

**IN THE ARKANSAS SUPREME COURT
AN ORIGINAL ACTION**

**BONNIE MILLER, Individually and on
Behalf of ARKANSAS VOTERS
FIRST and OPEN PRIMARIES ARKANSAS,
BALLOT QUESTION COMMITTEES**

PETITIONERS

Vs.

No: CV-20-454

**JOHN THURSTON, in his capacity as
Arkansas Secretary of State**

RESPONDENT

**ARKANSANS FOR TRANSPARENCY,
A BALLOT QUESTION COMMITTEE, and
JONELLE FULMER, Individually and on
Behalf of ARKANSANS FOR TRANSPARENCY**

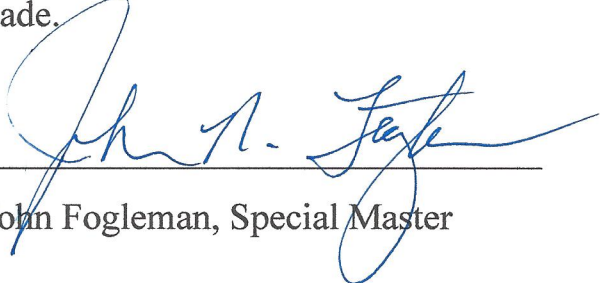
INTERVENORS

**SPECIAL MASTER'S REPORT ADDRESSING INTERVENORS'
OBJECTIONS TO AND MOTION FOR RECONSIDERATION**

In view of the time limits imposed by the Supreme Court and the objections raised by Intervenors, your special master did not see a necessity of delaying addressing these objections and motion until Respondent and Petitioners' had an opportunity to respond. The special master finds as follows:

1. Although the Special Master may not have specifically stated that Petitioners' had the burden of proof, the burden of proof was squarely on Petitioners' to prove that any signatures culled were culled in error;
2. Petitioners' produced proof through copies of the relevant petition parts which were stipulated to be authentic by all parties and used these petition parts to prove that Respondent erroneously culled certain petition parts from the face of those petition parts; (Joint Exhibit 2, Joint Stipulations)
3. The special master considered this sufficient proof to establish by a preponderance of the evidence of the matters contained within those petition parts;
4. If either Respondent or Intervenor had other evidence (the original petition parts) that would show something different or clearer than the copies it was incumbent upon them to produce this countervailing proof
5. The burden of proof was upon Petitioners' and carried that burden of proof;
6. As to the fifteen (15) county requirement, the Petitions were not rejected because of any issue related to the number of counties from which the signatures were obtained; and
7. The attorney for the Respondent was not aware if the Secretary had actually made a count by counties and stated that his client did not provide that as a reason to reject the Petitions; (Tr. Vol. 4 pg 640)
8. As to the evidence disqualifying certain canvassers, the issues raised by Intervenors are all legal questions which are beyond the scope of the special master's authority and adequate findings were made for the Supreme Court to address any relevant issue if it chooses to.

The Special Master stands by his Final Report and finds no basis for reconsidering his findings previously made.



John Fogleman, Special Master