

IN THE CIRCUIT COURT OF WASHINGTON, ARKANSAS  
DIVISION 1

FILED FOR RECORD <sup>5</sup>  
2016 JUL 20 AM 9:35  
WASHINGTON COUNTY  
CIRCUIT CLERK  
KYLE VESTER  
PETITIONERS

**DEMOCRATIC PARTY OF ARKANSAS;  
and TYLER CLARK**

vs.

Case No. 72CV-16- 1503-1

**JOHN or JANE DOE;  
WASHINGTON COUNTY REPUBLICAN COMMITTEE;  
REPUBLICAN PARTY OF ARKANSAS STATE COMMITTEE;  
and BECKY LEWALLEN,  
in her official capacity  
as Washington County Clerk**

**DEFENDANTS/  
RESPONDENTS**

**VERIFIED PETITION FOR ISSUANCE OF A WRIT OF MANDAMUS  
AND FOR DECLARATORY JUDGMENT**

COMES NOW Petitioners Democratic Party of Arkansas and Tyler Clark,  
by and through their attorney Chris Burks of Sanford Law Firm, PLLC, and for their  
Petition for Issuance of a Writ of Mandamus and for Declaratory Judgment, do  
hereby state and allege as follows:

I.

**INTRODUCTION**

Petitioners bring this suit to protect the democratic process. Arkansas  
election law ensures orderly elections. Defendants are circumventing the process  
put in place by the General Assembly. Defendants are going forward after a  
candidate did not lawfully withdraw from the Washington County Judge election.  
Orderly, cost-effective and fair elections matter, this suit seeks no more.

## II.

### **PARTIES, JURISDICTION AND VENUE**

#### **A. Democratic Party of Arkansas**

1. Petitioner Democratic Party of Arkansas is the minority political party in Arkansas as recognized and defined in Arkansas Code Annotated § 7-1-101(21), with offices located in Little Rock, Arkansas.

2. Petitioner Democratic Party of Arkansas is a necessary party because it has the right for its Washington County Judge nominee to lawfully stand for election under Arkansas Code Annotated § 7-7-104. Arkansas Code Annotated § 7-7-104 must be followed by the Washington County Republican Committee, Republican Party of Arkansas State Committee, John or Jane Doe, and the Washington County Clerk. The Democratic Party of Arkansas thus may have the validity of acts arising under this statute determined and obtain a declaratory judgment under Arkansas Code Annotated §§ 16-111-104 *et seq.*

#### **B. Tyler Clark**

3. Tyler Clark is a citizen and resident of Washington County, Arkansas and Chair of the Washington County Democrats.

4. Tyler Clark is a necessary party by virtue of his rights to have a declaratory judgment and writ issued that mandates all Respondents follow Arkansas Code Annotated § 7-7-104.

**C. Washington County Republican Committee.**

5. Respondent Washington County Republican Committee is the county committee of the Republican Party in Washington County as recognized and defined in Arkansas Code Annotated § 7-3-104.

6. Respondent Washington County Republican Committee is a necessary party by virtue of its duties, under Arkansas Code Annotated § 7-7-203, to accept party pledges, filing fees and affidavits of eligibility to issue party certificates for party nominees for county office, as well as its violation of Arkansas Code Annotated § 7-7-104 by unlawfully trying to nominate John or Jane Doe as its nominee for Washington County Judge.

**D. Republican Party of Arkansas State Committee**

7. The Republican Party of Arkansas State Committee exists under the authority of Arkansas Code Annotated § 7-3-103.

8. The Republican Party of Arkansas State Committee is a necessary party in that it is violating Arkansas Code Annotated § 7-7-104 by unlawfully trying to allow the Washington County Republican Committee to nominate John or Jane Doe as its nominee for Washington County Judge. The Republican Party of Arkansas State Committee has a duty under Arkansas Code Annotated § 7-7-104 to “notify the Governor within five (5) days after the date of death or the date the party was notified of intent to refuse nomination as to whether the party chooses to fill the vacancy in nomination at a special election or a convention;” however, the Republican Party of Arkansas State Committee can only exercise that duty if there is a lawful “vacancy in nomination.”

