



IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JAN 18 2022

TAMMY H. DOWNS, CLERK

By: _____
PLAINTIFF DEP CLERK

BARRY HAAS

v.

No. 4:22-cv-36-LPR

KRISTI STAHR, IN HER CAPACITY AS
CHAIRWOMAN OF THE PULASKI COUNTY
BOARD OF ELECTION COMMISSIONERS;
DAVID SCOTT, IN HIS CAPACITY AS
COMMISSIONER OF THE PULASKI COUNTY
BOARD OF ELECTION COMMISSIONERS; AND
SUSAN INMAN, IN HER CAPACITY AS
COMMISSIONER OF THE PULASKI COUNTY
BOARD OF ELECTION COMMISSIONERS

This case assigned to District Judge Rudofsky
and to Magistrate Judge Harris

DEFENDANTS

**BARRY HAAS'S COMPLAINT FOR A PERMANENT INJUNCTION
AND DECLARATORY RELIEF**

Plaintiff Barry Haas ("Mr. Haas"), for his complaint against Kristi Stahr ("Stahr"),
Chairwoman of the Pulaski County Board of Election Commissioners (the "Board"), and David
Scott ("Scott") and Susan Inman ("Inman"), Commissioners of the Board, states:

PARTIES, JURISDICTION, AND VENUE

1. Mr. Haas is a citizen of Arkansas and domiciled in Pulaski County, Arkansas.
2. Kristi Stahr is the Chairwoman of the Board and a citizen of Pulaski County.
3. David Scott is a Commissioner of the Board and a citizen of Pulaski County.
4. Susan Inman is a Commissioner of the Board and a citizen of Pulaski County.
5. This Court has personal jurisdiction over the parties.
6. This Court has federal-question jurisdiction over the subject matter of this action
under 28 U.S.C. § 1331.
7. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1) and (2).

FACTS

8. Mr. Haas has been an election official for approximately 20 years.
9. He has served in various positions as an election official, including chief election judge for one of the busiest polling places in Pulaski County, absentee ballot clerk, and poll worker.
10. During his 20 years of service, no one has filed an election-related complaint against Mr. Haas.
11. Mr. Haas's commitment to the right to vote extends back more than 50 years.
12. In 1966, Mr. Haas swore an oath to the U.S. Constitution when he enlisted in the United States Air Force and served on a nuclear missile launch crew with a secret security clearance.
13. Mr. Haas enlisted to serve this country, its people, and the rights enshrined in our Constitution, including the right to vote.
14. In early September 2021, Absentee Chief Judge Jill Dunlap asked Mr. Haas if he would be willing to serve as an absentee ballot clerk for the September 14, 2021 special Little Rock tax election.
15. Mr. Haas had previously attended the requisite training for absentee ballot clerks.
16. Mr. Haas had previously served as an absentee ballot clerk in November 2020.
17. Mr. Haas told Ms. Dunlap that he would be willing to serve.
18. On September 7, 2021, the Board held a meeting where it, in part, intended to approve and appoint election officials.
19. Mr. Haas was not at the meeting.

20. During the meeting, the Commissioners reviewed a list of potential election officials.

21. After reviewing the list, Chairwoman Stahr immediately objected to Mr. Haas's inclusion on the list.

22. Chairwoman Stahr claimed that Mr. Haas was refusing to follow Arkansas's voter-identification law that requires photographic identification.

23. When Commissioner Inman asked Chairwoman Stahr to specify her issue with Mr. Haas, Chairwoman Stahr identified three issues she had with Mr. Haas.

24. First, she did not like that Mr. Haas had challenged the constitutionality of an Arkansas voter-identification law that required photographic identification.

25. Second, she did not like that Mr. Haas disagrees with Arkansas's current voter-identification law that requires photographic identification.

26. Third, Chairwoman Stahr claimed that Mr. Haas had been stating that he would not uphold the law while serving as an election official.

27. Commissioner Inman asked Chairwoman Stahr when she had heard Mr. Haas say that he would not follow Arkansas's voter-identification law that requires photographic identification.

28. Chairwoman Stahr then claimed that within a month or two of the meeting she had read Mr. Haas's statements on social media in which he supposedly said that he would not uphold Arkansas's laws.

29. Contrary to Chairwoman Stahr's claims, Mr. Haas has never stated that he would not uphold Arkansas's laws.

30. Mr. Haas does not operate or maintain social media.

31. In the past, Mr. Haas has posted comments to the Arkansas Times blog, but he has made no comments there about refusing to comply with the voter-identification law that requires photographic identification.

32. Mr. Haas has never urged anyone to disregard any Arkansas voter-identification law—current or former.

33. Mr. Haas has always upheld the law while serving as an election official.

34. Mr. Haas had even recently served as an election official in the November 2020 election without issue.

35. None of this mattered to the Board.

36. Because of Chairwoman Stahr's baseless objections, the Board struck Mr. Haas's name from the list, and Mr. Haas was not allowed to serve in the September 14, 2021 special election.

37. The Board never gave Mr. Haas an opportunity to dispute the claims Chairwoman Stahr leveled against him.

COUNT 1 – 42 U.S.C. § 1983
FIRST AMENDMENT DISCRIMINATION

38. Chairwoman Stahr and Commissioners Scott and Inman unconstitutionally discriminated against Mr. Haas based on his political and ideological views.

39. Before the Commission's decision to not appoint Mr. Haas, Mr. Haas challenged in court Arkansas's voter-identification law that required photographic identification because he believed the law was unconstitutional and bad policy.

