STATE OF INDIANA	)	BEFORE THE INDIANA RECOUNT COMMISSION
	) SS:	
COUNTY OF MARION	)	SITTING AT INDIANAPOLIS, INDIANA

PAULA K. COPENHAVER,	)
	)
Petitioner,	)
v.	)
	)
SPENCER R. DEERY,	)
	)
Respondent.	)

INDIANA ELECTION DIV
MAY 15 '26 PM 3:15

VERIFIED PETITION FOR RECOUNT AND CONTEST OF REPUBLICAN PRIMARY NOMINATION FOR INDIANA STATE SENATOR FOR DISTRICT 23

Petitioner, Paula K. Copenhaver ("Petitioner," "Candidate Copenhaver," or "Copenhaver"), personally and by counsel, in her capacity as a candidate to be the Republican Party nominee for the office of Indiana State Senator for Indiana State Senate District 23 as determined in the May 5, 2026, primary election and pursuant to Indiana Code § 3-12-11, *et seq.*, files her Verified Petition For Recount and Contest of the nomination of the candidate of the Indiana Republican Party for Senate District 23, and she, having been first duly sworn, upon personal knowledge, upon her oath, under penalties of perjury, and to the best of her information and belief, states:

1. Pursuant to Ind. Code § 2-1-15-23 Indiana State Senate District 23 consists of all precincts in the following counties: Fountain County, Parke County, Vermillion County, Warren County, and of all precincts in the following Montgomery County Townships: Brown Township, Coal Creek Township, Ripley Township, Wayne Township, and of all precincts in the following Tippecanoe County Townships: Jackson Township, Randolph Township, Shelby Township, Union Township, Wabash Township, and Wayne Township (the foregoing Counties, Townships and all precincts within Senate District 23 are hereafter referred to as "Senate District 23"). A complete list of the precincts in Senate District 23 is attached as **Appendix A** hereto and

incorporated herein by reference as if fully set forth; the precincts within Senate District 23 are referred to as the "Precincts."

2. Petitioner was a candidate for election to be nominated by qualified voters of the Republican Party, as defined by Ind. Code § 3-10-1-6, as the Republican Party's candidate for election to the office of Senate District 23 (hereinafter "Senate District 23's Republican Party Nominee") in the primary election held on May 5, 2026 (the "Primary Election") and is entitled to have the votes cast for that nomination recounted, and to contest the primary election for Senate District 23's Republican Party Nominee.

3. Election for Senate District 23's Republican Party Nominee was voted upon in Senate District 23 and in the Precincts, and Petitioner desires a recount of all the votes cast in the Primary Election for Senate District 23's Republican Party throughout Senate District 23 and in all Precincts in Senate District 23, including those precincts identified on attached **Exhibit A**.

4. Petitioner is entitled to, and hereby petitions for, a manual recount of all the votes cast in the Primary Election for Senate District 23's Republican Party Nominee in the Precincts.

5. Petitioner hereby requests a manual recount of all votes cast, of all ballots cast on ballot card voting systems or otherwise, of all electronic voting systems, of all absentee ballots, of all provisional ballots, of all paper ballots, and of all emergency ballots and/or ballots or votes cast in the Primary Election for Senate District 23's Republican Party Nominee in all Counties, Townships and Precincts in Senate District 23.

6. Petitioner's name appeared on the ballot for election as "Paula K. Copenhaver" and her residence address as set forth in the records of the Indiana Election Division is 809 Crockett Street, Covington, IN 47932. Her mailing address is P.O. Box 264, Covington, IN 47932.

7. Respondent's name appeared on the ballot for election as "Spencer R. Deery" and Respondent's address as set forth in the records of the Indiana Election Division is: 3723 Westmoreland Dr., West Lafayette, IN 47906.

8. There were no other candidates for Senate District 23's Republican Party Nominee in the Primary Election.

9. Pursuant to Ind. Code § 3-10-1-3 Primary Election Day shall be "the first Tuesday after the first Monday in May of each year in which a general election is held."

