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Clerk
Clark County, Indiana

IN THE CLARK CIRCUIT COURT NO. 1

STATE OF INDIANA

MIGUEL HAMPTON, CHAIRMAN OF THE
CLARK COUNTY DEMOCRATIC PARTY,
Petitioner,

v. Case No. 10C01-2611-MI-

CLARK COUNTY ELECTION BOARD;
ANDREW STEELE, RYAN LYNCH, and
CHARLES ANTHONY SINGLETON, in their
official capacities as members of the
Clark County Election Board; and
RYAN LYNCH, in his official capacity as
Clerk of the Clark Circuit Court; and
CHRIS GARTEN,
Respondents.

VERIFIED PETITION FOR JUDICIAL REVIEW OF DECISION OF THE CLARK COUNTY ELECTION BOARD AND FOR PRELIMINARY INJUNCTION

Comes now the Petitioner, Miguel Hampton, Chairman of the Clark County Democratic Party, in person and by counsel, Mickey K. Weber, and pursuant to Indiana Code 3-6-5-34 and Indiana Trial Rule 65, for his Verified Petition for Judicial Review of Decision of the Clark County Election Board and for Preliminary Injunction, would show the Court as follows:

Parties and Jurisdiction

1. That the Petitioner, Miguel Hampton, is the Chairman of the Clark County Democratic Party;
2. That the Respondent Clark County Election Board (the "Election Board") is the county election board for Clark County, Indiana;

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3. That the Respondent Andrew Steele is a member and the President of the Election Board; the Respondent Ryan Lynch is the Clerk of the Clark Circuit Court and a member and the Secretary of the Election Board; and the Respondent Charles Anthony Singleton is a member of the Election Board; each is named in his official capacity;
4. That at the general election held on November 3, 2026 (the "Election"), Chris Garten and Nick Marshall were the candidates of the Republican and Democratic parties, respectively, for the office of Indiana State Senator, District 45, and R. Monty Snelling and Antonio Veals were the candidates of the Republican and Democratic parties, respectively, for the office of Clark County Auditor;
5. That the Respondent Chris Garten is the candidate who, according to the unofficial results, received the highest number of votes for the office of Indiana State Senator, District 45, and is expected to present himself to take the oath of office and be seated as the Senator from District 45 on Tuesday, November 17, 2026;
6. That Indiana Code 3-6-5-34 provides that an appeal may be taken from a decision of a county election board to the circuit court, and this Petition is filed within thirty (30) days after the Election Board made the decision from which the Petitioner appeals;

Jeffersonville High School

7. That on November 3, 2026, Jeffersonville High School served as the polling place for the voters of precincts Jeffersonville 13, Jeffersonville 23, Jeffersonville 24, and Jeffersonville 26 (the "Jeffersonville High School precincts");

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8. That voters at Jeffersonville High School marked paper ballots, which were counted by a precinct scanner and tabulator manufactured by Election Systems & Software (referred to by the Election Board as the "machine"), and the machine stored the votes it counted on a removable USB flash drive (referred to by the Election Board as the "data stick");
9. That during voting hours on November 3, 2026, the machine at Jeffersonville High School jammed or otherwise stopped functioning;
10. That county personnel removed the machine from service and replaced it with another machine while voting continued;
11. That four hundred seventy-four (474) ballots were cast at Jeffersonville High School before the machine was replaced;
12. That voters at Jeffersonville High School signed in on electronic poll books (referred to as "poll pads"), and for much of the day only two (2) of the three (3) poll pads assigned to the location were in use; later in the day, a poll clerk entered voters' names into a poll pad from a list;
13. That the poll pad records for Jeffersonville High School show that three hundred thirty-three (333) voters signed in before 11:08 a.m., but four hundred seventy-four (474) ballots were cast before the machine was replaced;
14. That the polls closed at 6:00 p.m. on November 3, 2026, but the poll pad records for Jeffersonville High School show more than one hundred (100) voters signing in after 7:00 p.m., some as late as 9:00 p.m.;

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15. That the results tape printed by the machine at Jeffersonville High School reports one thousand six hundred forty (1,640) ballots cast on Election Day in the Jeffersonville High School precincts;
16. That Chris Garten has publicly stated that one thousand six hundred twelve (1,612) voters were recorded in the poll pads at Jeffersonville High School, twenty-eight (28) fewer than the number of ballots reported on the results tape;
17. That according to the unofficial precinct results, Election Day voters in the Jeffersonville High School precincts cast 958 votes for Antonio Veals and 656 votes for R. Monty Snelling for the office of Clark County Auditor, and 916 votes for Nick Marshall and 633 votes for Chris Garten for the office of Indiana State Senator, District 45;
18. That the Election Board has not determined how, or whether, the ballots counted by the two machines were combined in the results reported for the Jeffersonville High School precincts;

