

**IN THE MARION SUPERIOR COURT
CIVIL DIVISION, ROOM ____**

GREG BALLARD,
Plaintiff, pro se,

Cause No.: 49D____-2610-PL-

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.

**VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
AND ACTION FOR MANDATE**

I. Parties

1. Plaintiff, Greg Ballard (“Plaintiff”), appearing pro se, is a registered voter residing in Boone County, Indiana, and is a certified candidate for Indiana Secretary of State whose name will appear on the November 3, 2026 general election ballot, having filed a petition of nomination as a candidate of the Lincoln Party under IND. CODE ch. 3-8-6 that the Secretary of State certified on July 22, 2026 as containing a sufficient number of signatures, IND. CODE § 3-8-6-12(d)(2), with direction that the Indiana Election Division certify Plaintiff as a candidate under IND. CODE § 3-8-7-16. A true and accurate copy of the certification is attached as **Exhibit H**. Plaintiff’s principal campaign committee, Greg for Indiana, is registered with and files its reports with the Indiana Election Division and is subject to the contribution limits and reporting requirements of IND. CODE art. 3-9.
2. Defendant Indiana Election Commission (the “Commission”) is the state agency charged by statute with administering Indiana’s election laws, including its campaign finance laws. IND. CODE § 3-6-4.1-14(a)(1). The Commission is the body that determines

whether there is substantial reason to believe an election law violation has occurred, investigates, holds hearings, and takes action on such violations, including the assessment of civil penalties for campaign finance violations. IND. CODE §§ 3-6-4.1-21, 3-6-4.1-25, 3-9-4-16.

3. Defendant Beth Boyce is the Chair of the Commission and is sued in her official capacity only. As Chair, she is the officer charged by statute with calling meetings of the Commission. IND. CODE § 3-6-4.1-9.
4. Defendants Suzannah Wilson Overholt (Vice Chair), Karen Celestino-Horseman, and John Westercamp are the remaining members of the Commission and are sued in their official capacities only. Together with the Chair, they are the officers through whom the Commission acts. IND. CODE §§ 3-6-4.1-2, 3-6-4.1-7, 3-6-4.1-10.

II. Jurisdiction and Venue

5. This Court has jurisdiction under IND. CODE ch. 34-26-1, IND. CODE § 34-14-1-1, et seq., and IND. CODE § 34-27-3-1, et seq., as this action seeks declaratory, injunctive, and mandate relief against state officers.
6. Venue is proper in Marion County pursuant to INDIANA TRIAL RULE 75(A), because the Commission has its office in Marion County and the acts and omissions complained of occurred there.

III. The Commission's Statutory Duties

7. The Commission "shall" administer Indiana election laws. IND. CODE § 3-6-4.1-14(a) (1). Among those laws are the limits on contributions by corporations and labor organizations to candidates for state office, IND. CODE § 3-9-2-4, and the requirements that candidates report contributions, including in-kind contributions, IND. CODE ch. 3-9-5.
8. When the Commission "has substantial reason to believe" that an election law violation has occurred, "it shall expeditiously make an investigation." IND. CODE § 3-6-4.1-21(b).

After notice and an opportunity for a hearing, if the Commission determines a person has committed a violation, it “shall take the action it considers appropriate under the circumstances,” which may include referral to the Attorney General or a prosecuting attorney. IND. CODE § 3-6-4.1-21(c). The Commission may also assess civil penalties for campaign finance violations in proceedings subject to IND. CODE art. 4-21.5. IND. CODE § 3-9-4-16.

9. The Commission may take official action only at a meeting at which a quorum is present and only by the affirmative vote of at least three (3) members. IND. CODE § 3-6-4.1-7. The Chair “shall call a meeting of the commission whenever the chair considers it necessary for the performance of the commission’s duties.” IND. CODE § 3-6-4.1-9. If the Chair does not call a meeting, the Vice Chair may do so with the written approval of the other two members, and the members may otherwise meet to exercise the Commission’s powers and duties. IND. CODE § 3-6-4.1-10.
10. A written complaint alleging a campaign finance violation, filed with the Commission by a member of the public, places before the Commission the question whether there is substantial reason to believe a violation has occurred. That threshold determination under IND. CODE § 3-6-4.1-21(b) is one the Commission alone can make, and one it can make only at a meeting. The Commission’s own practice confirms that it treats such complaints as matters pending before it. At its September 30, 2024 meeting, Division counsel reported that twelve (12) complaints had been filed with the Commission that year and that counsel “keep[s] an accurate list of all complaints”; the co-director confirmed that copies of each complaint are sent to all members of the Commission and that, for campaign finance matters, the Division provides a copy to the subject of the complaint “to give them the opportunity to file a response”; and a member of the Commission stated that a complaint satisfying the filing requirements is “here before us and the chairman will be determining when it’s heard,” that “[t]he merits have to be heard by us if it goes to the merits,” and that “it’s kind of troubling if stuff that’s not being handled simply sits

