

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ARKANSAS  
CIVIL DIVISION

CARL A. REDUS

PLAINTIFF

VS.

CASE NO. CV-2012-502-2

MIKE BEEBE, In His Official Capacity  
As Governor and Chief Executive Officer for the State  
of Arkansas; MARK MARTIN, In His Official  
Capacity as Secretary of State; PATRICIA  
JOHNSON, In Her Official Capacity as Jefferson  
County Clerk; CHRISTIAN "TREY" ASHCRAFT; In His  
Official Capacity as Chairman of the Jefferson  
County Election Commission; STEWART SOFFER, In His  
Official Capacity as County Election Commissioner;  
And SHARA WILLIAMS, In Her Official Capacity as  
Jefferson County Election Commissioner

DEFENDANTS

COMPLAINT FOR DECLARATORY JUDGMENT  
AND FOR TEMPORARY AND PERMANENT INJUNCTION RELIEF

Comes now the Plaintiff, Carl A. Redus, by and through his attorney, McKissic & Associates, PLLC, and as for this Complaint states:

1. That the Court has jurisdiction of the parties and the subject matter of this action.
2. This action arose in Jefferson County within the past year and all parties hereto are residents of the State of Arkansas.
3. That Plaintiff, Carl A. Redus, is the duly elected and serving Mayor of the City of Pine Bluff, Arkansas, and is presently a mayoral candidate in the general election scheduled for November 6, 2012, and is a taxpayer and registered voter residing in Pine Bluff, Jefferson County, Arkansas.

FILED IN MY OFFICE AND SUMMONS  
ISSUED AT 1:00 O'CLOCK PM  
SEP - 5 2012 DATE  
LAFAYETTE WOODS, SR., CLERK  
Laura Woods

4. That separate Defendant, **Mike Beebe**, is sued in his official capacity as **Governor and Chief Executive Officer** for the State of Arkansas, and as such he is charged with the faithful enforcement of all state laws including those laws which govern elections.

5. That separate Defendant, **Mark Martin**, is sued in his official capacity as **Secretary of State** and as such is charged with receiving the returns from the county board of election commissioners and canvassing and certifying the results as provided by law.

6. That separate Defendant, **Patricia Johnson**, is the duly elected and serving **Jefferson County Clerk** and in her official capacity is charged with providing election ballots to qualified voters and the certification of election results to the Secretary of State. That separate Defendant, **Patricia Johnson**, is sued in her official capacity as **Jefferson County Clerk**.

7. That Defendant **Trey Ashcraft** presently serves as **chairman** of the of the **Jefferson County Election Commission** and serves with commissioner **Stewart Soffer** and **Shara Williams** to form the county election commission, which is charged with oversight of elections and the election process in Jefferson County and with certification of election results. That each county election commissioner is sued in their official capacities as **Jefferson County Election Commissioners**.

8. That on November 6, 2012 during the general election, citizens of Pine Bluff will vote to fill the office of mayor,

9. Presently there are nine persons who are certified as candidates on the ballot for the office of mayor in the general election.

10. That prior to completion of the 2010 decennial federal census, the City of Pine Bluff reported a population exceeding Fifty Thousand (50,000) residents.

11. That pursuant to **Arkansas Code Annotated §14-43-303(a)(1)(A)** beginning in 1960 and every four (4) years thereafter, cities of the first class with a population exceeding Fifty Thousand (50,000) residents according to the latest decennial federal census and having a mayor-council forum of government, are directed to hold election for certain designated city elected officials including for the office of Mayor.

12. That the general election cycle for cities meeting the criteria of **Arkansas Code Annotated §14-43-303(a)(1)(A)** would fall in the year 2012.

13. The latest federal decennial census conducted in 2010 reported the population of the city of Pine Bluff to have fallen below fifty thousand, to a population of forty nine thousand, eighty three (49,083) residents, a copy of the federal decennial census is attached hereto as exhibit A.