**E. John or Jane Doe**

9. Respondent John/Jane Doe is attempting to be appointed as a supposed 2016 Republican Party nominee for Washington Judge by Respondent Washington County Republican Party.

10. Respondent John/Jane Doe is a necessary party by virtue of his or her attempt to receive a certificate for nomination for Washington County Judge in violation of Arkansas Code Annotated § 7-7-104 and will be named pursuant to Arkansas Rule of Civil Procedure 15 once his or her identity is known.

**F. Becky Lewallen**

11. Washington County Clerk Becky Lewallen, in her official capacity, has the duty under Arkansas Code Annotated §7-7-203 to certify to the county board of election commissioners a full list of all candidates to be voted for in the county as the nominations have been certified or otherwise properly submitted to her.

12. Washington County Clerk Becky Lewallen is a necessary party by virtue of her duties under Arkansas Code Annotated §7-7-203 to only certify those candidates that have been properly submitted to her.

13. This is an action for declaratory judgment pursuant to the Arkansas Declaratory Judgment Act, A.C.A. § 16-111-101, *et. seq.*

14. This is an action in mandamus pursuant to Ark. Code Ann. § 16-115-101, *et seq.*

15. This Court has subject matter jurisdiction and personal jurisdiction over the issues and persons before it.

16. Venue is proper in this Court pursuant to Ark. Code Ann. § 16-60-101, *et. seq.*

**III.**

**BACKGROUND FACTS**

17. The preceding paragraphs are incorporated herein as if set forth word for word.

18. Micah Neal filed as a Republican candidate and was given a party certificate for the office of Washington County Judge in the March 1, 2016, primary.

19. Micah Neal was unopposed in the primary and was thus elected as the 2016 Republican Nominee for Washington County Judge.

20. On Thursday, June 30, 2016, Neal informed Northwest Arkansas Journalist Larry Henry that he was dropping out of the Washington County Judge race to focus on the family business, Neal's Café in Springdale. On Twitter and Facebook, Henry quoted Neal as saying, "It is a family/business decision." In a Facebook post at 9:28 p.m. on June 30, Henry reported that Neal told him "that with his dad nearing the age of 65, he wants to focus on the family business, Neal's Café in Springdale." See the Facebook and Twitter posts attached and hereby incorporated as Exhibit "A." June 30, 2016, Confirmation, Exhibit A.

21. Also on June 30, in an article written by Reporter Doug Thompson and posted online at 10:59 p.m., the Northwest Arkansas Democrat-Gazette reported that Neal "is dropping out of the race for family and business reasons, he said Thursday night." See the article attached and hereby incorporated as Exhibit "B." June 30, 2016, Northwest Arkansas Democrat-Gazette article, Exhibit B.

22. In the same June 30 online article, the Northwest Arkansas Democrat-Gazette reported that Tyler Clark, Chairman of the Washington County Democratic Party, "said the law doesn't allow replacement of a candidate this soon before the Nov. 8 general election unless the candidate in question dies, moves out of the county or district his office represents, or suffers an incapacitating illness." Exhibit B.

23. The same information appeared in the print edition of the Northwest Arkansas Democrat-Gazette on July 1.

24. After the June 30 online and July 1 print articles were published, in Facebook posts on July 1 at 12:27 p.m. and 12:29 p.m., Neal said that he was suspending his campaign for Washington County Judge and "will return to the private sector. This is a business decision that I've reached with my family. I will be moving and unable to fulfill the requirements of the office." See the post attached and hereby incorporated as Exhibit "C." July 01, 2016, post, Exhibit C.

25. In a Facebook post at 2:37 p.m. on July 1, Journalist Henry reported that Neal told him "he is moving to Benton County in a northern part of Springdale near his family business, Neal's Café." See the post attached and hereby incorporated as Exhibit "D." July 01, 2016, post, Exhibit D.