there.” Ind. Election Comm’n, Tr. of Proceedings, Sept. 30, 2024, at 59–69 (excerpt attached as **Exhibit I**; full transcript at <https://www.in.gov/dA/bb91d106f3/IEC-Meeting-Minutes-9.30.2024.pdf>).

IV. Facts

11. The general election will be held on November 3, 2026. The office of Indiana Secretary of State, the State’s chief election officer, is on the ballot. Max Engling is the Republican nominee, Beau Bayh is the Democratic nominee, and Plaintiff is also a candidate for the office.
12. On July 24, 2026, David Shelton of Knox County filed a written complaint with the Commission alleging that the Engling campaign accepted a Sixty Thousand Dollar (\$60,000) contribution from Hoosier Leadership for America, Inc., on or about June 30, 2026, in excess of the Five Thousand Dollar (\$5,000) annual limit on corporate contributions to candidates for state office, IND. CODE § 3-9-2-4, and reported the contribution as coming from a non-corporate source. A true and accurate copy of the Shelton complaint is attached as **Exhibit A**.
13. The Engling campaign has stated to the press that it refunded the Sixty Thousand Dollar (\$60,000) contribution on or about July 14, 2026, and has shown bank records to a newspaper reporter. No evidence of the refund has been filed with the Commission or otherwise made public. A claimed refund does not dispose of the Shelton complaint: whether a prohibited contribution was accepted and misreported, whether it was in fact refunded, and whether a civil penalty should be assessed — including, as to the contributor, a penalty of up to three (3) times the amount of the contribution in excess of the limit, IND. CODE § 3-9-4-16(a)(5), (e) — are determinations that only the Commission can make, and the Commission has not made them.
14. On September 15, 2026, Chris Douglas of Marion County filed a written complaint with the Commission alleging that an event held by Hoosier Leadership for America, Inc., on

the evening before the 2026 Indiana Republican State Convention, at which Engling was listed as a “special guest,” constituted an in-kind contribution that the Engling campaign was required to report and did not. A true and accurate copy of the Douglas complaint is attached as **Exhibit B**.

15. On September 17, 2026, Danny K. Shields of Monroe County filed a written complaint with the Commission alleging that public events Bayh has attended as a candidate since the start of his campaign, including fundraisers, receptions, and meet-and-greets, constituted in-kind contributions that the Bayh campaign was required to report and did not. A true and accurate copy of the Shields complaint is attached as **Exhibit C**. In September 2026, Michael Neal of Hamilton County filed a written complaint with the Commission alleging that the Bayh campaign received unreported in-kind contributions in connection with events hosted by Democratic Party organizations and that printed materials promoting Bayh lacked required disclaimers. A true and accurate copy of the Neal complaint, with its transmittal, is attached as **Exhibit D**.
16. Upon information and belief, the Indiana Election Division sent the Engling campaign letters concerning both complaints against it and requested a response, consistent with its practice, and as of September 18, 2026 had received no formal response to the July 24 complaint. The Bayh campaign stated publicly that it would respond once it received a formal letter from the Commission. Kayla Dwyer, Campaign finance complaints mount in secretary of state race. What happens next?, Indianapolis Star (Sept. 18, 2026) (quoting Election Division Co-Director Angela Nussmeyer) (attached as **Exhibit G**). On October 12, 2026, a request was submitted on Plaintiff’s behalf under the Access to Public Records Act, IND. CODE ch. 5-14-3, to the Election Division for the four complaints and their transmittal records, the Division’s correspondence with the respondent campaigns and any responses, and any notice, agenda, or correspondence concerning a Commission meeting proposed for any date after July 24, 2026. A true and accurate copy of the

request is attached as **Exhibit E**. As of the filing of this Complaint, the Division has produced no records in response.

