



STATE OF INDIANA  
OFFICE OF THE GOVERNOR  
State House, Second Floor  
Indianapolis, Indiana 46204

Eric J. Holcomb  
Governor

April 9, 2021

The Honorable Todd Huston  
Speaker  
Indiana House of Representatives  
Statehouse  
Indianapolis, IN 46204

Dear Speaker Huston:

By the authority vested in me as governor of the State of Indiana pursuant to the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto House Enrolled Act No. 1123 (HEA 1123), enacted during the regular session of the 122<sup>nd</sup> General Assembly.

I am vetoing HEA 1123 because I firmly believe a central part of this bill is unconstitutional. The legislation impermissibly attempts to give the General Assembly the ability to call itself into a special session, thereby usurping a power given exclusively to the governor under Article 4, Section 9 of the Indiana Constitution. As such, it seeks to accomplish that which the Indiana Constitution clearly prohibits.

This part of the bill also violates the separation of powers principle enshrined in Article 3, Section 1, of the Indiana Constitution because it constitutes a legislative encroachment on the governor's power as head of the executive branch. In addition, well-established Indiana case law zealously protects each branch of state government from intrusion by another.

If HEA 1123 becomes law and can be used by the General Assembly, it will create significant uncertainty and solidify the controversy over its constitutionality. This is a matter of immediate and substantial public interest. In addition, any legislative actions taken during an unconstitutional special session will be void and thus open and subject to legal challenges to set them aside. Government should serve as a steady foundation during a time of crisis. Avoidable legal challenges during a state of emergency will only serve to be disruptive to our state.

I do want to be clear that I support efforts to increase partnership and collaboration between the legislative and executive branches during states of emergency. I remain willing to work with the General Assembly to address their concerns to represent our shared constituents during declared states of emergency.

Sincerely,

Eric J. Holcomb  
Governor