

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

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JENNIFER LANCASTER, DAVE ELSWICK, JIMMIE CAVIN, STEPHANIE DUKE, JAN MORSE, JOHN MORSE, KIM BOUGUISE, MARK BOUGUISE, RANDY SAMS, MARLA SAMS, CODIE CRUMPTON, ANGELA ROSS, CAROL TESSIER, KELLY McELHANEY, EUGENE JAMISON, COTY POWERS, TERRY KELLUM, KEITH KELLUM, DR. ANITA WELLS, KANDI COX, LINDA MARSH, SAM MARSH AND ALFORD DRINKWATER

PLAINTIFFS

vs. 2:24-cv-00161

JOHN THURSTON, IN HIS OFFICIAL CAPACITY AS SECRETARY OF STATE AND AS

CHAIRMAN OF STATE BOARD OF ELECTION COMMISSIONERS, and JOSEPH WOOD, CHAIRMAN AND EXECUTIVE DIRECTOR OF THE RPA

DEFENDANTS

MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs, by and through their undersigned counsel, respectfully move this Honorable Court for the entry of a Preliminary Injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure.

1. The certification of electors must be filed by the Chair of the Convention, Mrs. Jennifer Lancaster, by 9/15/2024. The RPA has submitted a certification of electors. See Exhibit "A." The RPA rules committee has concluded that Mrs. Lancaster's authority has ended, See Exhibit "B," yet they have requested Mrs. Lancaster sign a certification. Thus, Plaintiffs seek an injunction to prevent the Defendants from violating their constitutional rights and from failing to adopt, recognize, and enforce the rules and

platform changes adopted by the Republican Party of Arkansas ("RPA") at its State Convention on June 8, 2024. Plaintiffs are duly elected delegates to the 2024 Republican Party of Arkansas State Convention. The law requires Mrs. Lancaster to certify the RPA slate of electors- not Joe Wood and Julie Harris . But Joe Wood and Julie Harris have purported to certify the slate of electors. See Exhibit "A." Currently, the RPA has asked Mrs. Lancaster to certify the slate of electors, even though the convention has not adjourned, and the RPA Rules Committee has concluded that her authority ended on 6/8/2024. Mrs. Lancaster is unwilling to certify a slate of electors without clear legal authority and without assurances that the RPA will abide by the law and the convention. Otherwise, Mrs. Lancaster may be accused of acting *ultra vires*.

2. The Republican Party of Arkansas held its State Convention on June 8, 2024, at which time the delegates lawfully voted to adopt changes to the party's rules and platform, including a decision to close the Republican primaries to non-party members and a requirement for candidates to register as Republicans before running as the party's candidate.

3. The Republican Party of Arkansas's leadership, including Joseph Wood, Chairman and Executive Director of the RPA, and the State Executive Committee, have refused to acknowledge and implement the rules and platform changes adopted by the convention delegates. See Advisory opinion attached as Exhibit "B."

4. Defendants John Thurston, in his capacity as Secretary of State of Arkansas and Chairman of the State Board of Election Commissioners, along with other officials, have similarly failed to comply with the legal requirements arising from the convention's actions, including closing the Republican primary elections.

5. A party seeking a preliminary injunction must show:

- a. A likelihood of success on the merits;
- b. A likelihood of suffering irreparable harm in the absence of the requested relief;
- c. The balance of equities favors the party seeking the injunction; and
- d. An injunction is in the public interest.

6. Plaintiffs will demonstrate that the actions taken at the June 8, 2024, State Convention were lawful and in accordance with the RPA's rules and bylaws.

7. The refusal of the RPA's leadership and State Executive Committee to recognize and implement the decisions made at the convention violates state law (Ark. Code Ann. § 7-3-101) and infringes on Plaintiffs' constitutional rights to free speech and association. As a result, Ms. Lancaster is hesitant to certify the slate of electors in light of Joe Wood and Julie Harris' illegal certification and the RPA's advisory opinion that she is without authority to act. See Exhibits "A" and "B."

8. Defendants' failure to close the Republican primary elections as required by the convention violates both Arkansas law and the United States Constitution, specifically the First and Fourteenth Amendments.

9. Without the Court's intervention, Plaintiffs will suffer irreparable harm. The refusal to implement the convention's decisions, including closing the primaries and altering the party's rules, deprives Plaintiffs of their constitutional rights and threatens the integrity of the electoral process.

10. The continued failure to adopt the new rules also jeopardizes Plaintiffs' ability to fully participate in the upcoming election cycle, which could render them ineligible to influence critical decisions regarding party governance and candidate selection.

11. The balance of equities favors Plaintiffs, as they seek only to enforce the decisions lawfully made at the State Convention and to protect their fundamental rights.

12. The harm to Defendants in complying with these lawful changes is minimal, as they are legally obligated to recognize and enforce the rules adopted by the convention.

13. It is in the public interest to ensure that political parties are governed in accordance with their rules and that constitutional rights to free speech and association are protected.

14. The public has a vested interest in the fair administration of elections and the transparent adherence to party rules, particularly when such rules directly affect the electoral process.

WHEREFORE, Plaintiffs respectfully request that this Court grant the following relief:

1. Issue a preliminary injunction requiring Defendants to:

a. Recognize and implement the rules and platform changes adopted by the RPA at its State Convention on June 8, 2024, including the closing of Republican primaries to non-party members and the new candidate registration requirements;

b. Take immediate steps to ensure that the rules and platform changes are published and adhered to in all relevant party and election procedures, including an Order that declares the convention has been recessed and that Ms. Lancaster is authorized to certify the electors because the Convention has not been adjourned;

c. Refrain from any further actions that undermine or nullify the decisions made at the convention.

2. Such other and further relief as this Court deems just and proper.

WHEREFORE the plaintiffs pray this Honorable Court enter a declaratory judgment in their favor as requested above; enjoin the defendants from violating their rights and the law; that this court should issue an order compelling the defendants to comply with the law by closing the Republican Party's primaries; that this court should issue an order compelling the defendants to comply with the law by adopting or otherwise accepting the rules and platform changes adopted on June 8, 2024, for an Order declaring and directing Ms. Jennifer Lancaster to certify the lawful electors to the Arkansas Secretary of State, for attorney's fees and costs; and for all other just and proper relief.

Respectfully submitted,

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