

|                  |       |                                 |
|------------------|-------|---------------------------------|
| STATE OF INDIANA | )     | IN THE MARION SUPERIOR COURT    |
|                  | ) SS: |                                 |
| COUNTY OF MARION | )     | CAUSE NO.: 49D03-2610-CT-058232 |

|                                           |   |
|-------------------------------------------|---|
| GREG BALLARD,                             | ) |
|                                           | ) |
| Plaintiff,                                | ) |
|                                           | ) |
| v.                                        | ) |
|                                           | ) |
| INDIANA ELECTION COMMISSION;              | ) |
| BETH BOYCE, in her official capacity as   | ) |
| Chair of the Indiana Election Commission; | ) |
| and SUZANNAH WILSON OVERHOLT,             | ) |
| KAREN CELESTINO-HORSEMAN, and             | ) |
| JOHN WESTERCAMP, in their official        | ) |
| capacities as members of the Indiana      | ) |
| Election Commission,                      | ) |
|                                           | ) |
| Defendants.                               | ) |

**FILED**  
October 26, 2026  
CLERK OF THE COURT  
MARION COUNTY  
ND

**FINDINGS OF FACT AND CONCLUSIONS OF LAW DENYING  
PLAINTIFF’S REQUEST FOR PRELIMINARY INJUNCTION**

On October 23, 2026, the Court held a hearing regarding Plaintiff Greg Ballard’s Motion for Preliminary Injunction against the Defendants, Indiana Election Commission; Beth Boyce, in her official capacity as Chair of the Indiana Election Commission; and Suzannah Wilson Overholt, Karen Celestino-Horseman, and John Westercamp, in their official capacities as members of the Indiana Election Commission. The Court, having considered the evidence offered and the arguments of counsel, now DENIES the Plaintiff’s request for preliminary injunction. Therefore, the Court now issues its Findings of Fact, Conclusions of Law, and Order.

### **Findings of Fact**

1. The Plaintiff, Greg Ballard, initiated this matter by his Complaint and Motion for Preliminary Injunction on October 20, 2026.
2. Plaintiff is a nominated candidate for the office of Indiana Secretary of State in the 2026 election.
3. In his Complaint, Plaintiff seeks declaratory judgement and an action for mandate compelling Defendants to convene and hold a meeting regarding pending complaints submitted by third parties concerning alleged campaign finance violations by Plaintiff's political opponents.
4. In both his Complaint and Motion for Preliminary Injunction, Plaintiff demands the Court to preliminarily enjoin Defendants to hold a meeting.
5. Defendant Indiana Election Commission is the agency charged under Indiana Code with administering this State's election laws, including those concerning campaign finance, with the assistance of the Indiana Election Division. Ind. Code § 3-6-4.1-14; Ind. Code §§ 3-6-4.2-1 and 2. Defendant Boyce is the Chair of the IEC, while Defendants Wilson Overholt, Celestino-Horseman, and Westercamp are the remaining IEC members. Def. Ex. 2.
6. The chair of the IEC is required to call a meeting whenever the chair considers it necessary for the performance of the IEC's duties. Ind. Code § 3-6-4.1-9. If the IEC determines there is a "substantial reason to believe an election violation has occurred, it shall expeditiously make an investigation." Ind. Code § 3-6-4.1-21.

7. It is then the Indiana Election Division, with authorization from the IEC, that investigates complaints, assigning at least two state employees “divided equally between the major political parties of the state.” Ind. Code § 3-6-4.2-10(a). This investigation can be conducted in a number of ways including the IEC holding a meeting to conduct an investigation; issuing subpoenas for documents and to receive testimony from individuals; or issuing subpoenas and requiring one of the IEC members or both co-directors of the Indiana Election Division to gather records and examine individuals. Ind. Code § 3-6-4.1-21(a).
8. Defendant IEC must comply with Indiana’s Open-Door law by providing adequate notice to the public when it intends to conduct or take official action. *See* Ind. Code ch. 5-14-1.5; Def. Ex. 1. Combined with logistical considerations, this requirement prevents Defendants from holding last-minute meetings. Def. Ex. 1.
9. Additionally, IEC campaign finance hearings are subject to the procedural requirements set forth in the Administrative Orders and Procedures Act (AOPA). *See* Ind. Code art. 4-21.5. AOPA also requires that notice sufficient to comport with due process be provided to parties prior to hearings.
10. Defendants have set a public meeting for November 20, 2026, at 10:00 a.m. Def. Ex. 2 & 4. This meeting has been set in accordance with the requirements of Ind. Code ch. 5-14-1.5. *Id.*
11. Plaintiff offers no evidence to the contrary that the noticed November 20 public meeting is not sufficient to address any pending allegations of campaign