26. As of July 1, according to the Arkansas Secretary of State's website, Neal was registered to vote at 3625 W. Huntsville Avenue, Springdale, Arkansas 72762, located in Washington County. See the voter record attached and hereby incorporated as Exhibit "E." Voter record, Exhibit E.

27. On July 2, 2016, the Northwest Arkansas Democrat-Gazette reported in a print article by Reporter Scarlet Sims that Lance Johnson, Chairman of the Washington County Republican Party, was aware of Neal's refusal of his party's nomination as of Friday, July 1. The article quoted Johnson as saying, "We had no warning that this was coming," and that he did not have any names of potential replacement candidates as of Friday, July 1. See the article attached and hereby incorporated as Exhibit "F." July 02, 2016, Northwest Arkansas Democrat-Gazette article, Exhibit F.

28. The Republican Party of Arkansas State Committee did not notify the Governor of Neal's intent to refuse nomination within five (5) days of July 1, 2016.

29. In a letter dated July 8, 2016, to Washington County Clerk Becky Lewallen, Neal asked that his name be removed from the ballot. The letter said "I regret that I will not be able to meet the criteria to keep my name on the ballot for Washington County Judge. I will be moving to Benton County at the beginning of August 2016." See the letter attached and hereby incorporated as Exhibit "G." July 08, 2016, Micah Neal letter, Exhibit G.

30. As of July 8 and still continuing through at least July 13, 2016, Neal was still registered to vote at the Huntsville Avenue address in Washington County, according to records from both the Arkansas Secretary of State's office and the Washington County Clerk's office.

31. According to Washington County Assessor records, the JE Lindsey Family Limited Partnership owns the property on Huntsville Avenue. See the

records attached and hereby incorporated as Exhibit "H." Assessor records, Exhibit H.

32. Upon information and belief, Neal and his wife, Cindy, lease the property on Huntsville Avenue from the Lindsey Partnership and live there with their minor child.

33. Upon information and belief, as of July 8 and continuing through at least July 13, Neal has not moved from the Huntsville Avenue address and was, therefore, still a Washington County resident at the time he submitted the letter to the County Clerk asking that his name be removed from the ballot.

34. Neal owns real property in Washington County, a partial interest in Neal's Café and a residence on Oxford Place in Springdale. The only real property Respondent Neal owns in Benton County is located in Gentry. Respondent Neal co-owns the Gentry properties with Lance and Kimberly Eads, and, upon information and belief, they are investment properties, and Respondent Neal has never lived there.

35. Respondent Neal assessed for personal property taxes for 2016 in Washington County. His 2016 Washington County personal property tax assessment is associated with a post office box for Neal's Café located in Washington County. Personal Property Assessment, Exhibit I.

36. Further, Neal is the current State Representative for District 89 in Washington County. The people of District 89 elected him to serve through the end of 2016. District 89 is entirely within Washington County. Neal has not



resigned as the District 89 Representative and has given no indication he intends to abandon the people of his district or his legislative duties.

**IV.**

**COUNT I:**

**DECLARATORY JUDGMENT**

37. The preceding paragraphs are incorporated herein as if set forth word for word.

38. Ark. Code. Ann. § 7-7-104(c)(1) states that a vacancy in nomination is created when a party nominee dies or refuses nomination due to serious illness, moving out of the area from which he or she was nominated, or filing for another office.

39. Ark. Code. Ann. § 7-7-104(d)(1) *et. seq.* provides that the state committee of the political party must notify the Governor within five (5) days of death or receipt of a notice of intent to refuse nomination and that the Governor will issue a proclamation allowing another primary or a special convention to fill the vacancy.

40. Respondent Neal's refusal of nomination does not meet the express statutory conditions of Ark. Code. Ann. § 7-7-104(c)(1) because he refused nomination due to "family" and "business" reasons, not serious illness, moving out of the area, or filing for another office.

41. Although Neal subsequently attempted to supplement – or even alter – the reason for his refusal, citing a possible future move out of Washington

County, this is a mere pretext for the real reason for his refusal, which was “family” and “business” reasons.

