

**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.

**PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION
AND REQUEST FOR EXPEDITED HEARING**

Plaintiff, Greg Ballard (“Plaintiff”), pro se, a candidate for Indiana Secretary of State, pursuant to Indiana Trial Rule 65(A) and IND. CODE § 34-27-3-2(b), moves the Court for a preliminary injunction requiring Defendants, the Indiana Election Commission (the “Commission”) and its Chair and members in their official capacities, to convene a public meeting of the Commission on or before October 26, 2026, at which the Commission shall take up the four campaign finance complaints pending before it concerning the campaigns of Secretary of State candidates Max Engling and Beau Bayh and determine whether there is substantial reason to believe a violation occurred. Because absentee and in-person early voting are underway and the election is November 3, 2026, Plaintiff requests that the Court set this Motion for hearing no later than October 20, 2026. In support, Plaintiff states:

I. Background

1. Plaintiff filed his Verified Complaint for Declaratory and Injunctive Relief and Action for Mandate (the “Complaint”) on October 14, 2026. The facts set out in the verified Complaint and its Exhibits A through J are incorporated here by reference.

2. Four written complaints alleging violations of Indiana campaign finance law by the Engling and Bayh campaigns have been pending before the Commission since July 24, 2026, September 15, 2026, and September 17, 2026. Compl. ¶¶ 12–15 & Exs. A–D.
3. The Commission last met on July 24, 2026. It has not met since, has not placed the complaints on any agenda, and its website states that there are “No Meetings Scheduled.” Compl. ¶¶ 17–18 & Ex. F. The Election Division has sent the respondent campaigns letters requesting a response, and two members of the Commission have said publicly that hearing the complaints is the Commission’s obligation. Compl. ¶¶ 16, 19.
4. Ballots for military and overseas voters were required to be transmitted by September 19, 2026; absentee voting by mail is underway; and in-person early voting began October 6, 2026. Compl. ¶ 21.

II. Legal Standard

5. To obtain a preliminary injunction, the movant must show that: “(1) the movant’s remedies at law are inadequate, thus causing irreparable harm pending resolution of the substantive action; (2) the movant has at least a reasonable likelihood of success at trial by establishing a prima facie case; (3) threatened injury to the movant outweighs the potential harm to the nonmoving party resulting from the granting of an injunction; and (4) the public interest would not be disserved.” *Apple Glen Crossing, LLC v. Trademark Retail, Inc.*, 784 N.E.2d 484, 487 (Ind. 2003).
6. “Where a government entity clearly violates a law, the public interest is so great that an injunction should issue without requiring the moving party to establish irreparable harm or greater injury.” *Ind. Family & Soc. Servs. Admin. v. Walgreen Co.*, 769 N.E.2d 158, 161–62 (Ind. 2002).

III. Argument

7. **Likelihood of success.** The Commission “shall” administer Indiana’s election laws, IND. CODE § 3-6-4.1-14(a)(1), including the contribution limits and reporting requirements

the pending complaints invoke. When the Commission has substantial reason to believe a violation occurred, “it shall expeditiously make an investigation,” and after notice and an opportunity for hearing “shall take the action it considers appropriate.” IND. CODE § 3-6-4.1-21(b)–(c). The Commission can act only at a meeting, IND. CODE §§ 3-6-4.1-7, 3-6-4.1-9, and the statute supplies a means to convene one if the Chair does not, IND. CODE § 3-6-4.1-10.

8. Plaintiff does not contend that the Commission must find a violation, or must investigate every complaint regardless of merit. He contends that a complaint properly filed with the Commission presents a question the statute assigns to the Commission to decide — whether there is substantial reason to believe a violation occurred — and that the Commission may not simply decline to decide it while the election to which the complaint relates is conducted. The Commission’s own practice treats such complaints as matters pending before it: staff logs them, sends the respondent a copy, and requests a response. Compl. ¶ 10. A duty to act on a matter tendered for decision is enforceable even where the substance of the decision is committed to the agency’s discretion. 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 application: “It would have been proper for the court to mandate the ABC to act in accordance with its statutory duty.”).
9. The Chair’s authority to call a meeting “whenever the chair considers it necessary for the performance of the commission’s duties,” IND. CODE § 3-6-4.1-9, is discretion as to timing in the ordinary course. It is not authority to leave the Commission’s duties unperformed past the point at which performance can matter. Complaints concerning a November 3 election, filed in July and September, that have not been taken up by mid-October while voting proceeds, present that case. Plaintiff has at least a reasonable likelihood of establishing that the Commission’s inaction is contrary to IND. CODE §§ 3-6-4.1-14(a)(1) and 3-6-4.1-21.