finance allegations before Defendant IEC. Plaintiff similarly offers no evidence that compelling Defendants to meet in the next five business days would satisfy the public notice requirements of Ind. Code ch. 5-14-1.5 or the hearing notice requirements of AOPA.

12. Plaintiff instead offers only his speculation that a meeting before November 3, 2026, Election Day, may affect voter opinions and decision-making.

### **Conclusions of Law**

#### **A. Purpose and Legal Standard for Preliminary Injunction**

1. A preliminary injunction is "not a final judgment but rather 'an extraordinary equitable remedy.'" *State of Indiana v. Economic Freedom Fund*, 959 N.E.2d 794 (Ind. 2011) (citing *Gary Bd of Zoning Appeals v. Eldridge*, 774 N.E.2d 579, 584 (Ind. Ct. App. 2002)). "While an application for preliminary injunction is addressed to the trial court's discretion, the power to issue such an injunction should be used sparingly and should not be granted except in rare instances in which the law and the facts are clearly in the moving party's favor." *Wells v. Auberry*, 429 N.E.2d 679, 682 (Ind. Ct. App. 1982).
2. The purpose of a preliminary injunction is to preserve the status quo pending an adjudication of a case on the merits. *Holcomb v. T.L.*, 175 N.E.3d 1177, 1180 (Ind. Ct. App. 2021).
3. The trial court's discretion to grant or deny a preliminary injunction is measured by several criteria: 1) whether the plaintiffs' remedies at law are inadequate, thus causing irreparable harm pending the resolution of the

substantive action if the injunction does not issue; 2) whether the plaintiff has demonstrated at least a reasonable likelihood of success at trial by establishing a prima facie case; 3) whether the threatened injury to the plaintiff outweighs the threatened harm the grant of the injunction may inflict on the defendant; and 4) whether, by the grant of the preliminary injunction, the public interest would be disserved. *Xantech Corp. v. Ramco Industries, Inc.*, 643 N.E.2d 918, 921 (Ind. Ct. App. 1994).

4. "[T]he moving party has the burden of showing, by a preponderance of the evidence, that the facts and circumstances entitle him to injunctive relief." *Barlow v. Sipes*, 744 N.E.2d 1, 6 (Ind. Ct. App. 2001).
5. "[A]n injunction does not create rights. It merely protects existing rights from injurious interference." *Indiana & Michigan Elec. Co. v. Whitley Cnty. Rural Elec. Membership Corp.*, 316 N.E.2d 584, 586 (Ind. Ct. App. 1974) (citation omitted).
6. The action requested by Plaintiff, that the Court compel the IEC to hold a meeting concerning any campaign finance complaints pending, is not preliminary in nature given the requests for relief outlined in the Complaint. Plaintiff ultimately is attempting to force an adjudication on the merits of its Complaint. Indeed, there is a pending Motion to Dismiss which has been filed by Defendants that Plaintiff has yet to respond to.
7. Plaintiff asserts that the Court can and should decide this matter on the merits based solely on the hearing for preliminary injunction. While such

consolidation is permitted under the trial rules, the Court must provide notice through a court order that “the trial of the action on the merits to be advanced and consolidated with the hearing of the application.” IN T.R. 65(A)(2); *See Leinenbach v. Dairymen, Inc.*, 166 Ind. App. 80, 333 N.E.2d 910 (1975). Such advancement was not requested of the Court prior to the hearing, and the Court issued no such notice, making consolidation improper.