42. Not only did Neal originally declare to at least two journalists that the reason for his refusal was due to “family” and “business” reasons, but Neal reportedly contemplated the conflict between his family and business obligations at Neal’s Café and his desire to be Washington County Judge for many weeks, if not months, prior to his refusal of nomination.

43. Neal mentioned the possible future move to Benton County only after it was publicly reported that his original reason for refusal was legally insufficient to allow the Washington County Republican Party to nominate a replacement candidate.

44. This after-the-fact attempt to cover up the real reason for Neal’s refusal is inconsistent with the democratic process and must be rejected as violating both the letter and spirit of Arkansas election law pertaining to vacancies in nomination.

45. Moreover, as of the date of his refusal of nomination, Neal had not moved out of Washington County. A possible move at an unspecified future date does not satisfy the requirements of Ark. Code. Ann. § 7-7-104(c)(1).

46. As of the date of his refusal of nomination, Neal was a legal resident and domiciliary of Washington County, Arkansas. Not only did he remain physically present in Washington County, but he remained registered to vote in Washington County, and he remained the State Representative for District 89 within Washington County.

47. Respondent Washington County Republican Party cannot select another candidate using the vacancy in nomination process because Respondent Neal's refusal does not satisfy the conditions required to invoke such a process.

48. Further, Respondent Washington County Republican Party cannot nominate or appoint another candidate because the five (5) day notice requirement has not been satisfied.

49. Pursuant to the Arkansas Declaratory Judgment Act, Ark. Code Ann. § 16-111-101, *et seq.*, this Court should enter a declaratory judgment that:

- a. Respondent Washington County Republican Committee is not permitted to select a candidate for County Judge using the vacancy in nomination process because no valid vacancy in nomination yet exists under the plain meaning of Ark. Code. Ann. § 7-7-104(c);
- b. the Washington County Clerk shall not certify the name of any County Judge candidate submitted to her under Arkansas Code Annotated § 7-7-203 using the vacancy in nomination process started by Micah Neal on July 01, 2016; and
- c. the Washington County Board of Election Commissioners shall not accept the name of any County Judge candidate on a list certified under Arkansas Code Annotated § 7-5-203 that was submitted using the vacancy in nomination process started by Micah Neal on July 01, 2016

V.

**COUNT II:**  
**MANDAMUS**

50. The preceding paragraphs are incorporated herein as if set forth word for word.

51. A writ of mandamus is the only practical method of enforcing Ark. Code Ann. § 7-7-104(c).

52. Under Arkansas Code Annotated § 16-115-101 *et seq.*, this Court shall determine petitions for mandamus and enjoin an act by an officer that violates the law. *See also, Stillely v. Markris*, 343 Ark. 673, 38 S.W.3d 889 (2001).

53. By virtue of Arkansas Code Annotated § 7-7-104, Respondents Washington County Republican Committee, the Washington County Clerk, and the Republican Party State Committee have a mandatory obligation to ensure that they follow Arkansas Code Annotated § 7-7-104.

54. Arkansas Code Annotated § 7-7-104 requires that the Washington County Clerk exercise non-discretionary duties to certify names of nominees to the Board of Election Commissioner to then place such certified names on the ballot.

55. As a result, mandamus is an appropriate remedy to compel Respondents to not certify and remove any name from the ballot named or certified as a result of the illegal vacancy in nomination process started by Micah Neal on July 01, 2016 in violation of Arkansas Code Annotated. §7-7-104.

56. A writ must issue to ensure Arkansas Code Annotated. § 7-7-104 is followed.

57. Petitioner requests that this Court set an immediate hearing on this matter in accordance with Rule 78(d) of the Arkansas Rules of Civil Procedure which provides:

(d) Mandamus and Prohibition. Upon the filing of petitions for writs of mandamus or prohibition in election matters, it shall be the mandatory duty of a circuit court having jurisdiction to fix and announce a day of court to be held no sooner than 2 and no longer than 7 days hereinafter to hear and determine the cause.

