

**BEFORE THE
INDIANA RECOUNT COMMISSION**

**ORDER 2026-21
ORDER SETTING BRIEFING SCHEDULE**

IN THE MATTER OF THE RECOUNT)
AND CONTEST FOR THE REPUBLICAN)
PARTY NOMINATION FOR ELECTION)
OF INDIANA STATE SENATE,)
DISTRICT 23)
)
)
)
PAULA K. COPENHAVER, Petitioner)
)
)
v.)
)
)
SPENCER R. DEERY, Respondent)

1. The Indiana Recount Commission convened on May 26, 2026, and adopted Order 2026-8, which is incorporated herein by reference.
2. Order 2026-8 employed Evan M. Norris as Recount Director and designated Evan M. Norris to exercise any of the powers of the Commission, except for the powers listed in Indiana Code 3-12-10-7(a).
3. To assist in an orderly and efficient resolution of this matter, the Recount Director sees it necessary to establish a briefing schedule prior to the Contest proceeding(s) to permit the Recount Commission adequate time to review and prepare for the State Senate District 23 Contest.
4. The Recount Director, acting under Order 2026-8, hereby sets the following response and reply deadlines in this matter:
 - A. Any response and/or objection to *Petitioner’s Motion to Subpoena Voters for Depositions* (filed 5/18/26) will be due on or before **June 26, 2026**. Any reply will be due on or before **July 6, 2026**.¹

¹ Any reply briefing filed in this proceeding should focus on any new arguments, facts, and/or issues raised in the response briefing.

- B. Any response and/or objection to *Petitioner's Motion to File Motion to Subpoena Voters for Depositions Under Provisional Seal* (filed 5/18/26) will be due on or before **June 26, 2026**. Any reply will be due on or before **July 6, 2026**.
- C. Any response and/or objection to *Petitioner's Motion to Hold in Abeyance Subpoena Requests for Three Voters* (filed 5/21/26) will be due on or before **June 26, 2026**. Any reply will be due on or before **July 6, 2026**.
- D. Any response and/or objection to *Petitioner's Objection to the Untimely and Unauthorized Alteration of Certified Election Results and Request for Emergency Provisional Relief From the Indiana Recount Commission* (filed 5/22/26) will be due on or before **June 26, 2026**. Any reply will be due on or before **July 6, 2026**.
- E. The Petitioner's *Verified Petition for Recount and Contest of Republican Primary Nomination for Indiana State Senator for District 23* requests that the Recount Commission issue various subpoenas in this matter (see p. 19, ¶¶ F & G; see also Appendices B and C to *Verified Petition*). To the extent these requests are not already addressed in the briefing discussed in this paragraph 4, Respondent is given until **June 26, 2026** to file any briefing pertaining to these subpoena requests. Petitioner is given until **July 6, 2026** to file any reply.

5. The Recount Director takes no further action regarding the *Motions*, the *Objection*, and the requests (¶¶ 4A-E above) filed by Petitioner and defers further action on those filings to the Recount Commission for its review and consideration.

6. Any other motion or request pertaining to any discovery being sought in this matter will be due on or before **June 19, 2026**, absent leave for good cause shown. Any response and/or objection to further discovery motions will be due on or before **June 26, 2026**.

7. At this time, the Recount Commission intends to hold the Contest proceedings (at a later date(s) to be determined²) in Tippecanoe County at 20 N. Third Street, Lafayette, IN 47901. The Recount Commission does not intend to hold Contest proceedings in all six (6) counties encompassing Senate District 23. If any party has an objection to this consolidation, they must file a written objection (or request for clarification) on or before **June 12, 2026** (in order to accommodate scheduling).

8. Any party may file a written objection, request for modification, and/or request for clarification of this Order as soon as practically possible.

9. The parties will be deemed to have "filed" any motion/response/reply in this proceeding upon receipt by the Recount Director at enorris@dsvlaw.com. Such filings must also include service on the opposing candidate or his/her representative. The following individuals must also be included on all future service lists (including the Recount Director and opposing candidate(s)): jkraft@dsvlaw.com; nplopper@dsvlaw.com; ndrake@dsvlaw.com; durenner@sos.in.gov; jbonnet@sos.in.gov; mkochevar@iec.in.gov; kprentice@sos.in.gov.

² This does not impact the Recount proceedings being held in June.

10. The Recount Director takes no further action regarding the requested Contest proceeding as part of this Order.

11. The Election Division shall send a certified copy of this order in accordance with Indiana Code 3-12-11-12(f) by electronic mail to the Petitioner and Respondents, unless the attorney for that party has filed an appearance for Petitioner or Respondent and by certified mail in all other cases.

SO ORDERED THIS 5th DAY OF JUNE 2026



Evan M. Norris, Recount Director
Acting on behalf of and
Under the authority of the
Indiana Recount Commission

Copies to:

Indiana State Police
Indiana State Board of Accounts
Fountain County Election Board
Parke County Election Board
Vermillion County Election Board
Warren County Election Board
Montgomery County Election Board
Tippecanoe County Election Board
William Bock, attorney for Petitioner
Sarah Pfister, attorney for Petitioner
Ted Nolting, attorney for Petitioner
Samantha Dewester, attorney for Respondent