40. Then, in 2021, Chairwoman Stahr and Commissioners Scott and Inman refused to appoint Mr. Haas as an election official based on his political and ideological affiliations.

41. One reason the Board refused to appoint Mr. Haas was because of his participation in a lawsuit challenging the constitutionality of Arkansas's voter-identification law that required photographic identification.

42. Another reason the Board refused to appoint Mr. Haas was because of his policy disagreements with Arkansas's current voter-identification law that requires photographic identification.

43. A substantial or motivating factor in the Board refusing to appoint Mr. Haas was because of these political and ideological beliefs about Arkansas's voter-identification law that required photographic identification.

44. The Board left unmentioned Mr. Haas's unmarked 20-year tenure as an election official.

45. Chairwoman Stahr and Commissioners Scott and Inman violated Mr. Haas's First Amendment rights.

46. Mr. Haas seeks a permanent injunction against Chairwoman Stahr and Commissioners Scott and Inman, enjoining them from violating his First Amendment free-speech rights.

47. Mr. Haas seeks a declaratory judgment that refusing to appoint him as an election official based on his political engagement and views is a First Amendment violation of his free-speech rights.

COUNT 2 – 42 U.S.C. § 1983
FIRST AMENDMENT RETALIATION

48. Arkansas's voter-identification law that requires photographic identification is a matter of public concern.

49. In 2018, Mr. Haas voiced concerns with Arkansas's voter-identification law that requires photographic identification.

50. He voiced those concerns in court, challenging the laws' constitutionality, and in various other forums, such as during a speech before the League of Women Voters of Pulaski County.

51. In doing so, Mr. Haas spoke as a citizen.

52. Mr. Haas's protected speech did not have an adverse effect on the Board's efficiency or ability to conduct Pulaski County elections.

53. In fact, Mr. Haas worked as an absentee ballot clerk in November 2020, after he engaged in the allegedly disqualifying speech, and he had no issue following Arkansas's laws.

54. Chairwoman Stahr and Commissioners Scott and Inman cannot establish a permissible ground for refusing to appoint Mr. Haas as an election official.

55. Mr. Haas seeks a permanent injunction against Chairwoman Stahr and Commissioners Scott and Inman, enjoining them from violating his First Amendment free-speech rights.

56. Mr. Haas seeks a declaratory judgment that refusing to appoint him as an election official based on his political engagement and views is a First Amendment violation of his free-speech rights.

COUNT 3 – 42 U.S.C. § 1983
INADEQUATE FIRST AMENDMENT PROCEDURE

57. Chairwoman Stahr and Commissioners Scott and Inman refused to appoint Mr. Haas based, in large part, on Chairwoman Stahr's claim that Mr. Haas was actively touting his intent to violate Arkansas's voter-identification law that requires photographic identification.

58. Chairwoman Stahr said that she had seen Mr. Haas make comments on social media within a couple of months of the meeting about his intent to violate the law.

59. Mr. Haas never made such comments.

60. Mr. Haas does not maintain social media.

61. Mr. Haas has never encouraged people to violate any voter-identification law.

62. The Board did not attempt to confirm or investigate Chairwoman Stahr's claims about Mr. Haas's statements.

63. The First Amendment protects Mr. Haas from the Board's woefully inadequate procedure and investigation into the basis of Chairwoman Stahr's claims about his speech. *See Waters v. Churchill*, 511 U.S. 661 (1994).

64. Mr. Haas seeks a permanent injunction against Chairwoman Stahr and Commissioners Scott and Inman, enjoining them from violating his First Amendment free-speech rights based on the inadequate procedure underlying their refusal to appoint him as an election official.

65. Mr. Haas seeks a declaratory judgment that refusing to appoint him as an election official based on the Board's inadequate procedures to investigate his allegedly disqualifying speech is a First Amendment violation of his free-speech rights.

**COUNT 4 – 42 U.S.C. § 1983
PROCEDURAL DUE PROCESS VIOLATION**

66. Chairwoman Stahr declared at a public meeting of the Board that Mr. Haas wanted to flagrantly violate the law as an election official, letting potential voters vote without complying with Arkansas's voter-identification law that requires photographic identification.

67. None of this was or is true.

68. Yet her statements are stigmatizing because they relate to Mr. Haas's supposed dishonesty, immorality, and criminality.

69. Chairwoman Stahr's statements were made in the course of refusing to appoint Mr. Haas as an election official.

70. Chairwoman Stahr's statements were made during a public Board meeting.

71. Her statements are easily accessible on YouTube.¹

72. Her statements formed the basis of the Board's refusal to appoint Mr. Haas as an election official, even though he has served admirably for almost 20 years.

73. Mr. Haas was never given an opportunity to rebut Chairwoman Stahr's unfounded claims.

74. Mr. Haas seeks a permanent injunction against Chairwoman Stahr and Commissioners Scott and Inman, enjoining them from violating Mr. Haas's due-process rights.

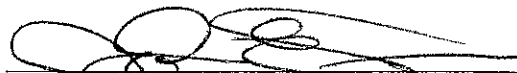
75. Mr. Haas seeks a declaratory judgment that Chairwoman Stahr's public statements were a violation of Mr. Haas's due-process rights and that Mr. Haas is entitled to a name-clearing opportunity.

WHEREFORE, Barry Haas asks this Court to enter a permanent injunction and declaratory judgment against Chairwoman Kristi Stahr and Commissioners David Scott and Susan Inman for violating Mr. Haas's constitutional rights. Mr. Haas further asks this Court to award him attorneys' fees, costs, and expenses, and to provide all other relief to which he is entitled.

¹ <https://www.youtube.com/watch?v=thQlu8v7fPI>.

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