

Announcement re Josh Mahony

11/25/19

On Tuesday, November 12, at 2:16 p.m. Josh Mahony announced his withdrawal from the U.S. Senate race via his Twitter account. This was approximately two hours after the filing period closed. The Democratic Party of Arkansas (“DPA”) was not contacted by Mahony or anyone associated with his campaign prior to the withdrawal announcement. Indeed, the DPA found out about Mahony’s withdrawal from the statement on Twitter. Later that afternoon, Chairman of the DPA, Michael John Gray, had a brief conversation with Mahony. Mahony told Chairman Gray that a member of his family was unwell, but provided few additional details.

Following Mahony’s withdrawal, the DPA began exploring options for a path forward. This began with an analysis of Arkansas’s election laws. Under Arkansas Code Annotated § 7-7-106, parties are allowed to replace candidates for nomination when a candidate withdraws due to death or a serious illness. Obviously, and fortunately, we were not dealing with a death. That meant that we were operating under that section of the law that addresses replacement due to a serious illness.

To determine if we had sufficient legal footing to rely on that section of the law, we needed more information from Mahony. In that pursuit, a member of the DPA staff contacted Mahony on Friday, November 15. The DPA staff member asked Mahony if he could come to a meeting at the DPA on Monday, November 18 at 10:30 a.m. The purpose of that meeting was only to gain greater insight into the reason for Mahony’s withdrawal. Mahony stated that he would attend the meeting.

Later that Friday evening, Chairman Gray and legal counsel to the DPA, Annie Depper, received a letter from attorney Mark Henry. A copy of that letter is attached to this press release. Mr. Henry stated in the letter that he represented Mahony, that Mahony withdrew due to family health concerns, and that all communication was to be directed to him. The following day, Saturday, Ms. Depper reached out to Mr. Henry and asked if there was a good time that Mr. Henry could discuss the issue. Mr. Henry did not respond to Ms. Depper’s request.

On Monday, November 18 at 10:30 a.m., the meeting that Mahony confirmed he would attend took place. Present at the meeting were Chairman Gray; representatives from the DPA Officers; representatives from the DPA Executive, State, and Rules Committees; representatives from Democratic Legislators; representatives from the Democratic National Committee; and Ms. Depper. Again, the purpose of that meeting was to gain more insight into Mahony’s withdrawal. It was important to have a full understanding of the reasons behind the withdrawal before deciding on the correct path forward. Unfortunately, Mahony chose not to attend that meeting.

At the meeting, these individuals were made aware of all information known to the DPA as of that date. With that information, the party leaders decided to make one final attempt to get information from Mahony. They directed Ms. Depper to correspond with attorney Mark Henry, requesting additional information. That afternoon, Ms. Depper sent a letter to Mr. Henry requesting more information on the family health concerns. A copy of that letter is attached to this press release. Mr. Henry did not respond to Ms. Depper’s request. To date, the only additional information received by the DPA from Mahony or his attorney is information contained in newspaper articles.

It is unfortunate that Mahony has chosen to cease communications with the DPA. In order for the DPA to proceed with fielding a candidate for the U.S. Senate race, Mahony's cooperation is essential. The RPA has stated multiple times that if we choose to field a candidate, they will bring a legal challenge. Currently, other than brief statements made by Mahony regarding a "family health concern," the DPA has no evidence to support a claim of serious illness. Without something more than Mahony's statements, we cannot move forward.

We continue to keep Mahony and his family in our thoughts and prayers. We also believe that the public and Democrats around the state have a right to know what has occurred. Further inquiries should be made with his attorney.