

In the Indiana Supreme Court

In re: Election Recount:

Senator Spencer R. Deery,
Appellant/Respondent,

v.

Paula K. Copenhaver,
Appellee/Petitioner,

and

Secretary of State Diego Morales, Paul
Mullin, and Michael Claytor, as Members
of the Indiana Recount Commission,
Appellees.

Supreme Court Case No.
26S-EX-293

Court of Appeals Case No.
26A-EX-2271

Appeal from the Indiana Recount
Commission



Published Order Granting in Part Appellant's Motion to Stay and For Preliminary Injunctive Relief

On August 24, 2026, we granted Appellant's petition to transfer under Appellate Rule 56(A), set a briefing schedule, and scheduled oral argument for September 10.

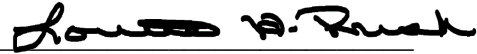
Pending before the Court is Appellant's motion that asks us to, among other requested relief, do the following: (1) immediately stay implementation and enforcement of the Indiana Recount Commission's August 10, 2026 Certificate of Recount; (2) preliminarily enjoin county clerks, election boards, and all other county officials with election jurisdiction over the precincts within Indiana State Senate District 23 from finalizing, issuing, or transmitting ballots that identify the Republican candidate for Indiana State Senate District 23 for the November 3, 2026 general election; and (3) clarify that these county clerks, election boards, and election officials can continue all other ballot-preparation activities except identifying the Senate District 23 Republican nominee. Appellee/Petitioner filed a response opposing the motion.

Being duly advised, the Court GRANTS IN PART Appellant's "Verified Emergency Motion to Stay and for Preliminary Injunctive Relief Pending Appeal." The Recount Commission's August 10 final determination, as reflected in the amended August 17 recount certificate, is STAYED only to the extent that determination would authorize or require the issuance, transmission, distribution, or use of general-election ballots for Indiana State Senate District 23 before a decision is issued in this appeal.

This order does not vacate or rescind the Commission's certificates, their filing, or the Election Division's completed certification. *See* I.C. §§ 3-12-11-23, -24. This order also does not prevent county clerks, election boards, and election officials from preparing all other aspects of the ballot by the standard statutory deadlines.

All other pending requests are deemed denied.

Done at Indianapolis, Indiana, on 9/3/2026.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", written over a horizontal line.

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.