14. That Pine Bluff is a city of the first class with a population of less than fifty thousand (50,000) and having a mayor-council form of government.

15. **Arkansas Code Annotated §14-43-305** governs the election cycle for the office of mayor in a city of the first class with a mayor-council form of government having a population of less than fifty thousand (50,000). Further, the abovementioned statute mandates that the mayor in cities with a population of less than 50,000 residents serve a four (4) year term.

16. Election for the office of mayor in a city of the first class with less than fifty thousand (50,000) residents is mandated to be held during the mid-term election cycle with the next such mid-term election cycle scheduled for November 2014.

17. **Arkansas Code Annotated §14-43-303(d)** governs election cycles when a city's population status as determined by federal census changes and while a sitting mayor is in the middle of serving a four (4) year term and such term will expire two years prior to the next quadrennial general election cycle as dictated by the increase or decrease of city population status.

18. That pursuant to **Arkansas Code Annotated §14-43-303(d)** the term of the duly elected and serving mayor is to be extended by two years in order that the term of such office is to coincide with the next quadrennial election cycle which in the

present instance would be in the year 2014 for the office of mayor and certain other city officials.

19. Arkansas Code Annotated §14-43-305(a) provides, "The qualified voters of cities of the first class having a population of less than fifty thousand (50,000) and having the mayor-council form of government, on the Tuesday following the first Monday in November of 1970 and every four (4) years thereafter, shall elect a mayor for four (4) years."

20. That an election for the office for mayor of Pine Bluff, if held in November 2012, would be in direct contravention of the plain meaning of Arkansas Code Annotated §14-403-305(a) and (b), and said election would also contravene the intent of Arkansas Code Annotated §14-43-303(d).

21. That Plaintiff would suffer irreparable harm in that Plaintiff would be denied the additional two (2) years conferred upon the incumbent mayor pursuant to the statute and Plaintiff has no adequate remedy at law.

22. Further, both Arkansas Code Annotated §14-43-303 and Arkansas Code Annotated §14-43-305 mandate that the term of office for mayor is four years and makes no provision for two year terms for mayor and other designated city officials.

23. Further, Defendant is likely to succeed on the merits of his claim in that the statute is clear that the Tuesday following the first Monday in November 2014 is correct time to

hold an election for mayor in a mayor-council form of government in a city with a population of less than fifty thousand (50,000) residents. Further, the statute mandates that all elections for mayor shall be for a four (4) year term and makes no provision whatsoever for an election to be held for mayor to serve a two (2) year term.

24. Under the present election cycle, if Plaintiff prevails in his re-election bid in November 2012, he would be required by **Arkansas Code Annotated §14-43-305(a) and (b)** to stand for re-election in the 2014 general mid-term election after only having served in office for two (2) years of a four (4) year term in direct contravention of the said statute.

25. The monetary cost of elections is tens and possibly hundreds of thousands in taxpayer dollars and it would be waste of taxpayer funds to conduct an unlawful and unnecessary election for the office of mayor in 2012, and would violate state election laws, and taxpayers would absorb the cost of a second election in 2014 for city offices.

26. Further, the necessity of an election in 2014 would in effect nullify the votes cast by electors in a 2012 election for city offices to serve four year terms.

27. That the balance between the foregoing irreparable harm and any injury that may be suffered by Defendants if the

temporary restraining order is granted weighs heavily in favor of the Plaintiff.

28. That Plaintiff seeks judicial interpretation and clarification of the meaning of Arkansas Code Annotated §14-43-303 and Arkansas Code Annotated §14-43-305 prior to the November 6, 2012 mayoral election and for a declaratory judgment determining that such statutes apply to the 2012 election and further declaring that the next mayoral election for the City of Pine Bluff be conducted in November 2014.

29. Further, Plaintiff seeks declaratory judgment that the next election cycle for mayor for the City of Pine Bluff is November 2014.

