

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
SIXTH DIVISION

BRYAN NORRIS and NORRIS FOR ARKANSAS

PLAINTIFFS

VS.

CASE NO. 60CV-26-4396

SALINE COUNTY BOARD OF ELECTION
COMMISSIONERS, ROBERT SCOTT, in his
OFFICIAL CAPACITY as a MEMBER OF THE
SALINE COUNTY BOARD OF ELECTION
COMMISSIONERS, CLAUDETTE ZUBER, in her
OFFICIAL CAPACITY as a MEMBER OF THE SALINE
COUNTY BOARD OF ELECTION COMMISSIONERS,
TAMME ADAMS, in her OFFICIAL CAPACITY as a
MEMBER OF THE SALINE COUNTY BOARD OF
ELECTION COMMISSIONERS, and KIM HAMMER

DEFENDANTS

ORDER

On the 9th day of April, 2026, came on for consideration the *Complaint* and *Motion for Temporary Restraining Order*, and from the pleadings and attachments filed herein, the court doth find and order as follows:

1. The *Complaint* and *Motion for a Temporary Restraining Order* in this matter were filed mid-morning on April 9, 2026.
2. The *Complaint* alleges that it is brought pursuant to A.CA. § 7-5-801.
3. A.CA. § 7-5-801, states, in its entirety, that:
 - (a) A right of action is conferred on any candidate to contest the certification of nomination or the certificate of vote as made by the appropriate officials in any election.

(b) The action shall be brought in the circuit court of the county in which the certification of nomination or certificate of vote is made when a county or city or township office, including the office of county delegate or county committee member, is involved, and except as provided in this subchapter, within any county in the circuit or district wherein any of the wrongful acts occurred when any circuit or district office is involved, and except as provided in this subchapter, in the Pulaski County Circuit Court when the office of United States Senator or any state office is involved.

(c) If there are two (2) or more counties in the district where the action is brought and when fraud is alleged in the complaint, answer, or cross-complaint, the circuit court may hear testimony in any county in the district.

(d) The complaint shall be verified by the affidavit of the contestant to the effect that he or she believes the statements to be true and shall be filed within twenty (20) days of the certification that is the subject of the complaint.

(e) The complaint shall be answered within twenty (20) days.

4. This case involves an election challenge. This court only has subject matter jurisdiction to hear election challenges under the specific authority granted pursuant to the relevant statutory schemes. As a general rule, the provisions relating to challenging election related procedures are mandatory and require strict compliance.¹

5. A.C.A. § 7-5-801(d) specifically and unambiguously states that, “The Complaint shall be verified by the *affidavit* of the contestant...” (emphasis added)

6. The *Complaint* has only a verification by the plaintiff Norris. A verification and an affidavit are legally different procedures.

7. Because plaintiff’s counsel does not comply with the General Assembly’s clear and unambiguous requirements set forth in A.C.A. § 7-5-801(d), this court facially has no jurisdiction to hear this matter, and the *Complaint* is accordingly dismissed without prejudice.²

¹ *SAVE Energy Reap Taxes v. Shaw*, 374 Ark. 428, 288 S.W.3d 601(2008).

² A.R.C.P Rule 23.1 requires that in actions by shareholders, “the complaint shall be verified.” A.R.C.P. Rule 56(e) concerning summary judgments sets forth very specific requirements for affidavits, including that affidavits, “shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein.” A.R.C.P. Rule 65(b) concerning the issuance of temporary restraining orders, specifically allows for “specific facts in an affidavit or a verified complaint” evidencing there is a legal difference between the two procedures. For name changes pursuant to A.C.A. § 9-2-101, the application only needs to be made by “a verified petition in writing...” But in unlawful detainer cases, A.C.A. §

8. This case involves issues that one or more of the parties may desire to immediately appeal. Accordingly, the court will rule on several other threshold issues so that, if the appellate court desires, there will already be a ruling at the trial court level on such issues.

9. A.C.A. § 7-5-801(a) only gives contestants standing to challenge election certifications. The General Assembly has not given any other persons or entities the authority to challenge election certifications. If the court had subject matter jurisdiction to hear this matter, the court would have dismissed separate plaintiff “Norris for Arkansas” with prejudice as the General Assembly did not expressly authorize campaign committees to challenge election certifications.

10. A.C.A. § 7-5-801(d) specifically provides that candidates have “within twenty (20) days of the certification that is the subject of the complaint” to file an action.

11. A.C.A. § 7-5-801(e), as enacted by the General Assembly, specifically gives defendants twenty (20) days to answer the complaint.

12. If the court had subject matter jurisdiction to hear this case, the *Motion for a Temporary Restraining Order* would have been denied as a threshold matter. The time limits provided by the General Assembly preclude any “irreparable harm.” The time limits also specifically award defendants in election certification cases a twenty (20) day time period after service to appear or provide any responsive pleading.

13. If the court had the authority under the present statutory scheme to order the case transferred to Saline County, it would have done so. All of the defendants reside in Saline County. All of the witnesses reside in Saline County. The election was conducted in Saline County. The election materials are all physically maintained in Saline County. Further, the citizens and residents

18-30-307 specifically requires the person filing the unlawful detainer proceeding to file, “an affidavit of himself or herself or some other credible person for him or her, stating that the person is lawfully entitled to the possession of the lands...”

of Saline County should be provided with the opportunity to go to the Saline County Courthouse, if they so desire, to observe a case that involves the validity of their votes and their election procedures. They should not have to travel to Pulaski County to participate and attend as citizens and voters. The court realizes that Saline County is relatively close geographically to Pulaski County, but A.C.A. § 7-5-801, as presently written, would require residents and citizens of all of the other counties in the state to also have to come to Pulaski County to participate in proceedings that affect their local votes and procedures. The issue of venue is, of course, squarely within the legislative prerogative. The court mentions this in the event that the General Assembly may want to consider expanding venue in these types of election certification challenges.

14. The court has made rulings on all jurisdictional matters and issues in the event that any party herein desires to appeal this order of the court.

15. The proper conduct of elections, tabulating votes, and certifying elections are extremely serious matters. The public is entitled to have faith and confidence in all aspects of the election process.

16. If counsel for the plaintiff Norris is going to handle election matters, it would be in the best interests of such counsel's present client, and any future election challenge clients, for such counsel to actually read the applicable statutory schemes and to follow the clear and unambiguous language set forth by the General Assembly for election challenge cases. There may be some specific CLE available for counsel to learn the procedures, or perhaps other lawyers knowledge about election law would allow plaintiff's counsel to sit "second chair" with them for drafting of pleadings and conduct of election challenge litigation.

17. If the plaintiff Norris chooses to refile this matter, the civil cover sheet needs to indicate that it is a refiling of this case so that the Pulaski County Circuit Clerk's office will know to assign the refiled case to Sixth Division.

IT IS SO ORDERED AND DECREED.



TIMOTHY DAVIS FOX
CIRCUIT JUDGE

4/9/26

DATE

<p>MANNER OF DISPOSITION-6TH DIVISION</p> <p><input checked="" type="radio"/> MDCO CONSOLIDATED INTO:</p> <p><input checked="" type="radio"/> MDDM DISMISSED</p> <p><input type="radio"/> MDJD JUDGMENT/DECREE/ORDER</p> <p><input type="radio"/> MDAR REMOVED TO ARBITRATION</p> <p><input type="radio"/> MDRB REMOVED TO BANKRUPTCY COURT</p> <p><input type="radio"/> MDRF REMOVED TO OTHER FEDERAL COURT</p> <p><input type="radio"/> MDTR TRANSFERRED TO OTHER CIRC COURT</p>