10. **Per se harm.** Because the Commission's failure to act is contrary to IND. CODE § 3-6-4.1-21, Plaintiff need not separately establish irreparable harm or balance of harms. Walgreen, 769 N.E.2d at 161–62.
11. **Irreparable harm.** Independently, Plaintiff has no adequate remedy at law. Ballots already cast cannot be recast. If the Commission does not act until after November 3, 2026, no later ruling can restore to Plaintiff or to voters what a timely determination would have provided in the race for the State's chief election officer. As a candidate bound by the same laws, Plaintiff is harmed by competing in an election in which the complaints against both of his opponents go unexamined until the election is over. Money damages are unavailable and would not remedy the harm.
12. **Balance of harms.** The injunction Plaintiff seeks imposes minimal burden: the Commission must hold one public meeting, noticed under the Open Door Law, and decide a threshold question the statute already assigns to it. Plaintiff does not ask the Court to direct how the Commission resolves any complaint. The harm to Plaintiff and the voting public from further delay far outweighs that burden.
13. **Public interest.** The public interest is served by the timely, transparent enforcement of Indiana's campaign finance laws, particularly in the race for the office responsible for administering Indiana's elections. It is not disserved by requiring a state commission to meet.
14. **IND. CODE § 3-6-4.1-12 does not displace this Court's authority.** Section 3-6-4.1-12 permits the Governor, on his own determination or on a petition of one voter from each congressional district, to order the Commission to meet when it "fails to meet and discharge the duties imposed upon it by law." That provision confirms, rather than undercuts, Plaintiff's premise: the General Assembly contemplated that the Commission could fail to meet and discharge its duties and treated that failure as one requiring correction. But the Governor's authority is permissive ("may"), carries no deadline, and is not stated to be exclusive; nothing in § 3-6-4.1-12 purports to limit the Court's

jurisdiction under IND. CODE § 34-27-3-1 or Trial Rule 65, and a discretionary political remedy without a timetable is not an adequate remedy at law for a harm that will be complete on November 3, 2026.

15. **Scope of relief.** Plaintiff recognizes that an injunction requiring affirmative action is granted with caution. The relief requested here is narrow: it fixes only the date by which the Commission must meet and requires only that the Commission decide the threshold question the statute assigns to it, leaving the merits of each complaint and any further action entirely to the Commission.
16. **Security.** Plaintiff submits that no security is warranted under Trial Rule 65(C), because Defendants would incur no cost or damage from complying with the injunction sought, which requires only that the Commission convene a meeting it is statutorily empowered to hold. To the extent the Court finds any security appropriate, Plaintiff requests that it be set in a nominal amount.

IV. Request for Expedited Hearing

17. Relief after October 26, 2026 will come too late for a substantial share of voters. Plaintiff requests that the Court set this Motion for hearing on or before October 20, 2026, and, under IND. CODE § 34-27-3-2(b), direct a shortened time for Defendants' appearance and response.
18. Plaintiff will serve this Motion and notice of the hearing on Defendants and the Office of the Indiana Attorney General as required by Trial Rule 65(A)(1).

WHEREFORE, Plaintiff respectfully requests that the Court:

- (a) Set this Motion for an expedited hearing on or before October 20, 2026, and shorten Defendants' time to respond;
- (b) Enter a preliminary injunction, with findings of fact and conclusions of law under Trial Rule 52(A), requiring Defendants to convene a public meeting of the Indiana Election 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 of Indiana election law occurred; and
(c) Grant all other just and proper relief.

Respectfully submitted,

/s/ Greg Ballard
Greg Ballard, Pro Se
c/o Greg for Indiana
13110 Harrell Parkway, Suite 100
Noblesville, IN 46060
(260) 267-0022
info@gregballard.com

CERTIFICATE OF SERVICE

I certify that on October 14, 2026, a copy of the foregoing was served, together with the Summons and Verified Complaint, by personal delivery on each Defendant, c/o Indiana Election Division, 302 West Washington Street, Room E204, Indianapolis, IN 46204, and on the Office of the Indiana Attorney General, 302 West Washington Street, IGCS 5th Floor, Indianapolis, IN 46204.

/s/ Greg Ballard