

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS

____ DIVISION

COLT SHELBY

PETITIONERS

V.

CASE NO. __ CV-2025-____

HON. SARAH HUCKABEE SANDERS in her official

RESPONDENTS

capacity as the GOVERNOR OF THE STATE OF

ARKANSAS; and HON. COLE JESTER in his official

capacity as SECRETARY OF STATE

PETITION FOR WRIT OF MANDAMUS, DECLARATORY JUDGMENT,
AND INJUNCTIVE RELIEF

The Plaintiff, Colt Shelby, by and through his attorney, Jennifer A. Waymack Standerfer, submit this Petition against Respondents, Hon. Sarah Sanders in her official capacity as the Governor of the State of Arkansas and Hon. Cole Jester in his official capacity as the Secretary of State, and state and allege:

PARTIES, JURISDICTION, AND VENUE

1. Colt Shelby is a citizen of the United States, a resident of the State of Arkansas, a resident of Cecil in Franklin County Arkansas, at least eighteen (18) years of age, and is lawfully registered to vote. Petitioner brings this Petition as a qualified elector and a taxpayer in Franklin County, Arkansas and Arkansas Senate District 26. **(Exhibit A, Affidavit of Colt Shelby.)**

2. Sarah Huckabee Sanders, in her official capacity, is the Governor of the State of Arkansas has the duty to call a special election to fill a vacancy in the office of State Senator under Ark. Con. Article 5, § 6 and Ark. Code Ann. §§ 7-1-105 and 10-2-118. The Governor's main offices in the State Capitol Building at 500 Woodlane Street, Little Rock, AR 72201.

3. Cole Jester, in his official capacity, is the Arkansas Secretary of State with the duties to accept a "proclamation, ordinance, resolution, order, or other authorized document" calling a special election and transmitting that document to the county board of election commissioners where the special election will be held under Ark. Code Ann. § 7-11-103. The Secretary of State's main offices in the State Capitol Building, Suite 256 at 500 Woodlane Street, Little Rock, AR 72201.

4. Petitioner brings this action seeking declaratory judgment pursuant to the Arkansas Declaratory Judgment Act, Ark. Code Ann. § 16-111-101, et seq., § 7-1-101, § 7-4-107, § 7-4-109, § 7-5-101, and § 7-5-418.

5. Petitioner brings this action seeking injunctive relief pursuant to Ark. Code Ann. §§ 16-113-101, et seq. and Ark. R. Civ. Pro. Rule 65.

6. Petitioner brings this action in mandamus pursuant to Ark. Code Ann. §§ 16-115-101, et seq.

7. This court has subject matter jurisdiction and personal jurisdiction over the issues and persons before it.

8. Venue properly lies in Pulaski County because the cause of action arose in Pulaski County, the Respondents have their main offices in Pulaski County, the state has an interest, and the action is brought against state officers in their official capacities. Ark. Code Ann. §§ 16-60-101, 16-60-103, and 16-60-104.

FACTS

9. Senator Gary Stubblefield was elected and sworn to represent Arkansas Senate, 26th District when he passed away on or about September 2, 2025.

10. Senator Stubblefield's memorial service was held on or about September 13, 2025.

11. Governor Sarah Huckabee Sanders certified the vacancy in office for Arkansas Senate, 26th District on or about September 19, 2025, seventeen (17) days after the vacancy occurred. **(Exhibit B, Governor's Release Announcing Certification of Vacancy.)**

12. Governor Sarah Huckabee Sanders issued the writ of election on or about September 26, 2025, twenty-four (24) days after the vacancy occurred. In the writ of election, the Governor set the special election to fill the vacancy in office of Arkansas Senate, 26th District for November 13, 2026. **(Exhibit C, Governor's Release Announcing Writ of Election.)** This special election date is four hundred thirty-six (436) days after the vacancy occurred.

13. Governor Sarah Huckabee Sanders issued an amended writ of election later in the day on or about September 26, 2025. The amended writ of election designated June 9, 2026 as the date at which the special election to fill the vacancy in office of Arkansas Senate, 26th District will be held. **(Exhibit D, Governor's Release Announcing Amended Writ of Election.)** This special election date is two hundred seventy-nine (279) days after the vacancy occurred.

14. House and Senate Committees of the Arkansas State Legislature continue to meet weekly while not in session on any matter related to state governance. The Governor's designated election schedule prevents the people of Senate District 26 from having representation in these meetings.

15. The General Assembly will officially convene and begin the 2026 Fiscal Session on April 8, 2026, where it will determine how to spend billions of dollars of taxpayer money and set the state budget for the upcoming fiscal year. The Governor's designated election schedule prevents the people of Senate District 26 from having representation at the 2026 Fiscal Session.