10. The results of the Primary Election for Senate District 23's Republican Party Nominee, as publicly reported on the evening of Primary Election Day were as follows:

Paula K. Copenhaver, Republican	6,331 votes
Spencer R. Deery, Republican	6,334 votes

11. However, on May 6, 2026, the day following Primary Election Day, Tippecanoe County, without conducting or noticing an official Election Board meeting, changed its reported election results, to reflect an additional vote for Spencer R. Deery (hereafter, "Candidate Deery" or "Respondent").

12. The increase of Candidate Deery's vote total in Tippecanoe County on May 6, 2026, following Primary Election Day and without any reported official intervening action of the Tippecanoe County Election Board, such as the counting of provisional ballots after consideration by the county election board as provided for in Ind. Code § 3-11.7-5-1 *et seq.*, is an anomaly which, on information and belief, has not yet been officially explained or documented.

13. On May 11, 2026, the Fountain County Election Board acted at an official meeting at which provisional ballots and an absentee ballot received on election day but not counted were considered and by unanimous decision of its Election Board and after

consideration of said ballots updated its election night results by adding 2 votes for Candidate Copenhaver and 1 vote for Candidate Deery.

14. On May 11, 2026, the Montgomery County Election Board acted at an official meeting at which provisional ballots were considered and by unanimous decision of its Election Board and after consideration of said ballots voted to update its election night results by adding 1 additional vote for Candidate Copenhaver.

15. On May 13, 2026, the Parke County Election Board acted at an official meeting at which provisional ballots were considered and by decision of its Election Board and after consideration of said ballots updated its election night results by adding 1 vote for Candidate Deery.

16. On May 15, 2026, the Tippecanoe County Election Board acted at an official meeting at which provisional ballots were considered and found no additional votes applicable to the Senate District 23 Republican Primary.

17. Based on the foregoing, Candidate Copenhaver reasonably believes that the Counties have, or may soon, report to the Indiana Election Division returns reflecting the following votes totals from the Primary Election for the Republican Party Nominee for Senate District 23:

Paula K. Copenhaver, Republican	6,334 votes
Spencer R. Deery, Republican	6,337 votes

18. However, at the time of filing this Petition, the results of the Primary Election for the Republican Party Nominee for Senate District 23 as listed on the website of the Indiana Election Division was:

Paula K. Copenhaver, Republican	6,334 votes
Spencer R. Deery, Republican	6,336 votes

19. Petitioner in good faith believes that the votes cast in the Precincts in the Primary Election for the Republican Party Nominee for Senate District 23 were not correctly counted and returned.

20. Petitioner in good faith believes a mistake was made in the printing or distribution of ballots used in the Primary Election that makes it impossible to determine the candidate who received the highest votes cast for Senate District 23's Republican Party Nominee in each of the Precincts in Senate District 23.

21. Petitioner in good faith believes a deliberate act or series of actions occurred making it impossible to determine the candidate who received the highest votes cast for Senate District 23's Republican Party Nominee in the Precincts in Senate District 23.

22. Petitioner in good faith believes that a mistake in the printing or distribution of absentee ballots or a deliberate act or series of actions involving absentee ballots occurred making it impossible to determine the candidate who received the highest votes cast for Senate District 23's Republican Party Nominee in the Precincts in Senate District 23.

23. Petitioner in good faith believes that there was fraud, tampering, or misconduct affecting the integrity of the ballot that was sufficiently pervasive in one or more of the Precincts in Senate District 23 in Fountain, Montgomery, Parke, Tippecanoe, Vermillion and/or Warren County, Indiana, that it may be impossible to determine the approximate number of votes that each candidate received in one or more Precincts in Fountain, Montgomery, Parke, Tippecanoe, Vermillion and/or Warren County, Indiana.

24. Petitioner in good faith believes that a mistake occurred in the programming of an electronic voting system or an electronic voting system malfunctioned making it impossible to determine the candidate who received the highest number of votes in each of the Precincts in Senate District 23.