58. Additionally, after an expedited hearing as contemplated in Rule 78(d) above, this Court should issue an Order for expedited discovery and a temporary injunction enjoining the Respondents from further action until the Court issues the declaratory judgment and writ.

59. An injunction should issue because: (1) Petitioners will succeed on the merits of the declaratory judgment action and writ (2) Petitioners will be irreparably harmed by the illegal process in violation of § 7-7-104; (3) granting the injunction will not inflict harm on other interested parties; and (4) the issuance of an injunction is in the public interest because the public has a right to a lawful election process.

**VI.**

**RELIEF SOUGHT**

WHEREFORE, Petitioner Democratic Party of Arkansas prays that this Court issue summons against Respondents John or Jane Doe, Washington County Republican Committee; Republican Party of Arkansas State Committee, and Becky Lewallen in her official capacity as Washington County Clerk enter an temporary injunction and then judgment to the effect that:

- a. Respondent Washington County Republican Committee is not permitted to select a candidate for County Judge using the vacancy in nomination process because no valid vacancy in nomination yet exists under the plain meaning of Ark. Code. Ann. § 7-7-104(c);
- b. the Washington County Clerk shall not certify the name of any County Judge candidate submitted to her under Arkansas Code Annotated §7-7-203 using the vacancy in nomination process started by Micah Neal on July 01, 2016; and
- c. the Washington County Board of Election Commissioners shall not accept the name of any County Judge candidate on a list certified under Arkansas Code Annotated § 7-5-203 that was submitted using the vacancy in nomination process started by Micah Neal on July 01, 2016;

to issue a writ of mandamus ordering the Respondents to follow the law in the declaratory judgment above; to set a hearing in this matter within seven (7) days of the filing of this Petition; grant Petitioner fees and costs in pursuing this matter; and grant all other just and proper relief, whether prayed for specifically herein or not.

Respectfully submitted,

**DEMOCRATIC PARTY OF  
ARKANSAS and TYLER CLARK,  
PETITIONERS**

SANFORD LAW FIRM, PLLC  
ONE FINANCIAL CENTER  
650 SOUTH SHACKLEFORD, SUITE 411  
LITTLE ROCK, ARKANSAS 72211  
TELEPHONE: (501) 221-0088  
FACSIMILE: (888) 787-2040

By:

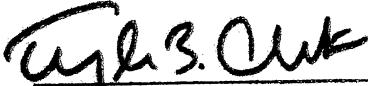


Chris Burks  
Ark. Bar No. 2010207  
chris@sanfordlawfirm.com

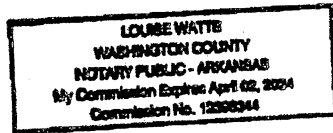
**VERIFICATION**

STATE OF ARKANSAS     )  
COUNTY OF WASHINGTON)

I, Tyler Clark, Petitioner herein, do hereby state under oath that the allegations set forth in the foregoing pleading are true and correct to the best of my knowledge and belief.

  
Tyler Clark

SUBSCRIBED AND SWORN to before me this 18<sup>th</sup> day of July, 2016.



  
Notary Public





**Larry Henry**

June 30 at 9:28 PM · Fayetteville · 🌐

**BREAKING:** Micah Neal is dropping out of the Washington County judge race. "It's a family/business decision," he told me Thursday night (June 30).

He told me that with his dad nearing the age of 65, he wants to focus on the family business, Neal's Cafe in Springdale.

Mark Kinion won the Democratic Party primary in March for the county judge seat. Neal was the Republican candidate. The general election is in November.

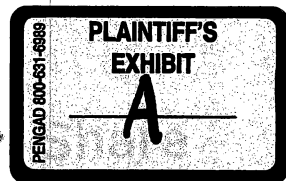
County Judge Marilyn Edwards, a Democrat, opted not to seek re-election for that seat and was defeated in a justice of the peace primary election in March.

