

**State of Indiana  
Clay County Circuit Court**

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<b>Jeffrey P. Gallant,</b>  <i>Petitioner,</i>  v.  <b>Indiana Election Commission</b> <i>Respondent.</i>	<b>Civil Cause No. 11C01-2603-RA-000185</b>
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**Emergency Motion For Hearing and Resolution of Petition for Judicial Review of Final Agency Action, or in the Alternative, to Stay the Commission’s Order Denying Petitioner’s Challenge**

Petitioner, Jeffrey P. Gallant, by counsel, for his Emergency Motion for Hearing and Resolution of Petition for Judicial Review of Final Agency Action Or, in the Alternative, a Stay under IC 4-21.5-5, states as follows:

1. On February 25, 2026, the Indiana Election Commission denied Petitioner’s Challenge (“**CAN-1**”) to the Declaration of Candidacy (“**CAN-2**”) of Alexandra Wilson (“**Mrs. Wilson**”) for the 2026 Republican primary for Senate District 38 (“**Challenge**”).

2. On March 3, 2026, Petitioner filed in this Court a Petition for Judicial Review of Final Agency Action, seeking reversal of the Indiana Election Commission (“**Commission**”) final order denying the Challenge and remand to the Commission to immediately uphold the Challenge, disqualify Mrs. Wilson from being a candidate and prohibit her name appearing on the ballot for the 2026 Republican primary for Indiana Senate District 38 and so order the respective election boards of Vigo, Clay, and Sullivan Counties. Petitioner filed his memorandum in support of the Petition on March 5, 2026.

3. On March 3, 2026, Petitioner also filed a Motion to Expedite the hearing and resolution of the Petition, proposing a schedule for resolution of the Petition by March 17, 2026.

4. On March 6, the Parties filed a Joint Motion for Stipulation Accepting an Agency Record and on March 9, Petitioner proposed to Respondent that the Parties file a joint motion to expedite the hearing and resolution of the Petition.

5. On March 11, Respondents declined to join the motion for expedition.

6. There are no material facts at issue; Mrs. Wilson conceded at the Commission hearing that, in 2010, as Alexandra Rachele Anderson, she was arrested for and pleaded guilty to resisting arrest, a Class D felony, in Vermillion County Circuit Court (“**2010 plea**”).

7. Accordingly, the resolution of this Petition requires only that the Court decide whether the Disqualification Statute applies to the 2010 plea. *See* IC 4-21.5-5-11(b) (in reviewing a final agency order, “[t]he court shall decide all questions of law, including any interpretation of a . . . state statute . . . without deference to any previous interpretation made by the agency.”).

### **This is an Emergency Matter**

8. March 21, 2026 is the deadline for county election boards to mail primary election absentee ballots to voters who have filed an approved application. Indiana Election Commission, *2026 Indiana Election Calendar*.<sup>1</sup>

9. To resolve the Petition now before this Court in time to avoid the injury at the core of the Petition—that is, to correct or affirm the primary election absentee ballots that will be

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<sup>1</sup>Available at <https://www.in.gov/counties/clarkcountyclerkofcourts/voting-and-elections/files/2026-Indiana-Election-Calendar.pdf>. *See also* IC § 3-11-4-15 (absentee ballots “shall be delivered to the circuit court clerk . . . at least (50) days before a general, primary, special or municipal election.”).

distributed including the name of the challenged candidate, Petitioner seeks a hearing on the Petition on March 17, 2026, and a decision by this Court by the close of business on March 17, 2026.

10. The hearing and decision must occur no later than March 17 because the Commission must provide 48 hours' public notice (excluding Saturdays, Sundays, and legal holidays) before it meets to act on this Court's setting aside the final order denying the Challenge. IC 5-14-1.5-5. With an Order on March 17, the Commission can provide the required notice in order to meet on March 20, uphold the challenge, and effect the relief sought by Petitioner here.

11. If the ballots that are mailed include Mrs. Wilson's name, the irreparable injuries sought to be avoided will ensue. That is, if the ballots including Mrs. Wilson's name are mailed, it will no longer be possible to avoid voter confusion or the dilution of voters for Brenda Wilson by those casting votes erroneously for Alexandra Wilson—or to avoid the disenfranchisement of those voters for Mrs. Wilson if it is later determined that she is “is disqualified from assuming or being a candidate for an elected office.” IC 3-8-1-5(d). *See Common Cause Ind. v. Lawson*, 488 F. Supp. 3d 724, 736 (S.D. Ind. 2020). (First Amendment violations presumptively cause irreparable harm, as do complications affect a voters ability to cast a vote; ““once the election occurs, there can be no do-over and no redress.”” (citation omitted)).

