

SUPREME COURT OF ARKANSAS

No. 12-713

NANCY TODD, INDIVIDUALLY AND
AS NANCY TODD'S POKER PALACE
AND ENTERTAINMENT VENUES, LLC
PETITIONERS

V.

MARK MARTIN, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF STATE
OF THE STATE OF ARKANSAS
RESPONDENT

V.

CHUCK LANGE
INTERVENOR

Opinion Delivered October 4, 2012

PETITION FOR REVIEW OF
SECRETARY OF STATE'S
SUFFICIENCY DETERMINATION

PETITION MOOT.

DONALD L. CORBIN, Associate Justice

Petitioners Nancy Todd, Individually and as Nancy Todd's Poker Palace and Entertainment Venues, LLC, petition this court for review of a determination by Respondent Mark Martin, in his official capacity as the Secretary of State of the State of Arkansas, that a proposed ballot title that would allow casino gaming in certain Arkansas counties was insufficient. This court allowed Chuck Lange, a registered voter who challenged the sufficiency of the ballot title, to intervene. This action was initially filed as an original action, pursuant to amendment 7 of the Arkansas Constitution wherein Todd petitioned this court for issuance of a writ of mandamus, as well as a review, pursuant to Ark. Code Ann. § 7-9-503 (Repl. 2011), of Martin's determination that the submitted ballot title was insufficient.

The request for mandamus was rendered moot when Martin certified the ballot title to the county board of election commissioners. Thus, our jurisdiction to proceed is pursuant to Ark. Code Ann. § 7-9-505 (Repl. 2011), which allows this court to review sufficiency determinations by the Secretary of State. Because of today's opinion in *Walmsley v. Martin*, 2012 Ark. 370, 423 S.W.3d 587, however, it is not necessary for us to review the sufficiency question as it is now moot.

Petition moot.

Williams & Anderson PLC, by: *Peter G. Kumpe* and *Jess L. Askew III*, for petitioners.

The Asa Hutchinson Law Group, PLC, by: *Asa Hutchinson*, for respondent.

Wright, Lindsey & Jennings LLP, by: *Stephen R. Lancaster*, *Justin T. Allen*, and *Jane A. Kim*, for intervenor.