 2016). As you also pointed out in that brief, "the express designation of a 'do not count' penalty in other subsections of the Arkansas Code . . . indicates that the absence of such a provision in 7-9-111 was an intentional omission." AFLG agrees. Because the alleged deficiency you point out is not associated with a "do not count" penalty, and because you have not alleged that AFLG is deficient in any of the ways outlined in § 7-9-126(b), you must count the paid canvasser petition parts, or, at a minimum, allow AFLG the opportunity to correct.

Finally, regardless of your erroneous position that the paid canvasser petition parts should not be counted, you have a duty to count every signature on every other petition part. Your July 10 letter makes clear that you relied upon AFLG's representation regarding the total number of signatures collected, not your own count. AFLG's conservative, internal signature count has no bearing on your independent duty as the official charged with verifying signatures to perform an initial count of all signatures. *See* Ark. Code Ann. § 7-9-126(a). You must continue counting.

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**LIMITED GOVERNMENT**

For the reasons detailed above, please confirm as soon as possible, and no later than Monday, July 15, that the submission of the initiative petition facially contains the required number of signatures and that your office is proceeding to verify *all* of the submitted signatures, including those contained on petition parts from paid canvassers.

Sincerely,



Lauren Cowles  
Executive Director  
Arkansans for Limited Government

cc: Mr. Josh Bridges (via email only – [josh.bridges@sos.arkansas.gov](mailto:josh.bridges@sos.arkansas.gov))  
Ms. Leslie Bellamy (via email only – [leslie.bellamy@sos.arkansas.gov](mailto:leslie.bellamy@sos.arkansas.gov))

Enclosures:

Affidavit of Sponsor Regarding Additional Paid Canvassers, dated June 27, 2024  
Sponsor Statement regarding compliance with Ark. Code Ann. § 7-9-111(f)(2) (with paid canvasser list)

**Affidavit of Sponsor Regarding Additional Paid Canvassers**

STATE OF ARKANSAS

COUNTY OF PULASKI

Having been duly sworn, the undersigned hereby states and affirms under oath as follows:

I, Allison Clark, state under oath the following:

1. I make the following statements based upon my own personal knowledge.
2. I am over the age of 18, of sound mind, and otherwise qualified to make this affidavit.
3. I am providing this affidavit on behalf of and at the direction of Arkansans For A Limited Government a Ballot Question Committee and Sponsor of an initiative petition popularly known as THE ARKANSAS ABORTION AMENDMENT 2024
4. I am the Controller of Verified Arkansas LLC ("VA"), a company hired by Arkansans For Limited Government to provide canvassing services. As part of its responsibilities, VA hires, trains and manages paid canvassers who are employees of VA.
5. The Sponsor has provided each Paid Canvasser listed on the attached Exhibit A a copy of the most recent edition of the Secretary of State's Initiatives and Referenda Handbook.

6. The Sponsor has explained to each Paid Canvasser listed on Exhibit A the Arkansas law applicable to obtaining signatures on an initiative or referendum petition.

7. The Sponsor is submitting herewith as Exhibit A a list of additional Paid Canvassers' names and current residential addresses to the Arkansas Secretary of State.

8. The Sponsor has instructed each Paid Canvasser listed on Exhibit A to provide sufficient information of the Paid Canvasser's identity to allow the Sponsor to obtain the criminal history and criminal record of the Paid Canvasser within thirty (30) days before the date that the Paid Canvasser will begin to collect signatures.

9. The Sponsor has obtained the criminal history and criminal record of each Paid Canvasser listed on Exhibit A.

10. Where indicated by such criminal history or criminal record, the Sponsor has contacted the appropriate authority in the state or jurisdiction if a criminal history or criminal record indicates an open or pending matter if that open matter would be a disqualifying offense.

11. The Sponsor has obtained at Sponsor's cost, from the Division of Arkansas State Police a current criminal history and criminal record search on each Paid Canvasser being registered with the Arkansas Secretary of State.

12. The criminal history and criminal record search for each Paid Canvasser was obtained from the Division of Arkansas State Police within 30 days before the date the Paid Canvasser will begin collecting signatures.

13. The Sponsor agrees that it will not pay or offer to pay a Paid Canvasser on a basis related to the number of signatures obtained on a statewide initiative petition or statewide referendum petition.

14. The Sponsor certifies that each Paid Canvasser in the Sponsor's employ has no disqualifying offenses.

15. The Sponsor is herewith submitting as Exhibit B to the Secretary of State each additional Paid Canvasser's signed statement that they have not pleaded guilty or nolo contendere to or been found guilty of any of the following offenses in any state of the United States, the District of Columbia, Puerto Rico, Guam, or any other United State protectorate:

- i. A felony;
- ii. Violation of election laws;
- iii. Fraud;
- iv. Forgery;
- v. Counterfeiting;
- vi. Identity Theft;
- vii. A crime of violence, including assault, battery or intimidation;
- viii. Harassment;
- ix. Terroristic threatening;
- x. A sex offense, including sexual harassment;
- xi. A violation of the drug and narcotics laws;
- xii. Breaking and entering;
- xiii. Trespass;
- xiv. Destruction or damage of property;
- xv. Vandalism;
- xvi. Arson; or
- xvii. A crime of theft, including robbery, burglary, and simple theft or larceny.

Dated this 27 day of June, 2024.

