

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT****INFORMAL REPLY BRIEF OF PETITIONER/APPELLANT**Case Number: 23-1649Short Case Caption: Arnold v. MSPBPetitioner/Appellant: Keith L. Arnold

Instructions: Read the [Guide for Unrepresented Parties](#) before completing this form. Answer the questions as best as you can. Attach additional pages as needed to answer the questions. This form and continuation pages may not exceed 15 pages.

You may attach other record material as an appendix. Any attached material should be referenced in answer to the below questions. Do not attach material already attached to your informal opening brief. Please redact (erase, cover, or otherwise make unreadable) social security numbers or comparable private personal identifiers that appear in any attachments you submit.

1. Have you received a copy of the respondent/appellee's response brief?

☒ Yes ☐ No

STOP: You may use this form to respond to arguments raised in the brief of respondent/appellee. If you have not received that brief, you may not file this form. **Do not proceed or file this form if you answered "No."**

2. What are your arguments in response to the respondent/appellee?

MSPB claims (without citing a law which indicates MSPB made it up as a lie in response to my brief "answer #2 proving MSPB's bait and switch" and "answer #4 proving MSPB's political party nomination claim" are both wrong) on its brief page 15, "Because party preference was present at every stage of the election proceedings, and the successful candidates ultimately were elected as representatives of a major political party, the Board correctly held that these elections were partisan under the Hatch Act." These claims "the successful candidates ultimately were elected as representatives of a major political party" and that this made the election partisan are both wrong because, "First, remember that the candidates are not appearing on the ballot representing a party; they are only representing them-selves." [Petitioner's Brief (Doc 11), p 56]. Also, RCW 29A.52.112 (4) states: "Any party preferences are shown for the information of voters only and may in no way limit the options available to voters." [Doc 11, p 55]

3. Are there other arguments you wish to make? ☒ Yes ☐ No

If yes, please state them.

By Rule of Law the only question here is were the elections nonpartisan. Per § 734.101, “Nonpartisan election means—(1) An election in which none of the candidates is to be nominated or elected as representing a political party”. Also, § 734.101 defines an election as “Election includes a primary, special, runoff, or general election.” [Doc 11, p 83]. Political party activities do not meet this definition of elections; therefore, their activities can not be an election; therefore, their activities can not nominate or elect a candidate; therefore, their activities can not nominate or elect a candidate as representing a political party; therefore, their activities can not prevent an election from being nonpartisan. Even though the elections allowed candidates to state a party preference for information only, none of the elections nominated or elected any candidate as representing a political party. Therefore, running in these elections was allowed per “§ 734.207 An employee may: (b) Run as a candidate in a non-partisan election”.

Date: Sept. 5, 2023

Signature: /s/ Keith Arnold

Name: Keith L. Arnold