25. The reported difference between the number of votes cast for Petitioner Copenhaver and Respondent Deery is less than one percent (1%) of the total number of votes cast in the Primary Election for the Republican Party Nominee for Senate District 23. Therefore, contemporaneously with the filing of this Petition Petitioner Copenhaver is tendering to the Indiana Election Division to be deposited in the State recount fund a cash deposit in the amount of $10 for each precinct Petitioner Copenhaver seeks to have recounted in a total amount of $1050.00. Petitioner is willing and able to furnish such additional cash deposit as may be required pursuant to Ind. Code § 3-12-11-10.

Evidence of Election Tampering by Individuals Not Entitled to Vote in the Republican Primary

26. Pursuant to Indiana Code § 3-10-1-6, a voter may only validly vote in a primary election of a political party:

> (1) if the voter, at the last general election, voted for a majority of the regular nominees of the political party holding the primary election; or
>
> (2) if the voter did not vote at the last general election, but intends to vote at the next general election for a majority of the regular nominees of the political party holding the primary election; as long as the voter was registered as a voter at the last general election or has registered since then.

27. Pursuant to Indiana Code § 3-10-1-6(1) if a voter voted in the 2024 general election but did not vote for a majority of the regular nominees of the Republican Party in that election they could not validly vote in the 2026 Republican Primary.

28. Pursuant to Indiana Code § 3-10-1-6(2) if a voter did not vote in the 2024 general election they could only validly vote in the 2026 Republican Primary if they intended, at the time of voting in the Republican Primary on May 5, 2026, to vote in the upcoming 2026 general election for a majority of the regular nominees of the Republican Party.

29. The purpose of Indiana Code § 3-10-1-6 is to require that only Republican voters - as defined by Indiana Code § 3-10-1-6 - may validly vote in an Indiana Republican Primary Election and that only Democrat voters - as defined by Indiana Code § 3-10-1-6 - may validly vote in an Indiana Democrat Primary Election, thereby preventing unaffiliated voters from tampering with, or attempting to tamper with, the outcome of a party primary.

30. There is substantial evidence of tampering with the 2026 Republican Primary Election in Senate District 23 by individuals not entitled to vote in the Republican Primary pursuant to Indiana Code § 3-10-1-6, and the extent of such tampering is sufficient to have likely affected the outcome of the election.

31. During and following the 2026 Primary Election numerous individuals boasted of voting in the 2026 Republican Primary in violation of Indiana Code § 3-10-1-6, admitting that they were not Republican affiliated voters, as they had not voted for Republican candidates in the past and did not intend to do so in the future, yet stating that they had voted for Candidate Deery in the 2026 Republican Primary in Senate District 23.

32. The Indiana State Recount Commission's *Guidelines for Conduct of and Election Recount and Contest* provide that a "recount" "means the determination by the state recount commission of the number of *valid votes* received by each candidate for the office subject to a recount." (emphasis added).

33. A vote cast in the 2026 Republican Primary in Senate District 23 that was cast in violation of Indiana Code § 3-10-1-6 by an individual not entitled to vote in the Republican Primary is not a valid vote under Indiana law.

34. Substantial evidence exists that invalid votes were cast in the 2026 Republican Primary in Senate District 23 in violation of Indiana Code § 3-10-1-6, such that, given the closeness of the Primary Election in Senate District 23, these invalid votes affected the outcome of that primary election.

35. For example, in response to a social media post asking who crossed over to vote Republican for Candidate Deery in the Indiana Senate 23 primary, **Voter A**[1], a registered voter in Tippecanoe County, Indiana who voted absentee in the 2026 Primary Election, voluntarily stated that she and some friends are Democrat voters who "did it to support Deery against the maga challenger." She further stated she would not vote for Candidate Deery in the general election.

36. Similarly, **Voter B**, a registered voter in District 23, responded that she thought hard about crossing over to vote for Candidate Deery.

37. In a line of social media posts regarding whether Democrat voters had crossed over to vote for Candidate Deery in the Republican Indiana Senate District 23 primary **Voter C**, a registered voter in Senate District 23, said she always votes straight D and took an R for the primary.