Sacred Heart and St. Augustine

19. That on November 3, 2026, Sacred Heart served as the polling place for the voters of precincts Jeffersonville 9 and Jeffersonville 10, and St. Augustine served as the polling place for the voters of precincts Jeffersonville 1, Jeffersonville 2, Jeffersonville 4, and Jeffersonville 5;
20. That at both locations, errors in the software programming of the poll pads caused the poll pads, after reading a voter's identification, to report that the voter was attempting to vote in the wrong precinct, when the voter was at the correct precinct;

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21. That poll workers confirmed each such voter's residence and precinct, had the voter sign a sheet of paper, and kept the sheets together to supplement the poll pad records;
22. That at least one of those sheets has been reported missing;
23. That without the missing sheet or sheets, the number of voters confirmed to have voted at Sacred Heart and St. Augustine cannot be reconciled with the number of ballots cast there;

The Election Board's Decision

24. That on November 6, 2026, the Petitioner asked the President of the Election Board to have the ballots run through a tabulating machine so that the poll books could be compared to the ballot count;
25. That the Election Board gave notice that it would count the physical ballots cast in the Jeffersonville High School precincts at its meeting on November 10, 2026;
26. That at the November 10, 2026 meeting, President Steele moved that the Election Board count by hand the ballots cast in the Jeffersonville High School precincts, and the motion died for lack of a second;
27. That President Steele then moved that the Election Board run those ballots through a tabulating machine solely to obtain a count of the total number of ballots cast, and that motion also died for lack of a second;
28. That at the same meeting, the Election Board, by a vote of two (2) to one (1), adopted a resolution (the "Resolution") in which it recited that it had reviewed election returns, poll book records, voter check-in records, absentee voting reports, and tabulation records related to the Jeffersonville High School precincts;

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determined that the principal concern raised was based upon an assumption that turnout in those precincts was substantially lower than expected, and that the alleged shortfall in ballots cast does not exist; found no evidence that any ballot cast was not tabulated, that voting equipment failed to record ballots cast, or that examination of the sealed ballot containers was necessary to resolve the concerns presented; and resolved that those concerns had been adequately investigated and explained through review of the election records before it, and that no sufficient factual basis existed to justify opening the sealed ballot containers for examination;

29. That Ryan Lynch and Charles Anthony Singleton voted to adopt the Resolution, and Andrew Steele voted against it;
30. That the Election Board did not examine any of those records at the November 10, 2026 meeting, and there was no indication that it had done so at any other time;
31. That an examination of those records could not resolve the discrepancies in the poll pad records described above, and could not determine whether all of the votes cast at Jeffersonville High School were counted through the transition from the original machine to the replacement machine;
32. That at the November 10, 2026 meeting, the President of the Election Board, Andrew Steele, acknowledged on the record that the Resolution adopted a false narrative;
33. That an attendee recorded the entire November 10, 2026 meeting, including President Steele's acknowledgment, on audio and video;

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Certification and Organization Day

34. That Indiana Code 3-12-5-11 requires the Clerk of the Clark Circuit Court to prepare a certified statement of the number of votes received in Clark County by each candidate for Indiana State Senator, District 45, and to transmit it to the Indiana Election Division not later than noon on Monday, November 16, 2026;

35. That under Indiana Code 3-12-5-12, the Indiana Election Division, upon receipt of the certified statements, will total them and prepare a certificate of election for the candidate who received the highest number of votes, to be signed by the Secretary of State;

36. That the Indiana General Assembly is scheduled to convene for Organization Day on Tuesday, November 17, 2026, when the members-elect of the Senate are to take the oath of office;

37. That according to the unofficial results, Chris Garten received 21,817 votes and Nick Marshall received 21,520 votes for the office of Indiana State Senator, District 45, a margin of two hundred ninety-seven (297) votes, and R. Monty Snelling leads Antonio Veals by two hundred fifty-seven (257) votes for the office of Clark County Auditor;

38. That the Petitioner intends to file, within the time allowed by law, a petition for recount and election contest for the office of Indiana State Senator, District 45 with the Indiana Recount Commission under Indiana Code 3-12-11, and a petition for recount and election contest for the office of Clark County Auditor with this Court under Indiana Code 3-12-6 and Indiana Code 3-12-8;

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Count I: Judicial Review of the Resolution