30. Further, Plaintiff seeks temporary and permanent injunction relief enjoining and restraining separate Defendant, Patricia Johnson, from issuing election ballots for the mayoral election for the City of Pine Bluff in 2012, from counting such ballots, or from certifying any election results.

31. Further, Plaintiff seeks injunctive relief enjoining and restraining separate Defendant, Jefferson County Election Commission from conducting the mayoral election for the City of Pine Bluff in November 2012.

32. Finally, Plaintiff seeks injunctive relief enjoining and restraining separate Defendant, Mark Martin, Arkansas Secretary of State from canvassing and certifying election

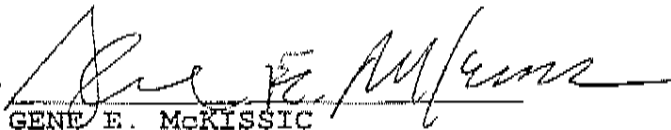
results for a 2012 Pine Bluff Mayor's race as provided by law pursuant to Arkansas Code Annotated §7-7-401.

33. That due to the fact that the election date is only days away, Plaintiff seeks an expedited hearing date on the merits of this action so that a ruling of this matter may be obtained prior to the scheduled election date of November 6, 2012.

**WHEREFORE**, Plaintiff prays for summons to issue notifying Defendants of this action and upon final hearing that the Court issue a temporary and final injunction enjoining and restraining Defendants from conducting election for the City of Pine Bluff office of mayor in November 2012; that such Defendants be enjoined and restrained from counting mayoral election ballots or certifying election results; for declaratory judgment that the next mayoral election for the City of Pine Bluff not occur until November 2014; for cost and legal fees and all other just and proper relief as deemed by the Court.

**McKISSIC & ASSOCIATES, PLLC**  
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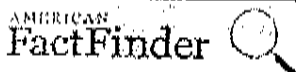
BY:

  
GENE E. McKISSIC





**U.S. Census Bureau**



DP-1 Profile of General Population and Housing Characteristics: 2010  
 2010 Demographic Profile Data

NOTE: For more information on confidentiality protection, nonresponse error, and definitions, see  
<http://www.census.gov/prod/cen2010/doc/dpaf.pdf>.

Geography: Pine Bluff city, Arkansas

Subject	Number	Percent
<b>SEX AND AGE</b>		
Total population	49,083	100.0
Under 5 years	3,586	7.3
5 to 9 years	3,408	6.9
10 to 14 years	3,453	7.0
15 to 19 years	4,241	8.6
20 to 24 years	4,411	9.0
25 to 29 years	3,428	7.0
30 to 34 years	2,938	6.0
35 to 39 years	2,742	5.6
40 to 44 years	2,891	5.9
45 to 49 years	3,182	6.5
50 to 54 years	3,400	6.9
55 to 59 years	2,898	5.9
60 to 64 years	2,397	4.9
65 to 69 years	1,708	3.5
70 to 74 years	1,338	2.7
75 to 79 years	1,080	2.2
80 to 84 years	846	1.7
85 years and over	884	1.8
Median age (years)	33.4	(X)
10 years and over	37,982	77.4
19 years and over	38,881	79.0
21 years and over	38,302	78.0
62 years and over	7,406	15.1
65 years and over	8,068	16.4
<b>Male population</b>		
Under 5 years	1,842	3.8
5 to 9 years	1,782	3.6
10 to 14 years	1,778	3.6
15 to 19 years	2,076	4.2
20 to 24 years	2,139	4.4
25 to 29 years	1,658	3.4
30 to 34 years	1,416	2.9
35 to 39 years	1,305	2.7
40 to 44 years	1,328	2.7
45 to 49 years	1,501	3.1
50 to 54 years	1,614	3.3
55 to 59 years	1,385	2.8
60 to 64 years	1,100	2.3
65 to 69 years	779	1.6
70 to 74 years	561	1.1
75 to 79 years	435	0.9
80 to 84 years	313	0.6
85 years and over	303	0.6
Median age (years)	31.3	(X)