Ezra Smith and 8 others

1 Comment

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**Doug Thompson** @NWADoug 6/30/16

State Rep. **Micah Neal** drops out of Washington County Judges race, he confirmed by phone. Says GOP caucus will name replacement. Dems say no.



**Larry Henry** @NEWSLarryHenry 6/30/16

**BREAKING Micah Neal** says he is dropping out of WashCo judge race to focus on the family business, **Neal's Cafe** in Springdale.



**Larry Henry** @NEWSLarryHenry 6/30/16

**BREAKING Micah Neal** is dropping out of the Washington County judge race. "It is a family/business decision," he told me Thursday night.



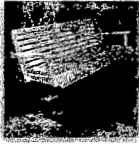
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## Micah Neal says he's dropping out of Washington County judge race

By Doug Thompson

Posted: June 30, 2016 at 10:59 p.m.



SPRINGDALE — State Rep. Micah Neal, R-Springdale, the Republican nominee for Washington County Judge, is dropping out of the race for family and business reasons, he said Thursday night.

Neal's family owns Neal's Cafe in Springdale, a local landmark. Neal said Thursday night he'll file a letter with the Washington County Clerk, as the law requires, giving notice of his decision to withdraw. Neal said the county Republican Party can hold a caucus to name his replacement.

Tyler Clark, chairman of the Washington County Democratic Party, said the law doesn't allow replacement of a candidate this soon before the Nov. 8 general election unless the candidate in question dies, moves out of the county or district his office represents, or suffers an incapacitating illness.

Democratic candidate Mark Kinion, a Fayetteville alderman for Ward 2, would be the only candidate left on the November ballot if Clark's interpretation is correct. There are no independent candidates running.

Neal represents state House District 89 and is a former member of the Washington County Quorum Court. He chose to run for county judge rather than seek re-election to a third term. Former county assessor Jeff Williams is running for his House replacement as the Republican nominee, opposed by Democratic candidate Irvin Camacho.

Neal's lawmaking career included sponsorship of a bill speeding up state reimbursement to counties for the medical care that state prisoners receive while in county custody.

Being home with his kids more and the chance to bring his state experience back to the county level were Neal's reasons for leaving the Legislature, he said in earlier interviews. He said he has pushed for money for rural water projects and the crowded county jail as a lawmaker and planned to continue doing so as a county judge.

The county judge's race had no incumbent this year. County Judge Marilyn Edwards didn't run for re-election, although she did unsuccessfully run in the Democratic primary for a Quorum Court seat. She was defeated by incumbent Eva Madison.



Micah Neal

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## Micah S. Neal

July 1 at 12:27 PM ·

I want to announce that I'm suspending my campaign for Washington County Judge. I will return to the private sector. This is a business decision that I've reached with my family. I will be moving and unable to fulfill the requirements of the office. I appreciate the opportunity that the people of Springdale have given me to represent them in some capacity over the last 13 years. Thank you to my supporters over the years. Most of all, I want to thank my family for the sacrifice that they have made enabling me to serve.

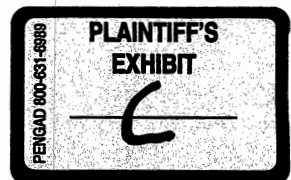
Kyle Sylvester and 4 others

3 Comments

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## Micah Scott Neal

July 1 at 12:29 PM · Springdale · 

I want to announce that I'm suspending my campaign for Washington County Judge. I will return to the private sector. This is a business decision that I've reached with my family. I will be moving and unable to fulfill the requirements of the office. I appreciate the opportunity that the people of Springdale have given me to represent them in some capacity over the last 13 years. Thank you to my supporters over the years. Most of all, I want to thank my family for the sacrifice that they have made enabling me to serve.

   112

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**Larry Henry**

July 1 at 2:37 PM · Fayetteville · 🌐

Update on a story I broke yesterday:

Micah Neal, who is withdrawing from the Washington County judge race, tells me he is moving to Benton County in a northern part of Springdale near his family business, Neal's Cafe. A small portion of Springdale is in Benton County.

