
**BEFORE THE
INDIANA RECOUNT COMMISSION**

**ORDER 2026-32
ORDER**

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. The “tally,” as contemplated under Chapter 2 of the *Guidelines*, has been completed in each matter (Senate District 15, Senate District 23, House District 57) before the Commission.
4. Per Chapter 2, Section 20(a) of the *Guidelines*, “[u]pon completion of the tallying by the State Board of Accounts, the Commission shall convene to review the report of the Recount Director and to receive from the candidate’s evidence relevant to whether disputed votes should be counted.”
5. The Recount Director orders the following hearings before the Commission:
 - a. Senate District 23(Copenhaver v. Deery)- The Commission will convene on **July 28, 2026 at 9:00a ET**. The hearing will take place in **Conference Room B–Government Center South** (302 W. Washington St., Indianapolis, IN 46204). The parties should be prepared to proceed as follows:
 - i. The Recount Director will present a report of the precincts where there are no disputed ballots and request that the Commission count those votes (Ch. 2, Sec. 20(b)(2)).
 - ii. The Recount Director will present a report of the precincts where there are disputed ballots by stating the number of: (a) undisputed valid votes casts for each candidate in each precinct; (b) undisputed invalid votes cast for each candidate; and (c) undervotes cast in each precinct (Ch. 2, Sec. 20(b)(4)). The Recount Director will request the Commission count/not count those votes (Ch. 2, Sec. 20(b)(5)).
 - iii. The Recount Director will report whether a statement described under Chapter 2, Section 20(b)(6) has been filed regarding any disputed ballot. The Recount Director will request that the Commission proceed with ordering that each ballot be counted for a specified candidate, or not counted, in accordance with the statement (Ch. 2, Sec. 20(b)(7)).

1. Given the number of disputed ballots in this matter, the Recount Director orders that each party file their “statement” under Subsection (6) on or before July 24, 2026. In the event a party does not withdraw a disputed ballot at that time, they must still file a statement indicating such. The goal will be to narrow the disputed vs. undisputed ballot fields at the July 28th hearing.¹
- iv. The Recount Director will request that the remainder of the Recount and Contest proceedings (Ch. 2, Section 20(b)(8) *et seq.*) be held in abeyance pending outcome of disputed discovery issues.
- v. The Recount Director will present a brief overview of each discovery issue/dispute for the Commission (one-by-one). The moving party will have 5 minutes for each motion/request and the non-moving party will have 5 minutes to respond. The moving party may have 2 minutes for brief rebuttal, if permitted by the Commission. The Commission reserves the right to permit additional time for argument/response upon request. The Commission will then discuss and be permitted to ask questions before deciding whether such discovery shall be permitted. Each party should be prepared to address any stipulations or potential logistical issues that may be pertinent to such discovery (i.e.- *Who will sign future subpoenas from the Commission? Where will this take place? etc.*). The discovery motions/issues will be addressed as follows:
 1. *Copenhaver’s Subpoena to Produce Documents or Things to Tippecanoe County Clerk Julie Roush (App. B to Petition);*
 2. *Copenhaver’s Subpoena to Produce Documents or Things to Tippecanoe County Elections & Voter Registration Board (App. C to Petition);*
 3. *Copenhaver’s Request for Commission to Issue Deposition Subpoena to the Tippecanoe County Clerk (filed 6/19/2026);*²
 4. *Deery’s Motion to Subpoena Petitioner for Deposition (filed 6/19/2026);*

¹ The Recount Director understands that this is an aggressive timeline when coupling the briefing of the parties. However, the parties are well-aware of the timing issues associated with the SD 23 matter and desire of the Recount Commission to reach adjudication as soon as practically possible. Thus, the parties should use their best efforts to winnow down any disputed ballots that are no longer in dispute so that the parties and Commission can move forward in the most efficient way possible.

² The Recount Director strongly encourages Candidate Copenhaver to contact Clerk Roush and/or her legal representative and advise them of the potential subpoenas for records and deposition subpoena in the event the Commission agrees that such discovery shall take place (with hopes of expediting the discovery process).

5. *Copenhaver's Objection to the Untimely and Unauthorized Alteration of Certified Election Results and Request for Emergency Provisional Relief from the Indiana Recount Commission (filed 5/22/2026);*
 6. *Copenhaver's Request to Access SAVE Data (filed 6/19/2026); and*
 7. *Copenhaver's Motion to Subpoena Voters for Depositions (filed 5/18/2026) and related motions.*
6. **For the July 28th hearing, each party is ordered to bring two (2) flash drives with any proposed order(s) and/or subpoenas that he/she is requesting the Commission to make a ruling on. Each document must be in Word format and easily identifiable by file name.**
 7. The Recount Director may issue additional orders, memoranda, and/or agendas ahead of the respective hearings to assist with the efficient and orderly adjudication of these matters.
 8. Any objections/concerns with this Order should be promptly brought to the attention of the Recount Director (while copying opposing party/counsel).
 9. The Recount Director takes no further action regarding the requested Contest proceeding as part of this Order.
 10. 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 22nd DAY OF JULY 2026



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

Copies to:
Recount Distribution List