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[1] In order to responsibly handle information relating to those who may have voted in violation of Indiana Code § 3-10-1-6, Petitioner is submitting under provisional seal to the Indiana Election Division and the Indiana Recount Commission a chart identifying individuals referred to in this Petition as **Voters A**, **B**, **C**, **D**, **E**, **F**, **G**, **H**, **I**, **J**, **K**, **L**, **M** and **N** as well as a Motion for the Indiana Recount Commission to issue subpoenas for these individuals to attend a deposition where they may be examined under oath by counsel for the Petitioner and Respondent as part of the Recount proceeding.

38. In the same line of social media posts **Voter D**, a registered voter in Tippecanoe County in District 23, wrote that he crossed over and voted for Candidate Deery.

39. **Voter E**, a registered voter in Senate District 23 in Warren County told a reporter that he pulled a Republican primary ballot for the first time in his life in the Primary Election and voted for Candidate Deery leaving the rest of his ballot blank. Voter E told the reporter he felt that he could trust the other Democrats around him to make a good choice in the primaries and that he felt he would be a little bit more strategic with his vote and try to push Deery over the top in the Republican primary. **Voter E** further confirmed these statements in a public Facebook post dated May 6, 2026. **Voter E** subsequently stated that he and two others who crossed over should have a "party," because they were responsible for the vote separation between Deery and Copenhaver.

40. **Voter F**, a registered voter in District 23 in Tippecanoe County, describes herself as a "very progressive independent" who has pulled a Republican ballot in the last five or six primaries as a strategic move in a red state, "not [she said] because I am even close to being a Republican, but because I want to vote for the best of the worst." She confirmed to the reporter that she had also voted for Candidate Deery in the Republican Primary. **Voter F** also replied to **Voter E**'s Facebook post confirming that she also crossed over.

41. **Voter G,** a registered voter in District 23 in Tippecanoe County likewise responded to **Voter E**'s post stating that he too crossed over to vote for Candidate Deery.

42. **Voter H,** a registered voter in District 23 in Tippecanoe County also replied to **Voter E**'s post that he, his wife (**Voter I**), and his daughter (**Voter J**) all did the same thing, *i.e.,* crossing over to vote for Candidate Deery. Public records reflect that **Voter I** and **Voter J** are also registered voters in District 23.

43. **Voter K,** a registered voter in District 23, described himself to a reporter as an independent voter who decided to vote for Candidate Deery in the Republican Primary.

44. **Voter L, [**a registered voter in District 23, in response to a chain of social media posts regarding whether Democrat voters had crossed over to vote for Candidate Deery in the Republican Indiana Senate District 23 primary wrote that she did that but that the Democrat candidate for Senate District 23 would have her vote in November.

45. **Voter M**, a registered voter in District 23, likewise responded to a social media post regarding crossover voting, stating that he crossed over and voted for Deery even though he was "liberal as hell."

46. **Voter N**, a registered voter in District 23, responded to the same post about crossover voting stating that "another vote for Deery was mine."

47. After the Primary Election a reporter wrote that he had "made contact with more than a dozen voters, many of whom were wary about lending their names to [his article], who asked for a Republican ballot when they typically ask for Democratic ballots or skip primaries, but were motivated to vote by the Senate District 23 race."

48. Voters **A**, **B**, **C**, **D**, **E**, **F**, **G**, **H**, **I**, **J**, **K**, **L**, **M**, and **N** as described above, have publicly indicated that they voted for Candidate Deery in violation of Ind. Code § 3-10-1-6.

49. The news report quoted above and the public statements of **Voters A**, **B**, **C**, **D**, **E**, **F**, **G**, **H**, **I**, **J**, **K**, **L**, **M** and **N** are indicative of a purposeful effort by one or more individuals to personally cast and/or to encourage others to cast invalid votes for Candidate Deery in the 2026 Republican Primary in Senate District 23 in violation of Indiana Code § 3-10-1-6.

50. On information and belief, Voters **A**, **B**, **C**, **D**, **E**, **F**, **G**, **H**, **I**, **J**, **K**, **L**, **M** and **N** were not qualified under Ind. Code § 3-10-1-6 to vote in the May 5, 2026 Republican Primary

and yet each did so vote and cast invalid votes for Candidate Deery as the Republican nominee for Senate District 23, which votes have been improperly counted and returned in Candidate Deery's vote total.