17. The Commission last met on July 24, 2026, the same day the Shelton complaint was filed. The Commission has not met since. According to the Commission's own website, as of October 10, 2026, there are "No Meetings Scheduled." A true and accurate copy of the Commission's web page as it appeared on October 10, 2026 is attached as **Exhibit F**.
18. The Commission has not placed any of the four pending complaints on a meeting agenda, has not determined whether there is substantial reason to believe a violation occurred as to any of them, has not noticed a hearing on any of them, and has not announced any date on which it will consider them.
19. Upon information and belief, two of the Commission's four members have stated publicly that the Commission should hear every campaign finance complaint that is filed with it, one of them stating that doing so "is the obligation of this commission," and that the decision whether to call a meeting to hear the pending complaints rests with the Chair. Ex. G (quoting Commissioners Overholt and Celestino-Horseman).
20. In each of the last two general election years, the Commission convened a meeting before the general election at which it took up campaign finance enforcement matters: on September 9, 2022 (campaign finance enforcement hearings and settlement ratifications) and on September 30, 2024 (at which the handling of pending complaints was discussed). Ind. Election Comm'n, Tr. of Proceedings, Sept. 9, 2022, at 3, 41–43 (excerpt attached as **Exhibit J**; full transcript at <https://www.in.gov/sos/elections/files/IEC-Meeting-Minutes-September-9-2022.pdf>); Ex. I at 3. The Commission has convened no such meeting in 2026.
21. Voting in the general election is underway. Ballots for military and overseas voters were required to be transmitted no later than September 19, 2026. 52 U.S.C. § 20302(a)(8)(A). Absentee voting by mail has begun, and in-person early voting began on October 6, 2026. IND. CODE §§ 3-11-4-18, 3-11-10-26. Each day the Commission fails to act, more

Hoosiers cast final, irrevocable ballots for Secretary of State without knowing how the body charged with enforcing Indiana's campaign finance laws has resolved the complaints pending against both major-party candidates.

V. Plaintiff's Interest and Standing

22. Plaintiff is a certified candidate, on the ballot, for the same office as the respondents to the pending complaints. He and his committee are bound by the same contribution limits and reporting requirements that the complaints allege his opponents violated, and he has conducted his campaign in compliance with them. The Commission's failure to act permits Plaintiff's opponents to compete for the same votes, in the same election, with the benefit of alleged violations that have gone unexamined, and denies Plaintiff the even-handed enforcement of the campaign finance laws to which every candidate is entitled.
23. Plaintiff's interest is also concrete and time-bound. Whatever the Commission ultimately decides, a determination made before November 3, 2026 is available to the voters who will choose among Plaintiff and his opponents; a determination made after that date is not. No remedy available after the election can restore that information to voters or to Plaintiff's campaign.
24. In addition, and in the alternative, where the question is one of public concern and the object of the action is to procure the enforcement of a public duty, a plaintiff need not show a legal or special interest in the result distinct from that of the public. *State ex rel. Cittadine v. Ind. Dep't of Transp.*, 790 N.E.2d 978 (Ind. 2003) ("We hold that Pence did not alter the public standing doctrine in Indiana."). The timely enforcement of Indiana's campaign finance laws in a contested election for the State's chief election officer is a matter of public concern.

COUNT I

Declaratory Judgment

25. Plaintiff incorporates the preceding paragraphs as though fully restated herein.
26. An actual controversy exists between Plaintiff and Defendants concerning whether the Commission is required to convene and determine whether there is substantial reason to believe the violations alleged in the pending complaints occurred.
27. Pursuant to IND. CODE §§ 3-6-4.1-14(a)(1) and 3-6-4.1-21, the Commission must determine, as to each complaint properly before it, whether there is substantial reason to believe a violation occurred, and if so must expeditiously investigate and proceed under § 3-6-4.1-21(c). Pursuant to IND. CODE §§ 3-6-4.1-7 and 3-6-4.1-9, it can do so only by convening a meeting.
28. The Commission's failure to convene and make that determination for complaints that have been pending for between four and eleven weeks, while voting in the election to which the complaints relate is underway, is contrary to its duty to administer the election laws and to act expeditiously under IND. CODE §§ 3-6-4.1-14(a)(1) and 3-6-4.1-21.

WHEREFORE, Plaintiff requests that the Court enter a declaratory judgment that the Indiana Election Commission is required to convene and to determine, as to each of the complaints pending before it concerning the Engling and Bayh campaigns, whether there is substantial reason to believe a violation of Indiana election law has occurred, and to do so expeditiously as required by IND. CODE § 3-6-4.1-21, and in any event before the November 3, 2026 general election.

