In the
Indiana Supreme Court

State of Indiana ex rel. Chris Garten,
Relator,

v.

Clark Circuit Court No. 1, et al.,
Respondents.

Supreme Court Case No.
26S-OR-412

Trial Court Case No.
10C01-2611-MI-192

FILED
Nov 17 2026, 11:52 am
CLERK
Indiana Supreme Court
Court of Appeals
and Tax Court

Published Order Granting Emergency Writ in Part

Relator, by counsel, has filed a petition for writ of mandamus, seeking emergency relief under Rule 3 of the Rules of Procedure for Original Actions. Relator seeks a writ vacating portions of an ex parte temporary restraining order (TRO) entered at 3:44 p.m. on November 16, 2026 in the underlying case.

That TRO restrained (1) the Clark County Election Board and Clerk from (a) certifying the results of the November 3 general election for the offices of Indiana State Senator, District 45, and the Clark County Auditor; and (b) transmitting a certified statement of the votes cast in Clark County for Indiana State Senator, District 45; and (2) Relator from presenting himself to take the oath of office or to be seated as the Senator from District 45. The TRO also set a hearing on a request for preliminary injunction for November 18. Relator asserts that emergency relief is warranted because the Senate is scheduled to organize, swear in its members, and elect its officers at 1:30 p.m. on November 17. Because the TRO bars Relator from the oath, it will leave District 45 without a Senator until the underlying matter has proceeded to judgment.

This Court may issue an emergency writ before a hearing if Relator shows that a writ is necessary to maintain the status quo and prevent irreparable injury until the petition can be heard. Ind. Orig. Act. R. 3(E)(1). Having considered the written submissions and convened to discuss the merits, the Court GRANTS the petition in part and directs Respondents to vacate the provision of the November 16 TRO restraining Relator "from presenting himself to take the oath of office as, or to be seated as, the Senator from District 45." *See* Art. 4, Section 10 of the Indiana Constitution (recognizing "that the respective houses of the legislature are the sole judges of the results of the elections of their members."); *see also State ex rel. Jacobs v. Marion Circuit Ct.*, 644 N.E.2d 852 (Ind. 1994) (citing *Lucas v. McAfee*, 29 N.E.2d 588, 589 (Ind. 1940)).

The Court also directs Respondents to respond to Relator's petition and submit any supplemental record by **Monday, December 7, 2026**. The Court takes Relator's remaining

requests under advisement. The pendency of this matter in this Court does not stay the proceedings in the trial court.

Done at Indianapolis, Indiana, on 11/17/2026.

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.