51. Information which Candidate Copenhaver has reviewed and believes sufficient to corroborate the foregoing allegations concerning Voters **A**, **B**, **C**, **D**, **E**, **F**, **G**, **H**, **I**, **J**, **K**, **L**, **M** and **N** is being submitted by Candidate Copenhaver and her counsel under provisional seal to the Indiana Recount Commission through filing *Petitioner's Motion to Subpoena Voters for Depositions* (the "*Motion to Subpoena Voters*") with the Indiana Election Division contemporaneously with this Petition. This supporting evidence is described at pp. 3-7 of the *Motion to Subpoena Voters* and relevant documentation is attached thereto which evidence and documentation is incorporated herein by reference as if fully set forth.

52. On information and belief, additional discovery may lead to information about additional voters who voted for Candidate Deery in violation of Indiana Code § 3-10-1-6.

53. Votes cast in violation of Indiana Code § 3-10-1-6 are not valid and any such invalid votes must be removed from the applicable candidate's vote totals in recounting votes cast and returned for the Republican nomination for Senate District 23.

54. For the reasons explained above and in Petitioner's *Motion to Subpoena Voters* filed contemporaneously herewith under provisional seal, the Indiana Recount Commission should, pursuant to Ind. Code § 3-12-10-5(2) and -6, issue subpoenas, discovery orders, and any other appropriate orders compelling individuals who have publicly stated that they have, or may have, tampered or attempted to tamper with the election – by voting in the 2026 Republican Primary Election for Senate District 23 despite being unqualified, or appearing not to be qualified, under Ind. Code § 3-10-1-6 – to appear for their depositions to be conducted under

oath, by counsel for Petitioner, with counsel for Respondent present, so that the Commission may determine whether the votes casts by such individuals should be counted or excluded in the recount for the Republican nomination in Senate District 23. Contemporaneously with this Petition, *Petitioner's Motion to Subpoenas Voters for Depositions* is being filed under seal with the Indiana Election Division to request the Indiana Recount Commission issue subpoenas for the deposition of **Voters A, B, C, D, E, F, G, H, I, J, K, L, M,** and **N** described above.

Ballot Secrecy in Relation to Voluntary Disclosure or Illegal Voting

55. Indiana Constitution Article 2, Section 13 provides: "All elections by the People shall be by ballot; and all elections by the General Assembly, or by either branch thereof, shall be viva voce." Ind. Const. art. II, § 13. "The object the framers had in view was *secrecy* in the people's choosing of officers or measurers and *publicity* in choosing by the members of the General Assembly." *Spickermon v. Goddard*, 107 N.E. 2, 3 (Ind. 1914). "Voting by ballot involves secrecy, while viva voce voting insures publicity." *Id.*

56. As with most constitutional rights, however, ballot secrecy is not absolute.

57. For starters, a voter may voluntarily disclose how he or she voted. *Kelso v. Cook*, 110 N.E. 987, 994 (Ind. 1916). ("[N]othing in [Article 2, Section 13] mak[es] it unlawful for one to voluntarily state how he voted, or how he intends to vote."); *see also* Ind. R. Evid. 501(b) ("[A] person with a privilege against disclosure waives the privilege if the person...voluntarily and intentionally discloses or consents to disclosure of any significant part of the privileged matter.").

58. Beyond voluntary disclosures, the very act of voting in a primary election and requesting either a Republican or Democrat ballot necessarily requires a general disclosure and

declaration of how one voted in a majority of races in the last general election, or how one intends to vote in a majority of races in the upcoming general election. Ind. Code § 3-10-1-6.

59. Moreover, our courts have recognized that the right to vote in secret gives way when the voter tries to game the system by casting a ballot unlawfully. *See Pedigo v. Grimes*, 13 N.E. 700, 701 (Ind. 1887) ("Where, however, the vote is illegally cast, the voter may, so our statute provides, be compelled to make disclosure."); *accord*, *McArtor v. State*, 148 N.E. 477, 480 (Ind. 1925) (recognizing that voter may be compelled to disclose vote upon a showing of an illegal ballot, but sustaining objection because no such illegality was shown). In these situations, "It is presumed that the voters were not guilty of an unlawful act, and before they could be compelled to make disclosure it was incumbent on the appellant to remove this presumption." *Pedigo*, 13 N.E. at 701.