COUNT II

Preliminary and Permanent Injunction

29. Plaintiff incorporates the preceding paragraphs as though fully restated herein.

30. The Commission's failure to act deprives Plaintiff, as a candidate, and Indiana voters of the timely enforcement of Indiana's campaign finance laws in a contest for the office that oversees Indiana's elections.
31. Plaintiff is likely to succeed on the claim that the Commission's continued failure to convene and act on the pending complaints violates IND. CODE §§ 3-6-4.1-14(a)(1) and 3-6-4.1-21.
32. Plaintiff faces irreparable harm for which there is no adequate remedy at law. Ballots already cast cannot be recast, and relief after the election cannot restore to Plaintiff or to voters what a timely Commission determination would have provided.
33. The harm to Plaintiff and the voting public greatly outweighs any burden on Defendants, who will be required only to convene a meeting that the statute already empowers and obligates them to hold and to make a determination the statute already assigns to them. Plaintiff does not ask the Court to direct the outcome of the Commission's deliberations.
34. Granting an injunction will serve the public interest in the transparent, timely enforcement of Indiana's election laws.

COUNT III

Action for Mandate

35. Plaintiff incorporates the preceding paragraphs as though fully restated herein.
36. An action for mandate may be prosecuted 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. The Commission, when it determines whether a violation occurred and assesses penalties, acts as an inferior tribunal, and Defendants Boyce, Overholt, Celestino-Horseman, and Westercamp are public officers.
37. Mandate lies to compel a public body or officer to act on a matter the law requires it to decide, even though the court may not direct what the decision shall be. Ind. Alcoholic

Beverage Comm’n v. State ex rel. Harmon, 379 N.E.2d 140 (Ind. 1978) (affirming mandate requiring the commission to approve or deny a pending permit application, while striking the portion of the order directing how it must proceed: “It would have been proper for the court to mandate the ABC to act in accordance with its statutory duty.”). Plaintiff asks only that the Commission be compelled to convene and decide; he does not ask the Court to decide the complaints for it.

38. Defendants have a clear legal duty, resulting from their offices and from IND. CODE §§ 3-6-4.1-9, 3-6-4.1-14(a)(1), and 3-6-4.1-21, to convene the Commission and to determine whether there is substantial reason to believe the violations alleged in the pending complaints occurred. The Chair’s discretion as to when a meeting is “necessary for the performance of the commission’s duties,” IND. CODE § 3-6-4.1-9, is not discretion to leave those duties unperformed until the election to which they relate is over.

39. An emergency exists because voting is underway and the election will be held on November 3, 2026. Plaintiff requests that the Court direct a shortened time for the return of summons and for Defendants’ appearance and answer. IND. CODE § 34-27-3-2(b). WHEREFORE, Plaintiff requests that the Court:

(1) Declare that the Indiana Election Commission is required by IND. CODE §§ 3-6-4.1-14(a)(1) and 3-6-4.1-21 to convene and to determine, as to each complaint pending before it concerning the Engling and Bayh campaigns, whether there is substantial reason to believe a violation of Indiana election law has occurred, and that its failure to do so while voting is underway violates those provisions;

(2) Set an expedited hearing on Plaintiff’s Motion for Preliminary Injunction and, under IND. CODE § 34-27-3-2(b), shorten the time for Defendants’ appearance and answer;

(3) Issue a preliminary and permanent injunction requiring Defendants to convene a public meeting of the Commission, noticed in compliance with IND. CODE ch. 5-14-1.5, on or before October 26, 2026, at which the Commission shall take up each of the pending complaints concerning the Engling and Bayh campaigns and determine whether

there is substantial reason to believe a violation occurred, and shall take such further action under IND. CODE § 3-6-4.1-21 as it considers appropriate;

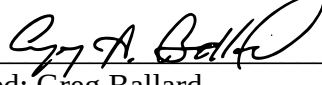
(4) In the alternative, issue an order of mandate under IND. CODE § 34-27-3-1 compelling the same; and

(5) Award any other appropriate relief, including costs.

VERIFICATION

I, Greg Ballard, affirm under the penalties for perjury that the foregoing factual allegations are true. As to the matters stated in paragraphs 12 through 16 and 19 (the Shelton, Douglas, Shields, and Neal complaints, the Division's correspondence, and public statements reported in the press), my knowledge is based on the documents attached as Exhibits A through E and G, which I have reviewed and which I believe to be true and accurate copies. As to all other factual allegations, they are true to the best of my personal knowledge.

Date: October 14, 2026

By: 
Printed: Greg Ballard

Respectfully submitted,

/s/ Greg Ballard
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