

Cite as 2024 Ark. 120

SUPREME COURT OF ARKANSAS

No. CV-24-492

Opinion Delivered: August 9, 2024

JENNIFER MCGILL, INDIVIDUALLY
AND ON BEHALF OF THE
ARKANSAS CANVASSING
COMPLIANCE COMMITTEE; AND
CHEROKEE NATION
ENTERTAINMENT, LLC
PETITIONERS

AN ORIGINAL ACTION

V.

JOHN THURSTON, IN HIS OFFICIAL
CAPACITY AS ARKANSAS
SECRETARY OF STATE
RESPONDENT

LOCAL VOTERS IN CHARGE, A
BALLOT QUESTION COMMITTEE;
AND JIM KNIGHT, INDIVIDUALLY
AND ON BEHALF OF LOCAL
VOTERS IN CHARGE
INTERVENORS

MOTION TO EXPEDITE GRANTED;
MOTION TO INTERVENE
GRANTED; BIFURCATION
ORDERED; SPECIAL
MASTER APPOINTED; BRIEFING
SCHEDULE SET; MOTION FOR
ORAL ARGUMENT DENIED.

PER CURIAM

On August 1, 2024, petitioners Jennifer McGill, individually and on behalf of the Arkansas Canvassing Compliance Committee; and Cherokee Nation Entertainment, LLC, filed an original action in this court pursuant to article 5, section 1 of the Arkansas Constitution, as amended by amendment 7 of the Arkansas Constitution, for an order to invalidate a proposed initiated constitutional amendment. On July 31, 2024, respondent,

John Thurston, Arkansas Secretary of State, certified a proposed initiated constitutional amendment with the popular name “An Amendment Requiring Local Voter Approval in Countywide Special Election for Certain New Casino Licenses and Repealing Authority to Issue a Casino License in Pope County, Arkansas” to be placed on the November 5, 2024 general-election ballot. Petitioners contend that respondent’s certification was invalid and assert two counts. In Count I, petitioners allege that the number of signatures collected is insufficient once invalid signatures are removed from respondent’s count. In Count II, petitioners allege that the popular name and ballot title are insufficient. Petitioners also moved to appoint a special master, bifurcate proceedings, expedite scheduling, impose a briefing schedule, grant leave to take depositions, shorten discovery response times, and hear oral argument. In response, respondent filed an answer to the original-action petition as well as a response to the petitioner’s motion. Local Voters in Charge (LVC), a ballot question committee and sponsor of the proposed amendment; and Jim Knight, individually and on behalf of LVC moved to intervene in this action.

We grant expedited consideration of the petition and grant the motion to intervene. Further, we order bifurcation of Counts I and II, and we set separate briefing schedules as follows. Count I raises issues of fact; therefore, we appoint the Honorable Randy Wright as special master to resolve the factual disputes raised in the petition. In the discharge of his duties, the special master has the authority to address the parties’ discovery motions. The special master’s report shall be filed no later than September 9, 2024. As to Count I, the petitioners’ brief is due September 16, 2024; respondent’s and intervenors’ briefs due September 23, 2024; and reply brief due September 26, 2024. Regarding Count II, the

petitioners' brief is due August 16, 2024; respondent's and intervenors' briefs due August 23, 2024; and reply brief due August 28, 2024.

This court has routinely required parties to post a bond in original actions brought under amendment 7 when a special master is appointed. *Arkansans for Healthy Eyes v. Thurston*, 2020 Ark. 129 (per curiam). Respondent, the State of Arkansas, is not subject to the payment of costs. *See id.* Therefore, petitioners and intervenors are both directed to file a bond to be approved by the clerk of this court in the amount of \$5,000 to secure payment of costs adjudged against them in taking and transcribing proof, including the special master's fee.

Motion for oral argument denied.

It is so ordered.

WOOD, J., would grant the motion for oral argument.

WOMACK and HILAND, JJ., would postpone a decision on the motion for oral argument until after receipt of the special master's report.