60. As to **Voters A**, **B**, **C**, **D**, **E**, **F**, **G**, **H**, **I**, **J**, **K**, **L**, **M**, and **N** this presumption has been removed.

61. Here, as explained above, each of the identified voters not only voluntarily *disclosed* but voluntarily *publicized* to a news reporter and/or on social media platforms the illegality of their ballots, admittedly crossing party lines in the Republican primary election for District 23, and stating who they voted for.

62. Thus, these voters have waived their privilege of ballot secrecy. Ind. R. Evid. 501(b).

63. Even if publication to a news source or on social media did not waive the privilege, which it does, these voters have admitted to casting their votes illegally by crossing party lines in the Primary Election, thus overcoming any presumption of legality.

64. Unlike a case resting on speculation, the evidence that the Indiana Recount Commission can consider includes statements from specific, identifiable individuals admitting that they were not qualified Republican voters, that they crossed party lines to participate in District 23's Republican Primary, and that they did so to vote for Candidate Deery.

65. Such admissions are not anonymous rumor or third-party conjecture; they are evidence from the voters' own mouths, some corroborated by the Indiana Voter Portal showing the voter unlawfully requesting a Republican Absentee ballot.

66. That evidence is sufficient to remove the presumption that these ballots were lawfully cast and to permit the Commission to compel testimony directed to whether those votes were illegally cast.

67. Courts in sister states with similar constitutional provisions to Article 2 Section 13 have nearly uniformly held that voters who are shown to have cast illegal ballots may be compelled to disclose how they voted. *See, e.g., Kiehne v. Atwood*, 604 P.2d 123, 127 (N.M. 1979) (affirming trial court's order compelling voters to testify as to their votes, noting that "[t]he case law of other states is overwhelming in holding that, although legal voters may not be compelled to disclose how they voted, illegal voters do not enjoy this same privilege"); *Singletary v. Kelley*, 242 Cal. App. 2d 611, 613, (Ct. App. 1966) ("one who votes illegally forfeits the privilege of secrecy"); *Sims v. Atwell*, 556 S.W.2d 929, 936 (Ky. Ct. App. 1977) ("When the illegality of a vote is established, the voter may be compelled to state how he cast his illegal vote."); *Wehrung v. Ideal Sch. Dist. No. 10*, 78 N.W.2d 68, 69 (N.D. 1956) ("The [trial] court was clearly right in requiring the disqualified voters to disclose how they voted and to deduct their votes from the total."); *Oliphint v. Christy*, 299 S.W.2d 933, 939 (Tex. 1957) ("Once

it is established that the individual is an illegal voter, such person no longer possesses the privilege of non-disclosure nor does he possess the right to the secrecy of his ballot.").

68. For instance, the Arkansas Supreme Court found that Amendment 81 of the Arkansas State Constitution – which guarantees the secrecy of votes – does not "protect the secrecy of the ballot for a person who casts an illegal or fraudulent ballot." *Willis v. Crumbly*, 268 S.W.3d 288, 296 (Ark. 2007). Similarly, the New Mexico Supreme Court found that "[t]he law protecting the secrecy of the ballot is intended to apply only to lawful voters and does not ordinarily apply to or protect illegal voters, *who can be required to testify as to how they voted at an election.*" *Kiehne*, 604 P.2d at 127. (emphasis added).

69. Finally, in a case specifically involving crossover voters, the Texas Court of Appeals found that ballot secrecy does not apply to those who cast illegal votes. *See Green v. Reyes*, 836 S.W.2d 203, 205 (Tex. App. 1992). The Texas Court of Appeals held that "the trial court properly advised the voters that this protection does not extend to voters who have cast illegal votes," even though many voters "expressed dismay and anger that the trial court was demanding that they reveal for whom they had voted when generally voters enjoy a constitutional right not to do so." *Green*, 836 S.W.2d at 205.

