

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

LEAGUE OF WOMEN VOTERS OF ARKANSAS,
et al.,

Plaintiffs,

and

PROTECT AR RIGHTS, et al.

Intervenor Plaintiffs,

v.

COLE JESTER, in his official capacity as
Secretary of State of Arkansas,

Defendant.

CIVIL ACTION NO. 5:25-CV-5087

**DEFENDANT'S MOTION FOR
PARTIAL STAY PENDING APPEAL**

For his motion for partial stay, Defendant, the Secretary of State,¹ states:

1. The Court granted Plaintiffs and Intervenors a preliminary injunction, enjoining the Secretary of State from enforcing six laws that protect the citizen-initiative process and effectively enjoining the Secretary from complying with a seventh law (the Arkansas Freedom of Information Act) that neither Plaintiffs nor Intervenors challenged. *See* Doc. 50, at 75.
2. Defendant seeks a partial stay of the Court's preliminary injunction or order pending appeal related to Act 240's photo-ID requirement, Act 241's post-circulation affidavit, and the READ Act.
3. In short, the Court's order is based on incorrect interpretations of Arkansas law, misstatements of fact, and erroneous legal conclusions. Defendant is likely to succeed on appeal.
4. The harm caused by the Court's order is ongoing and incurably infecting the petition process.
5. Plaintiffs and Intervenors will not be substantially harmed by a stay, and any harm certainly does not outweigh Defendant's likelihood of success on the merits. Defendant's irreparable harm, and the public interest being harmed by the Court's order.
6. If the Court does not rule on this motion by Tuesday, December 9, 2025, Defendant will be compelled to move for stay pending appeal before the Eighth

¹ The Court's order dismissed Attorney General Tim Griffin. Doc. 50, at 74. This filing will thus consistently use the singular "Defendant" for the reader's ease.

Circuit to prevent (or at least halt) the irreparable harm to the ballot-initiative process, Arkansans, and the State.

7. A brief is being filed contemporaneously with this motion and is incorporated by reference.

WHEREFORE, Defendant respectfully requests that the Court grant this motion for partial stay pending appeal.

Respectfully submitted,

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