Neal is expected to file a formal letter with county election officials next week suspending his campaign.

With him moving out of Washington County, local Republicans are looking at the process of fielding a replacement candidate to face Democrat Mark Kinion in the November general election. Members of the county GOP would be tasked with voting on a replacement.

Sharon Lloyd's name is being floated as the replacement GOP candidate. Secretary of



**Registrant Detail**

**Name:** Micah Neal

**Party:** Optional

**Precinct Name:** Spg 16

**Precinct Code:** 749

**Address:**

3625 W Huntsville Avenue  
Huntsville  
Springdale, AR 72762

**Polling Place:**

09/20/2016 - Annual  
School Election  
Youth Center

PENGAD 900-631-6988  
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EXHIBIT  
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## Arrest Records: 2 Secrets

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### Neal suspends county judge campaign, sends Republicans scrambling

By [Scarlet Sims](#)

Posted: July 2, 2016 at 1:08 a.m.



FAYETTEVILLE – Washington County Republicans are scrambling to find a replacement for state Rep. Micah S. Neal, who said Thursday he was dropping out of the race for county judge. Democrats are preparing to fight any attempt to nominate another candidate.

"We had no warning that this was coming," said Lance Johnson, county Republican Committee chairman.



Micah Neal

#### By the Code

If the person who received the majority of votes during the preferential primary election or general primary election cannot accept the nomination dies, has a serious illness, moves out of the area from which the person was elected as the party's nominee or files for another office before the final date of certification, then a vacancy in nomination has been created. In that case, the state committee of the political party shall notify the governor within five days whether the party chooses to fill the vacancy in nomination at a special election or a convention.

Source: Arkansas Code Arkansas Code section 7-1-101 and 7-7-104; Arkansas Secretary of State's Office

#### Web Watch

More information on Micah S. Neal can be found on his Arkansas House of Representatives profile at

Neal, a Republican and owner of Neal's Cafe in Springdale, announced Thursday night he plans to leave the county judge race because of family and business-related reasons.

He then cited plans to move to Benton County on both his personal and campaign Facebook accounts.

On Friday afternoon, Neal posted on social media he's "suspending my campaign." A website supporting Neal's campaign also has been removed. He said his decision to leave the race wasn't made lightly.

"It's been a long decision that I've tried to work out with my family, and it just hasn't worked out," Neal wrote. "I will be moving to north Springdale in Benton County. I'll drop off a statement with the county clerk in the next week or so."

Neal hasn't yet filed a statement with the County Clerk's Office to officially drop out of the race, said Becky Lewallen, county clerk. That notarized statement would make his withdrawal official, said Tim Humphries, State Board of Election Commissioners legal

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PENGAD 800-631-6888  
**PLAINTIFF'S EXHIBIT**  
**F**



Neal also hasn't filed campaign contribution and finance records. The records weren't at the courthouse Friday, but Neal said in a

message he would file them next week.

"The money will be returned to the donors," Neal said.

Democrats are waiting for the official letter on Neal's departure from the race, said Tyler Clark, chairman of the Washington County Democrats. That letter could shine light on whether a nominee can replace him on the November general election ballot, he said.

Arkansas Code 7-7-104 says a party can nominate or have a special election to fill a vacated ballot position if the withdrawing candidate: dies, has a serious illness, moves out of the area or files for another position.

Clark said Neal's initial reasons for leaving -- family and business -- don't qualify Republicans to elect a new nominee according to the law. At noon Friday, Neal wrote on Facebook he "will return to the private sector. This is a business decision that I've reached with my family. I will be moving and unable to fulfill the requirements of the office."

Clark said if Neal filed a statement contradicting what he initially said, Democrats would contest the Republican attempt to nominate a new candidate. Johnson said he believes Republicans can nominate another candidate based on state law, but officials are still determining the procedure.

Johnson didn't have any names of potential nominees Friday. Neal said in a message he didn't have anyone he supported as a replacement.

Washington County officials said Friday they are unsure whether state law allows someone to run in Neal's place.