8. Thus, the Court now turns to the factors Plaintiff must necessarily satisfy to receive a preliminary injunction. The Court concludes that Plaintiff has not satisfied any of these factors.

**B. Plaintiff has not met the burden of proof that his remedies at law are inadequate such that certain and irreparable injury will occur if the injunction is denied.**

9. "An injunction will not be issued where the applicant cannot demonstrate the present existence of an actual threat that the action sought to be enjoined will come about . . . . In other words, injunctive relief may not be used simply to eliminate a possibility of a remote future injury, or a future invasion of rights." *Groff v. City of Butler*, 794 N.E.2d 528, 537 (Ind. App. 2003) (internal quotation marks omitted).
10. Plaintiff has put no evidence before the Court regarding how he will be personally harmed if Defendants do not hold the scheduled meeting before November 3. Plaintiff therefore has failed to show that remedies at law are inadequate such that a certain and irreparable injury would occur if his Motion for Preliminary Injunction is denied.

11. Indeed, Plaintiff has failed to identify any concrete, actual harm that would be prevented by a preliminary injunction. He instead presents hypothetical harm with no support that if Defendants meet before November 3, it will affect voter decision-making in the Secretary of State race. Counsel for Plaintiff even argued at the hearing that if the Defendants were to meet and find violations, the voters “*may* choose [Plaintiff] instead.” (emphasis added) Plaintiff further alleges, again unsupported by any evidence, that the funds at issue in the alleged campaign violations had a significant impact on his political opponents’ campaigns against Plaintiff.

12. Without any evidence presented by Plaintiff showing an existing or imminent harm, the Court cannot sustain Plaintiff’s suppositions as establishing risk of any injury, let alone irreparable injury.

13. Accordingly, Plaintiff has failed to satisfy the first element to obtain a preliminary injunction and, therefore, his Motion for Preliminary Injunction must be denied.

**C. Plaintiff has not demonstrated a reasonable likelihood of success at trial.**

14. Plaintiff has failed to establish standing to bring the underlying claims against Defendants. Standing is a threshold issue that determines “whether a litigant is entitled to have a court decide the substantive issues of a dispute.” *Solarize Ind., Inc. v. S. Ind. Gas & Elec. Co.*, 182 N.E.3d 212, 216 (Ind. 2022). To establish standing and therefore invoke the judicial power of the courts, a plaintiff must show that he suffered an actual injury, that there is a causal

connection between the defendant's actions and the claimed injury, and that a favorable judgment would redress his injury. *Hulse v. Indiana State Fair Bd.*, 94 N.E.3d 726, 730 (Ind. Ct. App. 2018). A plaintiff who cannot show these elements lacks standing and has failed to bring a justiciable case. *Horner v. Curry*, 125 N.E.3d 584, 612 (Ind. 2019) (Slaughter, J., concurring) ("Standing is an essential aspect of justiciability, which concerns the propriety and power of a court to hear a case and award relief.")

15. Where no injury exists, or where a favorable ruling would not redress the claimed injury, a plaintiff is not the proper person to invoke a court's authority. *City of Indianapolis v. Ind. State Bd. of Tax Comm'rs*, 308 N.E.2d 868, 870 (Ind. 1974).

16. As noted above, Plaintiff has not presented evidence of any injury he would experience if Defendants do not convene a meeting before November 3.

17. Plaintiff asserts that he has standing because he is a candidate for office who appears on the ballot for the 2026 Election and that, if other candidates' campaigns have not abided by statutory campaign contribution limits, the Defendants' lack of meeting somehow disadvantages Plaintiff in the upcoming election. However, this assertion fails to establish a demonstrable injury for the Court to resolve or redress as it is speculative that a meeting by the Defendants or any findings by the Defendants could impact voters. Such speculation is not sufficient to support a claim of standing. *See Pence v. State*, 652 N.E.2d 486, 488 (Ind. 1995).

