

SUPREME COURT OF ARKANSAS

No. CV-18-715

RANDY ZOOK, INDIVIDUALLY
AND ON BEHALF OF ARKANSANS
FOR A STRONG ECONOMY, A
BALLOT QUESTION COMMITTEE
PETITIONER

V.

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

KRISTIN FOSTER, INDIVIDUALLY
AND ON BEHALF OF ARKANSANS
FOR A FAIR WAGE
INTERVENOR

Opinion Delivered: September 6, 2018

AN ORIGINAL ACTION: MOTION
TO APPOINT SPECIAL MASTER,
EXPEDITE SCHEDULING, HEAR
ORAL ARGUMENT, GRANT
LEAVE TO TAKE DEPOSITIONS,
AND SHORTEN DISCOVERY
RESPONSE TIMES

MOTION FOR APPOINTMENT OF
SPECIAL MASTER GRANTED;
MOTION FOR EXPEDITED
SCHEDULING ORDER GRANTED;
MOTION TO INTERVENE
GRANTED.

PER CURIAM

Respondent, Mark Martin, Arkansas Secretary of State, certified a proposed initiated act with the popular name, “An Act to Increase the Arkansas Minimum Wage” to be placed on the November 6, 2018, general election ballot. On September 4, 2018, petitioner, Randy Zook, individually and on behalf of Arkansans for a Strong Economy, a ballot question committee, filed an original action in this court pursuant to article 5, section 1 of the Arkansas Constitution, as amended by amendment 7 to the Arkansas Constitution, challenging the proposed initiated act, and requests an order declaring the ballot measure

legally insufficient. Petitioner also filed a motion for appointment of special master, for an expedited scheduling order, motion for oral argument, and for leave of court to take depositions and shorten discovery deadlines. Respondent filed a response to the original-action petition as well as a response to the motion for appointment of special master, for an expedited scheduling order, motion for oral argument, and for leave of court to take depositions and shorten discovery deadlines.

Petitioner seeks to enjoin respondent from placing the measure on the ballot. Specifically, petitioner asserts that the sponsor of the proposed initiated act failed to comply with mandatory provisions of Arkansas Code Annotated sections 7-9-601 et seq. (Repl. 2018). Kristin Foster, individually and on behalf of Arkansans For a Fair Wage, a ballot question committee and sponsor of the proposed initiated act, has filed a motion to intervene in this action.

As an initial matter, we grant the motion to intervene. Further, this original action raises issues of fact. Arkansas Supreme Court Rule 6-5(c) (2017) provides that evidence on issues of fact will be taken by a special master to be appointed by this court. Therefore, we appoint the Honorable Sam Bird as special master and direct him to conduct such proceeding, and hearings subject to, and in accordance with, Rule 6-5(b) and Arkansas Rule of Civil Procedure 53 (2017), as are necessary to determine the questions of fact contained in the petition.

We further direct the special master to file his report with this court by September 24, 2018. In the discharge of his duties, the special master has the authority to address the parties' discovery motions. This court has routinely required parties to post a bond in

original actions brought under amendment 7 when a master is appointed. *See Stephens v. Martin*, 2014 Ark. 402 (per curiam). Respondent, as the State of Arkansas, is not subject to the payment of costs. *See id.* Petitioner and intervenor are both directed to file a bond to be approved by our clerk in the amount of \$5,000 to secure payment for costs adjudged against them incurred in taking and transcribing proof, including the special master's fee.

We grant petitioner's motion for expedited consideration and we set the expedited briefing schedule as follows: Simultaneous briefs are due by 4:30 p.m. on October 1, 2018; simultaneous reply briefs are due by 4:30 p.m. on October 8, 2018. Motion for oral argument denied.

It is so ordered.