County Attorney Steve Zega was on vacation. When reached by cell phone, Zega said he wasn't sure yet about the law and referred questions to the Arkansas Secretary of State.

Secretary of State spokesman Chris Powell said in emails he couldn't say what options either party might want to pursue. No one had called the state office Friday about Neal withdrawing from the race, Powell said.

"I cannot speak for what options either party may wish to pursue," said Powell and referred questions back to Zega. "Mr. Neal's withdrawal from the race would need to be in compliance with the law and depending on those circumstances, a determination would need to be made whether a vacancy in nomination existed."

Neal announced last year his intention not to run for a third term as state representative for District 89 and to seek the county's top administrative position. He ran unopposed during the Republican primary election this past March and was expected to face Fayetteville Alderman Mark Kinion, a Democrat, in the general election.

Neal had county government experience and was a justice of the peace before becoming a state lawmaker.

Should Neal go ahead and submit an official statement, his name would be removed from the ballot before it is certified in August. The filing period for a write-in candidate or independent candidate passed this past November, Lewallen said.

"Without a Republican nomination, it's possible Kinion could be the only eligible candidate on the ballot," Election Commission Coordinator Jennifer Price said.

NW News on 07/02/2016

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July 8, 2016

The Honorable Becky Lewallen  
Washington County Courthouse  
280 No. College, Suite 300  
Fayetteville, AR 72701

Removing my name from the ballot

Becky,

I regret that I will not be able to meet the criteria to keep my name on the ballot for Washington County Judge. I will be moving to Benton County at the beginning of August 2016. Therefore, I will not be eligible to fulfill the requirements of the position. I would appreciate it if you would begin the process of removing my name from the ballot, so that the people of Washington County will have another choice on the Republican ticket for Washington County Judge. Thank you for your help regarding this matter.

Sincerely,



Nichol S. Neal

STATE OF ARKANSAS  
COUNTY OF WASHINGTON

On this the 8<sup>th</sup> day of July 2016, personally appeared before me  
Nichol S. Neal, and acknowledged that he executed the above statement.

In witness whereof I hereunto set my hand and official seal.



Larry Henry

PENGAD 800-631-6088

PLAINTIFF'S  
EXHIBIT

6

# Washington County, Arkansas

Public Records



Real Property ▾ Personal Property ▾ Commercial Personal ▾ Collector Tax Roll ▾ Information ▾ Pro Search

## Professional Results

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**Washington County**  
Assessor's Office

Last Update: 7/13/2016



[More Info](#)

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Parcel: 815-38296-000 RPID: 106073 Prev. Parcel: 815-29875-050 Type: (RI) - Res. Improv.

Owner: JE LINDSEY FAMILY LIMITED PARTNERSHIP S-T-R: 34-18-30 Sub: WILKINS #6 Assessed Value: \$27,870

Address: 3625 W HUNTSVILLE AVE Acres: City: Springdale

Mail Address: P O BOX 13000  
FAYETTEVILLE, AR 72703

Legal:



Issell Hill  
Assessor, Washington County

Quick Print

## Washington Personal Property Record

Welcome to the Washington County Assessor's Office real property records online. Please use the Search feature to find your property of interest. If you have questions or comments, please call our office.

Assessment Number: 2888871

Assessment Year: 2016

Assessment Date: 1/28/2016

Name: NEAL, MICAH S OR CINDY

Mailing Address: PO BOX 106  
SPRINGDALE, AR 72765

Tax District: 501

Total Assessed Value: 11039

Total Late Value: 0

479-444-1500 (Real Prop.)  
479-444-1520 (Pers. Prop.)

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### Vehicles

Vehicle Year	Make	Model	Class	Style	Assessed Value
1948	JEEP	WILLYS	LT	G6 13 GUIDE P117 (540)	110
2015	TOYT	HIGHLANDER UTILITY	LT	4DR LTD PLATINUM AWD 6G 3.5 109.8	7,550
2012	HYUN	TUCSON	LT	FWD AUTO TUCSON	3,379