18. Plaintiff's claims fail even under the doctrine of public standing, which acts as an exception to the general standing rule in matters where a case involves enforcement of a public rather than a private right, permitting a plaintiff to seek relief even if they do not have a special interest or are a public official. *State ex rel. Cittadine v. Ind. Dep't Transp.*, 790 N.E.2d 978, 980 (Ind. 2003). However, public standing has limitations. Specifically, in the case of declaratory judgment, a petitioner must still be a person "whose rights, status, or other legal relations are affected by a statute, municipal ordinance, contract, or franchise. ..." Ind. Code § 34-14-1-2; *See also Cittadine*, 790 N.E.2d 978, 984. Further, actions for mandate can still only be sought by those individuals who have an actual stake in the outcome. *Stienke*, 831 N.E.2d 751, 756. Thus, Plaintiff still must establish how pending complaints before the Commission directly impact him or his interests. Plaintiff has not done so.
19. Plaintiff has additionally failed to establish that, even if he had an injury, that a meeting by Defendants would redress that injury. Defendants correctly point out that no outcome is guaranteed by a meeting. Even if Defendants were to find that there have been violations of campaign finance regulations, such a finding can only result in the assessment of civil penalties and a referral to a local prosecuting attorney or the state attorney general. *See* Ind. Code § 3-9-4-16; Ind. Code § 3-6-4.1-21.
20. Additionally, a meeting that does not provide meaningful notice to the public or to the interested parties to the complaints presents real concerns that any

actions taken by the IEC could be challenged and overturned for failing to comply with both the Open Door Law and AOPA. The Court cannot compel the IEC to hold a meeting in contravention to the requirements it must meet for notice and due process under law. And Plaintiff did not present any evidence that there is time to complete those requirements before November 3.

21. Further, Plaintiff's requested relief interferes with the separation of powers established by the Indiana Constitution. *See* Art. 1, Sec. 3. To maintain the separation of powers, courts "should not intermeddle with the internal functions of either the Executive or Legislative branches of Government." *Koch*, 51 N.E.3d 236, 241 (quoting *State ex rel. Masariu v. Marion Superior Ct. No. 1*, 621 N.E.2d 1097, 1098 (Ind. 1993)).

22. Defendants correctly identify that there is already a mechanism created by the General Assembly to compel a meeting of the IEC, and that mechanism is assigned to the executive branch. Indiana Code § 3-6-4.1-12 states that it is the Governor may order the IEC to meet if he considers a meeting to be necessary or if he receives a petition signed by at least one voter from each congressional district in Indiana. Plaintiff has presented no evidence that this mechanism is ineffective or improper.

23. Through Indiana Code § 3-6-4.1-12, the General Assembly has specifically appointed the Governor to determine if a meeting of the Commission is necessary or otherwise should be held if the Commission has not acted when it should. Disputes arising in the exercise of functions specifically delegated to

the legislature or the executive by the Constitution “are inappropriate for judicial resolution.” *Berry*, 990 N.E.2d 410 at 421. Plaintiff has not established that the Court’s interference in this matter would not tread impermissibly on the power of the legislature to make law or the executive to execute the law.

24. Plaintiff further has not demonstrated a *prima facie* case concerning his request for declaratory judgment. The basis for jurisdiction under the Declaratory Judgment Act is a justiciable controversy or question, which is clearly defined and affects the legal right, legal status, or legal relationship of parties having adverse interests. *See Lockerbie Glove Co. Town Home Owner’s Ass’n, Inc. v. Indianapolis Historic Pres. Comm’n*, 194 N.E.3d 1175 (Ind. Ct. App. 2022). Plaintiff has established neither standing nor justiciability in this matter. Additionally, there is a more effective and appropriate remedy—the procedure established by the Legislature to compel IEC action.

25. Plaintiff additionally has not demonstrated a *prima facie* case concerning his request for mandamus. An action for mandate may be requested “against any inferior tribunal, corporation, public or corporate officer, or person to compel the performance of any: (1) act that the law specifically requires; or (2) duty resulting from any office, trust, or station.” Ind. Code 34-27-3-1. A party “requesting mandate must have a clear and unquestioned legal right to the relief sought and must show that the respondent has an absolute duty to perform the act demanded.” *Brant v. Custom Design Constructors Corp.*, 677 N.E.2d 92, 95 (Ind. Ct. App. 1997). Thus, “I.C. § 34–27–3–1 does require that

a claimant have a stake in the outcome.” *State ex rel. Steinke v. Coriden, et al.*, 831 N.E.2d 751, 756 (Ind. Ct. App. 2005).