Arkansans For Limited Government



Allison Clark

ACKNOWLEDGMENT

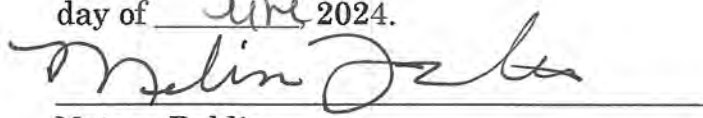
STATE OF ARKANSAS

COUNTY OF Pulaski

On this the 27 day of June, 2024, before me, a Notary Public, duly commissioned, qualified and acting within the aforesaid State and County, appeared in person the within named Allison Clark to me personally well known, who stated and acknowledged that he had so signed, executed and delivered the foregoing instrument for the consideration, uses, and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this 27

day of June 2024.

  
Notary Public

My Commission Expires:  
4/16/34



**SPONSOR STATEMENT REGARDING  
COMPLIANCE WITH ARK. CODE ANN. § 7-9-111(f)(2)**

I, Lauren Cowles, being duly sworn, depose and say as follows:

1. I am over the age of 18, am competent to testify, and have personal knowledge of the facts and information set forth in this statement.

2. I am providing this statement, in the form of an affidavit, on behalf of Arkansans for Limited Government (“AFLG”), a Ballot Question Committee and a Sponsor of the initiative petition popularly known as the Arkansas Abortion Amendment of 2024.

3. I am the Executive Director of AFLG. As part of my responsibilities in that role, I worked with Verified Arkansas LLC (“VA”), a company AFLG hired to provide canvassing services related to the Arkansas Abortion Amendment of 2024. As part of its responsibilities, VA hires, trains, and manages paid canvassers who are employees of VA.

4. VA employed 266 paid canvassers to perform canvassing services for AFLG related to the Arkansas Abortion Amendment of 2024. AFLG submitted to the Secretary of State’s office on a rolling basis lists containing the names of the paid canvassers. AFLG submitted, in total, 19 lists to the Secretary of State, each subsequent list cumulative of the previous list, with the final list containing the names of all 266 paid canvassers.

5. AFLG submitted the final list containing the names of all 266 paid canvassers to the Secretary of State’s office electronically on July 4, 2024, and in hard copy on July 5, 2024.

6. Another copy of the list containing the names of all 266 paid canvassers is attached hereto at **Exhibit A**. There have been no additions or deletions to this list since it was submitted to the Secretary of State on July 4 and July 5, 2024.



7. For each of the 266 paid canvassers, AFLG provided a copy of the most recent edition of the Secretary of State’s initiatives and referenda handbook before the paid canvasser solicited signatures.

8. For each of the 266 paid canvassers, AFLG explained the requirements under Arkansas law for obtaining signatures on an initiative or referendum petition before the paid canvasser solicited signatures.

9. AFLG required each paid canvasser to sign an affidavit attesting, among other things, that AFLG provided the paid canvasser a copy of the most recent edition of the Secretary of State’s initiatives and referenda handbook and that AFLG explained the requirements under Arkansas law for obtaining signatures on an initiative or referendum petition. Each paid canvasser acknowledged these facts and signed the affidavit before they began soliciting signatures.

10. As evidence of AFLG’s compliance with Ark. Code Ann. § 7-9-111(f)(2), petition parts containing signatures solicited by a paid canvasser do not contain signatures that predate that paid canvasser’s affidavit.

11. When AFLG filed the petition with signatures with the Secretary of State on July 5, 2024, AFLG submitted hard copies of all 266 paid canvasser affidavits to the Secretary of State’s office.

12. AFLG also submitted, on a rolling basis with the lists of paid canvassers, sponsor affidavits attesting to AFLG’s compliance with the requirements of Ark. Code Ann. § 7-9-111(f)(2). AFLG submitted, in total, 17 sponsor affidavits to the Secretary of State.

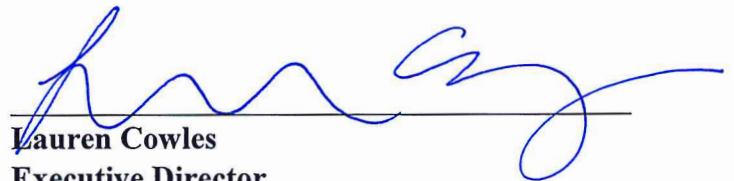
13. AFLG submitted 2 final lists of paid canvassers to the Secretary of State’s office on June 29 and July 4, 2024. AFLG did not submit sponsor affidavits with the final 2 lists of paid

canvassers because the Secretary of State's office told VA that sponsor affidavits were not required with each submission of paid canvasser names.

14. During the initiative petition process, AFLG worked in good faith and cooperated with the Secretary of State's office. AFLG relied on representations regarding compliance from officials at the Secretary of State's office. When AFLG filed the petition with signatures with the Secretary of State on July 5, 2024, members of the Secretary of State's office led AFLG to believe that no additional steps or compliance measures were necessary to allow the Secretary of State to determine the facial validity of the petition.

I declare under penalty of perjury that the foregoing is true, complete, and correct.

Executed on: 7.11.24



**Lauren Cowles**  
**Executive Director**  
**Arkansans for Limited Government**

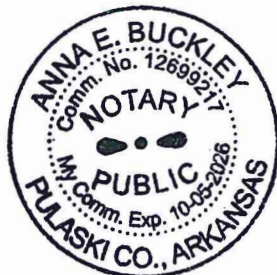
STATE OF ARKANSAS )  
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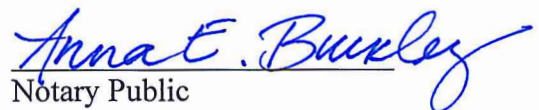
**ACKNOWLEDGMENT**

Subscribed and sworn before me, Anna E. Buckley, the undersigned Notary Public, within and for the above County and State, on July 11, 2024.

My commission expires:

10/5/2026



  
Notary Public