12. But if the Court decides the Petition by March 17, affirmatively correct ballots can be sent: that is, if the Commission has correctly interpreted IC 3-8-1-5 (“**Disqualification Statute**”), then the ballots can and should include Mrs. Wilson's name; if the Disqualification Statute applies as Petitioner asserts, the ballots can then correctly not include her name.

**In the Alternative, the Court Should Stay the Commission’s Order  
Pending a Final Determination**

13. An emergency exists, and if the Petition for Review cannot be decided in time to avoid irreparable harm, Petitioner asks that, in the alternative, pursuant to IC 4-21.5-5-9, “the [C]ourt stay[ ] the action of the [Commission] pending decision by the [C]ourt.” That is, if the Petition cannot be resolved by the close of business March 17, the Court should stay the Commission’s order that Mrs. Wilson’s name appear on the ballots for the 2026 Republican primary for Indiana Senate District 38 that are distributed by the election boards of Vigo, Clay, and Sullivan Counties.

14. A stay of a final administrative order pending a final determination is appropriate where “[t]he court finds that the petition for review and the petition for a stay order show a reasonable probability that the order or determination appealed from is invalid or illegal.” IC 4-21.5-5-9.<sup>2,3</sup>

15. The Commission’s interpretation of the relevant law is entitled to neither deference, IC 4-21.5-5-11(b), nor to any weight. *Bd. of Trs. v. Baughman*, 450 N.E.2d 95, 96 (Ind. Ct. App. 1983). Petitioner’s Verified Petition and Memorandum in Support have established more than a “reasonable probability” that the Commission’s order or determination is invalid or illegal. The Commission’s interpretation would fail under a deferential review.

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<sup>2</sup>Petitioner requests that, given the emergency circumstances and the lack of harm to the Respondent that might arise should the Stay be granted, the Court not require a bond of Petitioner. *See Kennedy v. Kennedy*, 616 N.E.2d 39, 44 (Ind. Ct. App. 1993).

<sup>3</sup>Though a showing of irreparable harm is not necessary for a stay order, as Petitioner has explained, irreparable harm is at issue here. *See Legacy Healthcare, Inc. v. Barnes & Thornburg*, 837 N.E.2d 619, 637 (Ind. Ct. App. 2005).

16. Ignoring the simple and plain language of the Disqualification Statute, the Commission makes nonsense of the Statute’s prohibition clause in order to nullify the Statute’s express “does not affect” clause. *See* Petitioner’s *Memorandum in Support of Petition for Judicial Review of Final Agency Action* (March 4, 2026) at 4-7, n.3. And the Commission’s interpretation is at odds with the legislative history of the Disqualification Statute, a point underscored by an Indiana Attorney General’s Opinion expressly addressing both clauses of the Disqualification Statute to apply exactly as the Challenge asserts. *Id.*

### **Emergency Request for Hearing and Resolution**

17. To allow the possibility for affirmatively correct ballots to be sent by the relevant County election boards by March 21, 2026, Petitioner propose the following schedule:

18. Respondent will respond to the Petition on Friday, March 13, 2026.

19. Petitioner will file his reply on Monday, March 16, 2026.

20. The Court will hold a hearing, preferably remotely, on Tuesday, March 17, and the Court will rule on the Petition by the close of business on March 17, 2026.

WHEREFORE, Petitioner prays the Court expedite the hearing of the Petition such that the Court may enter an order no later than close of business March 17, 2026, and do so by adopting the schedule proposed *supra*.

### **Emergency Request for Stay Pursuant to IC 4-21.5-5-9**

WHEREFORE, in the alternative to ordering the resolution of the case by close of business March 17, 2026, Petitioner prays the Court stay the Commission’s February 25, 2026 final order requiring that the election boards of Vigo, Clay, and Sullivan Counties place Mrs. Wilson’s name on the ballots for the 2026 Republican primary for Indiana Senate District 38.

**Verification**

I, Jeffrey P. Gallant, affirm under the penalties of perjury that the foregoing factual representations are true to the best of my knowledge and belief.

Dated: March 11, 2026

  
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Jeffrey P. Gallant

Dated: March 11, 2026

Respectfully submitted,

/s/ James Bopp, Jr.  
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## Certificate of Service

I certify that on March 11, 2026, I electronically filed the foregoing documents and all attachments thereto using the Indiana E-filing System. I further certify that on March 11, the foregoing was served upon the following persons via IEFS:

The Indiana Election Commission  
J. Bradley King, bking@iec.in.gov  
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*Attorney for Petitioner*