26. Generally, mandamus will not be granted to control discretionary actions of a public officer, board, or commission. *See Brant v. Custom Design Constructors Corp.*, 677 N.E.2d 92 (Ind. Ct. App. 1997). Plaintiff has failed to demonstrate that a meeting of the IEC is not only required under the law to meet just upon receiving a complaint, but also that, even if a meeting is required, it is required to be held prior to November 3. No such requirement is outlined in statute, unlike the procedure required of the IEC when it receives other types of complaints, such as those challenging an individual’s candidacy for office. *See Ind. Code ch. 3-8-8.*

27. The Court also concludes that because Plaintiff has not established that the IEC is required to meet prior to November 3, Plaintiff has failed to establish that the conduct he seeks to enjoin is unlawful. Plaintiff therefore must establish all elements required to receive a preliminary injunction. *See L.E. Servs., Inc. v. State Lottery Comm’n of Indiana*, 646 N.E.2d 334, 349 (Ind. Ct. App. 1995) (“[W]hen the acts sought to be enjoined are unlawful, the plaintiff need not make a showing of irreparable harm or a balance of the hardship in his favor.”)

28. Thus, Plaintiff has failed to establish a *prima facie* case with respect to any claim he has brought against Defendants to show that he has a reasonable likelihood of success on the merits in this matter.

29. Accordingly, Plaintiff has failed to satisfy the second element to obtain a preliminary injunction, and therefore, his Motion for Preliminary Injunction must be denied.

**D. Potential harm to the Defendants from granting the injunction outweighs the little to no potential harm to Plaintiff.**

30. While Plaintiff has failed to establish a real and tangible harm he would suffer without intervention from the Court, an injunction would interfere with the Defendants' legitimate interests in this matter.

31. As the Court has already held, the Plaintiff has failed to present evidence of harm and offers only his opinion and speculation regarding harm to his political campaign.

32. Meanwhile, it is well-established that a State has a compelling interest in preserving the integrity of its election processes and that confidence in the integrity of those processes is essential to the functioning of a participatory democracy. *See, e.g., Purcell v. Gonzalez*, 549 U.S. 1 (2006). "Court orders affecting elections, especially conflicting orders, can themselves result in voter confusion and consequent incentive to remain away from the polls. As an election draws closer, that risk will increase." *Id.* at 4–5.

33. The potential harm to the Defendants if an injunction is granted outweighs the potential harm to Plaintiff if it is not granted.

34. Accordingly, Plaintiff has failed to satisfy the third element to obtain a preliminary injunction, and therefore, his Motion for Preliminary Injunction must be denied.

**E. The public interest would not be served by granting a preliminary injunction.**

35. The public's interest in having confidence in the State's election process is a matter of great importance. Similar to the Defendants, the public also has an interest in the laws of the State being followed and the separation of powers being upheld. Moreover, the public interest is disserved by the granting of an injunction to force a meeting of the Commission less than two weeks prior to Election Day, creating increased risk of confusion among voters.

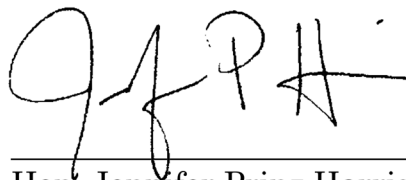
36. Accordingly, Plaintiff has failed to satisfy the fourth element to obtain a preliminary injunction, and therefore, his Motion for Preliminary Injunction must be denied.

37. Because Plaintiff has not met his burden for a preliminary injunction, his Motion for Preliminary Injunction is denied in its entirety.

**Order**

**IT IS THEREFORE ORDERED** that the Plaintiff, Greg Ballard's, Motion for Preliminary Injunction is hereby **DENIED**.

**SO ORDERED** 10/26/2026.

A handwritten signature in black ink, appearing to read 'JPH', is written over a horizontal line.

Hon. Jennifer Prinz Harrison  
Judge, Marion Superior Court 3

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