39. That Indiana Code 3-12-4-8 requires the Election Board to carefully examine and compare the certificates, poll lists, and tally sheets, and to aggregate and tabulate the vote from the papers entrusted to it;
40. That the Resolution rests on a review of records that the Election Board did not examine, and that could not have resolved the concerns presented if it had;
41. That a decision resting on findings that the deciding body's own President has acknowledged to be false is arbitrary, capricious, and contrary to law;
42. That the Petitioner, who asked the Election Board to compare the poll books to the ballots and whose party nominated Nick Marshall and Antonio Veals, is aggrieved by the Resolution;
43. That the Resolution should be reversed;

Count II: Preliminary Injunction

44. That the Petitioner has a reasonable likelihood of success on the merits of Count I;
45. That the Petitioner's remedies at law are inadequate; once the Election Board certifies results built on the Resolution and a certificate of election issues, the holder of the certificate may take possession of the office, and once the Senate has acted on a member's election, its judgment is not subject to review by any court;
46. That the threatened injury to the Petitioner, and to the voters of Clark County, outweighs any harm to the Respondents from an injunction, because the injunction asks only that the Election Board and the Clerk not certify results built on findings they know to be untrue, and that Chris Garten not take a seat for which no certificate of election has issued, while the recount and contest proceed, and the recount for a

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legislative office must be completed by December 20, 2026, under Indiana Code 3-12-11-21;

47. That the public interest would be served, and not disserved, by an injunction that ensures the results of the Election rest on the ballots cast;

48. That the Petitioner recognizes that, under Article 4, Section 10 of the Constitution of the State of Indiana, the Senate, when assembled, judges the elections, qualifications, and returns of its own members; the Petitioner does not ask this Court to direct the Senate, but asks that the Court enjoin the Election Board and the Clerk from certifying results built on the Resolution, and enjoin the Respondent Chris Garten, a party to this action, from presenting himself to take the oath of office or to be seated until the Indiana Recount Commission has rendered its final determination, so that the Senate, when it judges the election of the member from District 45, does so on returns that reflect the ballots and with the determination of the Indiana Recount Commission before it;

49. That under Indiana Code 3-12-11-21, the recount for the office of Indiana State Senator, District 45 must be completed by December 20, 2026, and the resulting certified statement is delivered to the presiding officer of the Senate, who refers it for whatever action the Senate considers appropriate;

50. That the Petitioner requests an expedited hearing on this Petition.

WHEREFORE, the Petitioner, Miguel Hampton, Chairman of the Clark County Democratic Party, respectfully requests that the Court set this Petition for an expedited hearing; that the Court reverse the Resolution adopted by the Clark County Election Board on November 10, 2026; that the Court preliminarily enjoin the Clark County Election

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Board, its members, and the Clerk of the Clark Circuit Court from certifying the results of the Election for the office of Indiana State Senator, District 45, and from transmitting a certified statement of the votes cast in Clark County for that office under Indiana Code 3-12-5-11, until the Indiana Recount Commission has rendered its final determination; that the Court preliminarily enjoin the same Respondents from certifying the results of the Election for the office of Clark County Auditor until the conclusion of the recount and contest for that office; that the Court preliminarily enjoin the Respondent Chris Garten from presenting himself to take the oath of office as, or to be seated as, the Senator from District 45 until the Indiana Recount Commission has rendered its final determination; that the Court direct the Clerk to transmit a copy of its order to the Indiana Election Division and to the President Pro Tempore of the Indiana Senate; and that the Court grant all other relief appropriate in the premises.

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT THE FOREGOING REPRESENTATIONS ARE TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Miguel Hampton
_____
Miguel Hampton, Chairman
Clark County Democratic Party, Petitioner

Respectfully submitted,

/s/ Mickey K. Weber_____
Mickey K. Weber
Attorney No. 27432-10
SCHAD LAW, P.C.
309 Pearl Street, Second Floor
New Albany, IN 47150
(812) 945-4555
mweber@schadlaw.com
Attorney for Petitioner

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CERTIFICATE OF SERVICE

I certify that on November 16, 2026, a copy of the foregoing was served upon the following by certified mail:

Clark County Election Board, c/o Ryan Lynch, Secretary, 501 East Court Avenue, Jeffersonville, IN 47130

Andrew Steele, 501 East Court Avenue, Jeffersonville, IN 47130

Ryan Lynch, 501 East Court Avenue, Jeffersonville, IN 47130

Charles Anthony Singleton, 501 East Court Avenue, Jeffersonville, IN 47130

Chris Garten, 3415 County Road 160, Charlestown, IN 47111

Indiana Election Division, 302 West Washington Street, Room E-204, Indianapolis, IN 46204

/s/ Mickey K. Weber_____
Mickey K. Weber

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