

In the Indiana Supreme Court

In re: Election Recount:

Senator Spencer R. Deery,
Appellant/Respondent/
Cross-Appellee,

v.

Paula K. Copenhaver,
Appellee/Petitioner/Cross-Appellant,

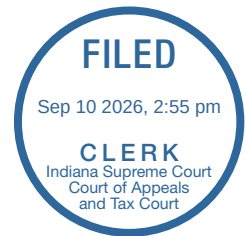
and

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

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

Indiana Code section 3-12-1-12 makes a qualifying ballot legally countable despite a defect caused by an election officer. Having considered the written submissions and having heard the arguments of counsel, a majority of the Court votes to set aside the Commission's final determination certifying that Paula Copenhaver received the higher number of votes for the Senate District 23 Republican primary. The Court further orders the Commission to recertify its results to the Election Commission to declare that Spencer Deery received 6,335 votes and Paula Copenhaver received 6,332 votes in the State Senate District 23 Republican primary.

The Court will issue a written opinion further explaining its reasons. This order is effective immediately and vacates the stay order issued September 3, 2026. Election preparations for District 23 shall resume using candidate Spencer R. Deery's name on the ballot as the Republican candidate for Senate District 23.

Done at Indianapolis, Indiana, on 9/10/2026.

A handwritten signature in black ink, appearing to read "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana