

# ARKANSAS SUPREME COURT

## PROCEEDINGS OF AUGUST 20, 2020

### PER CURIAM ORDERS

CR-20-469. Corey Michael Duffy v. State of Arkansas, from Benton County Circuit Court. Petitioner's expedited petition for writ of mandamus and/or writ of certiorari and request for temporary relief to stay circuit court proceedings. Expedited consideration granted; petition for writ of mandamus granted; motion for stay moot. Wood, J., would amend our June 11, 2020 per curiam opinion, *In Re Response to the COVID-19 Pandemic*, 2020 Ark. 249, to eliminate the parties' agreement provision for video-conferencing voir dire in criminal cases, hold the petition moot, and hold the motion for stay moot. Womack, J., would order a writ of prohibition to stop the voir dire over the defendant's objection and give the circuit court discretion to either move forward with in-person voir dire on schedule if they are able to do so in compliance with the regulations or, alternatively, to continue the case to a later date while tolling speedy trial. (Proceedings of July 27, 2020).

CV-20-136. Arkansans for Healthy Eyes, a Ballot Question Committee; and Vicki Farmer, Individually and on Behalf of Arkansans for Healthy Eyes v. John Thurston, Arkansas Secretary of State; Safe Surgery Arkansas, a Ballot Question Committee; and Laurie Barber, M.D., Individually and on Behalf of Safe Surgery Arkansas. Motion of the League of Women Voters of Arkansas and Arkansas Voters First to file brief amici curiae is granted. Kemp, C.J., and Wood and Womack, JJ., would deny. (Proceedings of August 11, 2020).

CV-20-454. Bonnie Miller, Individually and on Behalf of Arkansas Voters First and Open Primaries Arkansas, Ballot Question Committees v. John Thurston, in His Capacity as Arkansas Secretary of State; Arkansans for Transparency, a Ballot Question Committee; and Jonelle Fulmer, Individually and on Behalf of Arkansans for Transparency, an Original Action. Petitioners' motion to expedite and for preliminary injunction granted; motion to intervene granted; special master appointed; briefing schedule set. Wood, J., not participating in the motion to intervene. (See **per curiam** issued July 24, 2020).

CV-20-454. Bonnie Miller, Individually and on Behalf of Arkansas Voters First and Open Primaries Arkansas, Ballot Question Committees v. John Thurston, in His Capacity as Arkansas Secretary of State; Arkansans for Transparency, a Ballot Question Committee; and Jonelle Fulmer, Individually and on Behalf of Arkansans for Transparency, an Original Action. Petitioners' second amended consolidated original action complaint and motion to expedite and refer additional matters to the special master. Motion to expedite granted; count 2 of the second amended complaint referred to the special master. Count 3 bifurcated and briefing commenced. Womack, J., would moot all requests for an injunction or a cure period as they have been addressed by

previous orders and would dismiss count 3 over issues of ripeness and lack of a necessary party. (Proceedings of July 28, 2020).

## ARKANSAS SUPREME COURT

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CV-20-466. In Re Caleb Conrad, an Original Action. Petitioner's emergency petition for alternatives to a July bar exam in Arkansas. Expedited consideration granted; emergency petition for alternative to a July bar exam in Arkansas denied. Kemp, C.J., and Wood, J., would deny in part and grant in part. (Proceedings of July 24, 2020).

CV-20-470. Arkansas Wins in 2020, Inc. v. John Thurston, in His Official Capacity as Secretary of State and in His Official Capacity as Chairman of the Arkansas State Board of Election Commissioners; Sharon Brooks, James Harmon Smith III, Bilenda Harris-Ritter, Charles Roberts, William Luther, and James Sharp, in Their Official Capacities as Commissioners of the Arkansas State Board of Election Commissioners; Protect Arkansas Communities, a Ballot Question Committee; and Allison White, Individually and on Behalf of Protect Arkansas Communities, an Original Action. Petitioner's original action petition for expedited review, declaratory judgment and for writ of mandamus. Petitioner's motion for expedited consideration, temporary injunction, and immediate appointment of a master. Expedited consideration granted; special master appointed; temporary injunctive relief granted; motion to intervene granted. Kemp, C.J., and Womack, J., would deny certification. Wood, J., would deny certification and further expedite the matter; not participating in the motion to intervene. (See **per curiam and concurring in part and dissenting in part opinion** issued July 31, 2020).

CV-20-470. Arkansas Wins in 2020, Inc. v. John Thurston, in His Official Capacity as Secretary of State and in His Official Capacity as Chairman of the Arkansas State Board of Election Commissioners; Sharon Brooks, James Harmon Smith III, Bilenda Harris-Ritter, Charles Roberts, William Luther, and James Sharp, in Their Official Capacities as Commissioners of the Arkansas State Board of Election Commissioners; Protect Arkansas Communities, a Ballot Question Committee; and Allison White, Individually and on Behalf of Protect Arkansas Communities, an Original Action. Petitioner's amended original action petition for expedited review, declaratory judgment and for writ of mandamus. Expedited consideration granted. Intervenors' motion for leave to file reply to motion to intervene is moot. Intervenors' motion for bifurcation and separate briefing on count 2 is granted. Womack, J., would further expedite briefing. (Proceedings of August 5, 2020).

**ARKANSAS SUPREME COURT**

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CV-20-470. Arkansas Wins in 2020, Inc. v. John Thurston, in His Official Capacity as Secretary of State and in His Official Capacity as Chairman of the Arkansas State Board of Election Commissioners; Sharon Brooks, James Harmon Smith III, Bilenda Harris-Ritter, Charles Roberts, William Luther, and James Sharp, in Their Official Capacities as Commissioners of the Arkansas State Board of Election Commissioners; Protect Arkansas Communities, a Ballot Question Committee; and Allison White, Individually and on Behalf of Protect Arkansas Communities, an Original Action. Petitioner's motion to non-suit pursuant to Rule 41 granted; all intermediate orders vacated. Petitioner's second amended original action petition for expedited review, declaratory judgment and for writ of mandamus moot. Intervenors' motion to vacate and incorporated brief moot. (Proceedings of August 10, 2020).

**ARKANSAS SUPREME COURT**

**PROCEEDINGS OF AUGUST 20, 2020**

**CASES SUBMITTED**

CV-20-454. Bonnie Miller, Individually and on Behalf of Arkansas Voters First and Open Primaries Arkansas, Ballot Question Committees v. John Thurston, in His Official Capacity as Arkansas Secretary of State and Chair of the State Board of Election Commissioners; Arkansas State Board of Election Commissioners; Arkansans for Transparency, a Ballot Question Committee; and Jonelle Fulmer, Individually and on Behalf of Arkansans for Transparency, an Original Action.