## American FactFinder - Results

Subject	Number	Percent
18 years and over	17,074	35.8
19 years and over	16,853	34.3
21 years and over	15,296	31.2
62 years and over	2,892	6.1
65 years and over	2,386	4.9
<b>Female population</b>		
Under 6 years	25,757	62.4
6 to 8 years	1,744	3.6
9 to 14 years	1,827	3.3
15 to 19 years	1,675	3.4
20 to 24 years	2,185	4.4
25 to 29 years	2,273	4.8
30 to 34 years	1,789	3.6
35 to 39 years	1,523	3.1
40 to 44 years	1,437	2.9
45 to 49 years	1,502	3.1
50 to 54 years	1,881	3.4
55 to 59 years	1,786	3.6
60 to 64 years	1,803	3.3
65 to 69 years	1,281	2.8
70 to 74 years	935	1.9
75 to 79 years	777	1.6
80 to 84 years	645	1.3
85 years and over	633	1.3
85 years and over	691	1.4
<b>Median age (years)</b>		
	35.4	(X)
<b>Male population</b>		
18 years and over	20,408	41.6
19 years and over	19,698	40.1
21 years and over	18,006	36.7
62 years and over	4,414	9.0
65 years and over	3,881	7.5
<b>RACE</b>		
Total population	40,883	100.0
One Race	48,520	98.0
White	10,669	21.8
Black or African American	37,883	75.8
American Indian and Alaska Native	60	0.2
Asian	300	0.6
Asian Indian	82	0.2
Chinese	64	0.1
Filipino	62	0.1
Japanese	6	0.0
Korean	4	0.0
Vietnamese	20	0.0
Other Asian [1]	70	0.1
Native Hawaiian and Other Pacific Islander	4	0.0
Native Hawaiian	1	0.0
Guamanian or Chamorro	0	0.0
Samoan	0	0.0
Other Pacific Islander [2]	3	0.0
Some Other Race	336	0.7
Two or More Races	563	1.1
White; American Indian and Alaska Native [3]	75	0.2
White; Asian [3]	24	0.0
White; Black or African American [3]	242	0.5
White; Some Other Race [3]	20	0.1
<b>Race alone or in combination with one or more other races: [4]</b>		
White	11,111	22.0
Black or African American	37,497	76.4
American Indian and Alaska Native	285	0.6
Asian	371	0.8
Native Hawaiian and Other Pacific Islander	20	0.0
Some Other Race	410	0.9

Subject	Number	Percent
<b>HISPANIC OR LATINO</b>		
Total population	49,983	100.0
Hispanic or Latino (of any race)	712	1.5
Mexican	488	1.0
Puerto Rican	36	0.1
Cuban	11	0.0
Other Hispanic or Latino (5)	168	0.3
Not Hispanic or Latino	48,271	98.5
<b>HISPANIC OR LATINO AND RACE</b>		
Total population	49,983	100.0
Hispanic or Latino	712	1.5
White alone	210	0.4
Black or African American alone	137	0.3
American Indian and Alaska Native alone	0	0.0
Asian alone	2	0.0
Native Hawaiian and Other Pacific Islander alone	0	0.0
Some Other Race alone	300	0.6
Two or More Races	64	0.1
Not Hispanic or Latino	48,271	98.5
White alone	10,489	21.4
Black or African American alone	36,946	75.3
American Indian and Alaska Native alone	0	0.0
Asian alone	306	0.6
Native Hawaiian and Other Pacific Islander alone	4	0.0
Some Other Race alone	38	0.1
Two or More Races	509	1.0
<b>RELATIONSHIP</b>		
Total population	49,983	100.0
In households	46,084	91.0
Householder	18,071	36.8
Spouse (6)	5,658	11.6
Child	14,497	29.5
Own child under 18 years	9,868	20.1
Other relatives	4,652	9.6
Under 18 years	2,416	4.9
65 years and over	376	0.8
Nonrelatives	2,208	4.5
Under 18 years	171	0.3
65 years and over	64	0.1
Unmarried partner	1,108	2.3
In group quarters	3,909	8.1
Institutionalized population	2,512	5.1
Male	1,069	3.8
Female	643	1.3
Noninstitutionalized population	1,407	3.0
Male	680	1.4
Female	607	1.6
<b>HOUSEHOLDS BY TYPE</b>		
Total households	18,071	100.0
Family households (familias) (7)	11,594	64.2
With own children under 18 years	5,200	28.8
Husband-wife family	5,856	31.3
With own children under 18 years	1,617	10.6
Male householder, no wife present	941	6.2
With own children under 18 years	405	2.2
Female householder, no husband present	4,897	27.7
With own children under 18 years	2,884	16.0
Nonfamily households (7)	6,477	35.8
Householder living alone	5,693	31.3
Male	2,463	13.8
65 years and over	535	3.0

