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IN THE CIRCUIT COURT OF BAXTER COUNTY, ARKANSAS
CIVIL DIVISION

IN THE MATTER OF LEVI WOODS
AS CANDIDATE FOR NORFORK SCHOOL BOARD
POSITION NO. 2, DISTRICT 61

NO. _____

LEVI WOODS, PETITIONER

PETITION FOR WRIT OF MANDAMUS and/or DECLARATORY JUDGEMENT

Comes now the Petitioner, Levi Woods, by and through his attorney, Jared Woodard with Stanley + Woodard, PLC, and for his Petition for Writ of Mandamus and/or Declaratory Judgement, states as follows:

I. INTRODUCTION AND FACTUAL BACKGROUND

1. Petitioner, Levi Woods, is an individual residing at 8020 Push Mountain Rd., Norfork, Baxter County, Arkansas.

2. Petitioner is President of the Norfork School Board, District 61 (hereinafter "School Board"), serving his second consecutive term for position 2 on the School Board.

3. In Norfork School Board elections, there are five school board positions, but only **one** school board position up for election each year.

4. In past school board elections, Petitioner has run for position No. 2 and been elected to same position.

5. In the Summer of 2023, Petitioner had planned on running for his usual school board position No. 2, but there was apparently confusion and discrepancies regarding which school board position, No. 1, or No. 2, was the position up for election in March 2024.

6. Petitioner contacted Norfork School District Superintendent, Chip Layne, and they discussed the five position numbers and which position was up for re-election. Superintendent Layne had previously received a call from the Baxter County Clerk's office inquiring which position was coming up for re-election in March 2024. Superintendent Layne advised the clerk, "Levi Woods". After further discussions, the Clerk's office advised that the new Order for school board positions was 1,2,3,4,5, with Levi Woods now as position No. 1. **(Ex. 1, affidavit of Chip Layne).**

7. After visiting with Superintendent Layne regarding Layne's conversations with the Clerk's office, Petitioner understood that he would now be running for school board position No. 1 in the March 2024 election.

8. On or around November 13, 2023, Petitioner visited the Baxter County Clerk's office to file the necessary Petition and supporting documents regarding his bid for re-election to the Norfork School Board.

9. During his visit to the clerk's office, Petitioner and two staff members within the clerk's office sat down and reviewed the election filings, including the Petition with the required signatures of twenty registered voters. After ten or so minutes on the computer and going through the documents, the two staff members confirmed that the election documents were verified, and everything was good to go.

10. Just to make sure, Petitioner asked the two staff members if school board position No. 1 reflected within the filings was the correct position number for the upcoming election and they both confirmed, "yes, good to go."

11. A week later, Petitioner received a call from the Baxter County Clerk, Canda Reese, and she advised that because the board position number within the filings was incorrect (No. 1

instead of No. 2), that Petitioner was disqualified from the election and would not be placed on the ballot.

12. Petitioner believes the voters, not an inconsequential clerical error resulting from Petitioner's reliance on erroneous information from the clerk's office, should decide who they want to represent them on the Norfork School Board.

I. LEGAL AUTHORITY

13. Pursuant to Ark. Code Ann. § 16-115-102, "[t]he Circuit Court shall have power to hear and determine petitions for the writ of mandamus and writ of prohibition and to issue such writ of mandamus and writ of prohibition to all inferior courts, tribunals, and officers in its respective jurisdiction."

14. Pursuant to Ark. Code Ann. § 6-114-111(c)(d), a candidate for a position on the school board may qualify for the ballot by filing a political practices pledge, an affidavit of eligibility, and a petition. This Petition shall (A) state the name and title of the candidate that the candidate proposes to appear on the ballot; and (B) Identify the position sought, including without limitation the position number or other identifying information if applicable.

15. Per § 6-114-111(e)(2)(A), **"[t]he county clerk shall not accept a candidate's petition until the county clerk has verified that: (ii) the position on the board of directors that the candidate has indicated on the petition is scheduled to be filled during the current election.**

16. The County clerk is required to "reject a petition that does not comply with § 6-114-111(e)(2)(A)." The clerk shall inform the candidate that the candidate's petition was rejected and the reason for the rejection.

17. In light of the above, the county clerk's office failed to comply with § 6-114-111(e)(2)(A) resulting in Petitioner's reliance on false information when two staff members with the Clerk's Office confirmed and verified the elections filings submitted by Petitioner, specifically that school board position No. 1 was "scheduled to be filled during the current election" in March 2024, which was incorrect.

