

CLAIMS COMMISSION CASE NUMBER: _____

IN THE ARKANSAS STATE CLAIMS COMMISSION
LITTLE ROCK, ARKANSAS

HONORABLE JIM SORVILLO,
Representative, District 32
Arkansas House of Representatives,
And Candidate for Re-Election to
District 32 in the November 3, 2020
General Election held in Pulaski County, Arkansas

CLAIMANT

V.

STATE OF ARKANSAS;
ASHLEY W. HUDSON, Candidate for
Election to District 32 in the November 3, 2020
General Election held in Pulaski County, Arkansas;
PULASKI COUNTY ELECTION COMMISSION;
EVELYN GOMEZ, Chair, Pulaski County
Election Commission, in her official capacity;
JOSHUA A. PRICE, Member, Pulaski County
Election Commission, in his official capacity;
KRISTI STAHR, Member, Pulaski County
Election Commission, in her official capacity;
JOHN THURSTON, Secretary of State,
In his Official Capacity, and in his
Official Capacity as Chairman of the
State Board of Election Commissioners,
And Secretary of the State Board of Election Commissioners;
And **ASA HUTCHINSON**, Governor, in his official capacity

RESPONDENTS

EX PARTE MEMORANDUM OF LAW REQUESTING
SUMMONS TO ISSUE FOR ASHLEY W. HUDSON, CONTESTEE
AND OTHER RESPONDENTS,
PULASKI COUNTY ELECTION COMMISSION,
AND ITS THREE MEMBERS

This is a statutory contest of a state legislative office (House of Representatives) pursuant to Arkansas Code Annotated Section 7-5-805, which vests jurisdiction in the Claims

Commission. The Claims Commission should issue a Summons to Ashley W. Hudson, and the other four non-state Respondents, Pulaski County Election Commission, Evelyn Gomez, Chair, Pulaski Election Commission, Joshua Price, Member, Pulaski Election Commission, and Kristi Stahr, Member, Pulaski Election Commission.

While a “claim” is normally filed for monetary damages against the State, and one of its many departments, the “claim” in this case is a claim concerning a state legislative seat, and is therefore unique in the Commission’s business. Normally, therefore, the request for money damages in a “claim” is perfected by filing with the Claims Commission, which essentially accepts service (upon receipt), and notifies the applicable department.

There are departments to be notified in this matter, including the Secretary of State and the Governor, both of whom have statutory and constitutional duties concerning the election of members of the House of Representatives. Ashley Hudson, the putative “winner” of the election for House District 32 in Pulaski County, Arkansas, on November 3, 2020, is a necessary party, however, as the statute sets out: “A responsive pleading shall be filed by the House of Representatives contestee within fifteen (15) days after receipt of the complaint unless an earlier or later date is set by the commission....” A.C.A. § 7-5-705(b)(2). She is not yet a Representative, but is most definitely entitled to notice.

The Commission’s own Rules provide for “filling the gap” in its rules of procedure. “The Rules of Civil Procedure as adopted by the Circuit Courts of the State of Arkansas will apply in the Arkansas Claims Commission unless the Rules of Practice and Procedure of the Arkansas State Claims Commission are to the contrary[,] in which cases these rules shall take priority.” Claims Commission Rule 8.1. Rule 4 of the Arkansas Rules of Civil Procedure states:

“(a) Issuance of Summons. Immediately on the filing of the complaint, the clerk shall issue a summons to the plaintiff or the plaintiff’s attorney, who shall deliver it for service to a person authorized by subdivision (c) of this rule to serve process.” In other words, where the Clerk of Court is not the authorized agent for service of process, the Clerk issues a summons to the attorney for “claimant” (here) so that counsel for claimant can provide proper and timely notice to a “respondent” (here), for whom the Claims Commission itself is not, and cannot act as, agent for service of process.

In this case, Ashley W. Hudson is a named contestee, but is not a state employee, is not a member of the House of Representatives, and has not designated the Claims Commission as her agent for service of process. Consequently, Claimant Sorvillo respectfully request the Claims Commission to issue a summons (that undersigned counsel will prepare) for Respondent Ashley W. Hudson, an indispensable party to this case. This will allow formal, and proper, Notice to her in the event that a claim is filed.

Likewise, the Pulaski County Election Commission, and the three Pulaski County Election Commissioners, Gomez, Price, and Stahr, are named as Respondents, because Claimant asks for a recommendation by the Commission – and ultimately by the House of Representatives – against each of them. Given that the Claims Commission has jurisdiction, the naming of parties, and the inclusion of those against whom relief is sought, should be seen as an ordinary part of this proceeding. In accordance with the foregoing argument, Claimant respectfully requests the Claims Commission to issue summonses to the four “entities” from Pulaski County: the Election Commission itself, and the three members of the Pulaski County Election Commission.

Dated this 24th day of November, 2020.

**Respectfully submitted,
Ex Parte by Claimant**

**Honorable Jim Sorvillo
Representative, District 32**

By: 
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