Subject	Number	Percent
Female	3,200	17.7
65 years and over	1,387	7.6
Households with individuals under 18 years	8,420	35.6
Households with individuals 65 years and over	4,504	24.8
Average household size	2.49	(X)
Average family size (7)	3.14	(X)
<b>HOUSING OCCUPANCY</b>		
Total housing units	20,023	100.0
Occupied housing units	18,071	86.4
Vacant housing units	2,652	13.8
For rent	648	4.5
Rented, not occupied	153	0.7
For sale only	255	1.2
Sold, not occupied	25	0.1
For seasonal, recreational, or occasional use	65	0.3
All other vacants	1,405	6.7
Homeowner vacancy rate (percent) (8)	2.6	(X)
Rental vacancy rate (percent) (9)	10.1	(X)
<b>HOUSING TENURE</b>		
Occupied housing units	18,071	100.0
Owner-occupied housing units	9,775	64.1
Population in owner-occupied housing units	24,209	(X)
Average household size of owner-occupied units	2.48	(X)
Renter-occupied housing units	8,296	45.9
Population in renter-occupied housing units	20,795	(X)
Average household size of renter-occupied units	2.51	(X)

X Not applicable.

[1] Other Asian alone, or two or more Asian categories.

[2] Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

[3] One of the four most commonly reported multiple-race combinations nationwide in Census 2000.

[4] In combination with one or more of the other races listed. The six numbers may add to more than the total population, and the six percentages may add to more than 100 percent because individuals may report more than one race.

[5] This category is composed of people whose origins are from the Dominican Republic, Spain, and Spanish-speaking Central or South American countries. It also includes general origin responses such as "Latino" or "Hispanic."

[6] "Spouse" represents spouse of the householder. It does not reflect all spouses in a household. Responses of "same-sex spouse" were edited during processing to "unmarried partner."

[7] "Family households" consist of a householder and one or more other people related to the householder by birth, marriage, or adoption. They do not include same-sex married couples even if the marriage was performed in a state issuing marriage certificates for same-sex couples. Same-sex couple households are included in the family households category if there is at least one additional person related to the householder by birth or adoption. Same-sex couple households with no relatives of the householder present are tabulated in nonfamily households. "Nonfamily households" consist of people living alone and households which do not have any members related to the householder.

[8] The homeowner vacancy rate is the proportion of the homeowner inventory that is vacant "for sale." It is computed by dividing the total number of vacant units "for sale only" by the sum of owner-occupied units, vacant units that are "for sale only," and vacant units that have been sold but not yet occupied; and then multiplying by 100.

[9] The rental vacancy rate is the proportion of the rental inventory that is vacant "for rent." It is computed by dividing the total number of vacant units "for rent" by the sum of the renter-occupied units, vacant units that are "for rent," and vacant units that have been rented but not yet occupied; and then multiplying by 100.

Source: U.S. Census Bureau, 2010 Census.



Source: U.S. Census Bureau | American FactFinder