18. As such, Petitioner respectfully requests a Writ of Mandamus and/or Declaratory Judgment ordering that the Baxter County Clerk reinstate Petitioner, Levi Woods, as a qualified and viable candidate for position no. 2 on the Norfork School Board and be placed on the ballot for the school board election to be held in March 2024, effective immediately.

19. In the alternative, Petitioner hereby respectfully requests a Writ of Mandamus and/or Declaratory Judgment ordering that the Baxter County Clerk provide Petitioner the opportunity to cure the defective Petition previously submitted to the Clerk's Office by filing a new Petition reflecting position no. 2 along with obtaining the names of twenty registered voters who are residents of the school district.

20. Petitioner requests that as long as he complies with the above, along with the other requirements for school board candidacy in § 6-114-111, that he shall be a candidate for position no. 2 and reflected on the ballot for the school board election in March of 2024.

21. Petitioner respectfully prays for any and all other proper relief to which he may be entitled.

WHEREFORE, the Petitioner, Levi Woods, respectfully prays that his Petition for Mandamus and/or Declaratory Judgment is granted; and that he is reinstated as a viable candidate for the Norfork school board election, position No. 2, in March of 2024; and that his name is reflected on the ballot for same; and for all other proper relief to which he may be entitled.

Respectfully submitted,

Levi Woods, Petitioner

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870.932.2000
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AFFIDAVIT

STATE OF ARKANSAS
COUNTY OF CRAIGHEAD

I, Levi Woods, Petitioner in the foregoing Petition, after first being duly sworn, states under oath that the above and foregoing Petition is true and correct to the best of my knowledge, information, and belief.

Levi Woods

Subscribed and sworn to before me this 11 day of December 2023.

Notary Public

My Commission Expires:

STATE OF ARKANSAS NOTARY PUBLIC
SARA COOK
MY COMMISSION # 12361219
EXPIRES: February 15, 2029
Craighead County

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CIVIL DIVISION

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AS CANDIDATE FOR NORFORK SCHOOL BOARD
POSITION NO. 2, DISTRICT 61

NO. _____

LEVI WOODS, PETITIONER

AFFIDAVIT OF CHIP LAYNE

I, Chip Layne, after being duly sworn according to law, state on oath as follows:

1. My name is Chip Layne and I reside in Mammoth Spring, Arkansas.

2. I am the superintendent of the Norfork School District, 44 Fireball Lane, Norfork, Arkansas, 72658 and have held same position for the past five years.

3. In the Summer of 2023, I received a call from the Baxter County Clerk's office inquiring about which school board position would be coming up for re-election in March, 2024 and I advised, "Levi Woods."

4. After further discussions regarding the board position numbers, the Clerk's office recommended changing the order of the numbers to 1, 2, 3, 4, 5. I agreed, and she said, "The school board position order is 1, 2, 3, 4, 5."

5. In August of 2023, Mr. Woods approached me regarding the school board election in March 2024, and I advised that per my conversation with the clerk's office, the order was 1, 2, 3, 4, 5 and that because his position was up, he was running for position no. 1.

6. Woods understood that he was running for school board position no. 1, but advised that he would confirm the order with the clerk's office when he files for the position.

7. After the election filings were submitted, I found out that Mr. Woods was actually running for school board position no. 2, which was inconsistent with the conversations that I had with the clerk's office earlier in the Summer.

8. I further found out that because the election filings submitted by Mr. Woods indicated school board position No. 1, instead of No. 2, that he was disqualified as a candidate for the position.

9. I reached out to the Circuit Clerk, Canda Reese, and explained my conversations with the Clerk's office regarding the school board positions and that I was unequivocally told Levi Woods would be position No. 1.

10. Ms. Reese advised that because he submitted his filings for position 1, instead of position 2, that he was disqualified, and there was nothing that she could do. I even mentioned that there is only one school board position up for election at a time, but to no avail.

11. As superintendent of the Nofork School District, I do not see what Mr. Woods could have done differently to avoid this from happening, certainly at no fault of his own.

12. I believe the voters of Norfork should decide who is elected to the school board, not a miscommunication that should have been avoided.

13. Please let me know if I can provide additional information or help out with anything.

anything.

DATED this 27 day of December 2023

Chip Layne, Superintendent of Norfork School District

ACKNOWLEDGMENT

Now on this 27 day of December 2023, appeared before me, the undersigned, a Notary Public, Chip Layne who, after first being sworn, acknowledged that he had signed the foregoing Affidavit and that the statements contained therein were true and correct.

Sara Cook
Notary Public

My Commission Expires: 2/15/29

STATE OF ARKANSAS NOTARY PUBLIC
SARA COOK
MY COMMISSION # 12361219
EXPIRES: February 15, 2029
Craighead County