CAUSE OF ACTION

16. Petitioner re-alleges the preceding facts set forth in the Petition and incorporate by reference all of the foregoing paragraphs as if fully restated herein.

17. Arkansas Constitution, Article 5, § 6 requires the Governor to issue “writs of election to fill such vacancies as shall occur in either house of the General Assembly”.

18. Ark. Code Ann. § 7-7-105(a)(3)(A) requires the special election to fill the vacancy to be held “on a date as soon as possible after the vacancy occurs” and “not more than one hundred fifty (150) days after the occurrence of the vacancy”.

19. Ark. Code Ann. § 7-7-105(a)(3)(A)(iii) allows the special election to fill the vacancy to be held on a date that is later than one hundred fifty (150) days after the occurrence of the vacancy and “as soon as practicable, if “the Governor determines it is impracticable or unduly burdensome to hold the election within one hundred fifty (150) days”.

20. Ark. Code Ann. § 7-7-203(a) authorizes the Governor to designate the second Tuesday of any month to hold a special election to fill a vacancy in office.

21. Ark. Code Ann. § 10-2-118 requires the Governor to issue the writ of election to fill a vacancy in office “without delay” after the death of any member of the General Assembly if the General Assembly is in recess.

22. Ark. Code Ann. § 10-2-119 requires the Governor to issue the writ of election to fill a vacancy in office “immediately” if the General Assembly is in session.

23. The Uniformed And Overseas Citizens Absentee Voting Act requires ballots to be mailed to overseas voters no later than forty-five (45) days before an election. 52 U.S. Code, Subtitle II, Chapter 203, §§ 20301-20311.

24. Arkansas Constitution, Article 3, § 2 gives the people of Arkansas Senate District 26 the right to “free and equal” elections, and further provides that “no power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage; nor shall any law be enacted whereby such right shall be impaired or forfeited”.

25. Arkansas Constitution, Article 3, § 1 ensures that right to vote for any person who is a United States citizen, a resident of Arkansas, at least eighteen (18) years old, and lawfully registered to vote in the election.

26. Article 1 and the 15th, 19th, 24th, and 26th Amendments of the United States Constitution further secure the right to vote for United States citizens.

27. Arkansas Constitution, Article 5, §§ 1 and 3 guarantee the people legislative representation by their Senator who is chosen by the qualified electors. The Governor has no constitutional or statutory authority to deny them that representation.

28. Arkansas Constitution, Article 4, §§ 1 and 2 separate the legislative and executive departments into distinct departments, enumerate the separation of powers doctrine, and prohibit the Governor from exercising the powers beyond those which she is constitutionally given.

29. “An individual’s right to vote for state legislators is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes of citizens living in other parts of the State.” *Reynolds v. Sims*, 377 U.S. 533 (1964) and *Gaffney v. Cummings*, 412 U.S. 735 (1973).

30. The United States Supreme Court has recognized the fundamental policy goal of “achieving fair and effective representation for all citizens” in the context of apportionment. *Reynolds v. Sims*, 377 U.S. 533 (1964) and *Gaffney v. Cummings*, 412 U.S. 735 (1973).

31. Ark. Code Ann. § 7-11-103 requires the Governor to file the official documents calling the special election with the Secretary of State, and the Secretary of State to transmit those documents to the county boards of election commissioners.

EXPEDITE PROCEEDINGS

32. Petitioner re-alleges the preceding facts set forth in the Petition and incorporates by reference all of the foregoing paragraphs as if fully restated herein.

33. This Petition for Writ of Mandamus, Declaratory Judgment, and Injunctive Relief concerns an election matter, and Petitioners request that this Court set a day to hear and determine the cause no sooner than two (2) and no longer than seven (7) days after the filing of this petition under Ark. R. Civ. Pro. Rule 78.

RESERVATION OF RIGHTS

34. Petitioner reserves the right to assert additional claims in this matter and to amend this Petition as may be appropriate.

RELIEF REQUESTED

35. WHEREFORE, the Petitioner requests that this Court:

A. Declare that the special election to fill the vacancy in Senate District 26 must be filled within one hundred fifty (150) days after the vacancy in office;

B. Issue an order calling the special election to fill the vacancy in Senate District 26 to be held on December 9, 2025, and designating the deadlines required under Ark. Code Ann. § 7-11-102;

C. Order the Secretary of State to transmit the order as the calling document for the special election date to the appropriate county boards of election commissioners; and

D. Grant all other just and proper relief.

Respectfully submitted,

By: /s/ Jen Standerfer

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