70. The reasoning in these cases is directly relevant here, where Petitioner has presented evidence that certain identified voters have publicly admitted crossing party lines to influence District 23's Republic Primary despite lacking the qualifications required by Indiana law to vote in the Republican Primary.

71. Therefore, the Indiana Recount Commission should promptly issue deposition subpoenas requiring that the individual voters labeled herein **Voters A, B, C, D, E, F, G, H, I, J, K, L, M,** and **N,** who have been identified by name in the contemporaneous *Petitioner's Motion*

to Subpoena Voters for Depositions, appear for their depositions to be conducted under oath, by counsel for Petitioner, with counsel for Respondent present, so that the Commission may determine whether the votes casts by such individuals should be counted or excluded in the recount for the Republican nomination in Senate District 23.

Discovery Regarding the Primary Election in Senate District 23 in Precincts in Tippecanoe County

72. As explained above, the vote total for Candidate Deery was increased by an additional vote on May 6, 2026, the day after Primary Election Day, apparently without official action by the Tippecanoe County Election Board.

73. Moreover, most of the voters who have identified themselves as having cast illegal votes in violation of Indiana Code § 3-10-1-6 are registered voters in Tippecanoe County.

74. Accordingly, Candidate Copenhaver is entitled to discovery from the Tippecanoe County Clerk and Tippecanoe County Election Board regarding the conduct of the election in Tippecanoe County.

75. Candidate Copenhaver is further entitled to an order in the recount not counting any votes in Tippecanoe County or any other County, Township or Precinct in Senate District 23 which were not valid votes.

Application of Systematic Alien Verification for Entitlements (SAVE) Data in the Recount of Senate District 23

76. In addition to the party affiliation requirement contained in Indiana Code § 3-10-1-6, in order to vote in the Republican Primary in Senate District 23 an individual must be a citizen of the United States, who is at least eighteen (18) years of age and who has been a resident of the precinct in which they voted thirty (30) days immediately preceding the election. IN Const. Art. 2, § 2; Ind. Code § 3-7-13-1.

77. Through written agreement with the Department of Homeland Security, U.S. Citizenship and Immigration Services (DHS-USCIS), the State of Indiana and the Indiana Recount Commission have access to Systematic Alien Verification for Entitlements (SAVE) data (the "Save Data") provided by the federal government.

78. The Save Data can be used to help determine whether individuals who were not qualified to vote in Senate District 23's Republican Primary due to age, residence or citizenship voted in the Republican Primary.

79. Due to the closeness of the election in Senate District 23's Republican Primary, Candidate Copenhaver requests that the identifying information of individuals who voted in person or via absentee or provisional ballot as reflected on the poll books and other election materials be checked against the Save Data currently available to the State of Indiana to identify whether any individual who voted in Senate District 23's Republican Primary was not entitled to do so.

80. Candidate Copenhaver is entitled to an order in the recount not counting any votes in any County, Township, or Precinct in Senate District 23 which were cast by individuals not qualified to vote in the Primary Election as determined through reliable information considered by the Indiana Recount Commission.

WHEREFORE, Petitioner Paula K. Copenhaver, by counsel, petitions for a recount and contest of the Primary Election for Senate District 23's Republican Party Nominee, for the State Recount Commission to grant her verified petition for a recount and election contest and order a manual recount of all ballots and votes within all Precincts in Senate District 23, and petitions the State Recount Commission to conduct a hearing on Petitioner's recount and contest in accordance with all applicable laws and to count only valid votes in the Precincts in the Recount.

Petitioner further petitions the State Recount Commission, the Indiana Secretary of State, and the Indiana Election Division, and through them, the Indiana State Police and the Indiana State Board of Accounts, for the following additional relief:

A. Pursuant to Ind. Code §§ 3-12-10-5(a)(1) and 3-12-11-16, promptly protect and impound all election records, materials or materials, including all ballots (including but not limited to ballot cards, absentee ballots, provisional ballots, emergency ballots and paper ballots), electronic voting systems, voting machines, tally sheets, poll lists, poll books, absentee ballot applications, affidavits and envelopes, provisional ballot materials, overseas and military ballot materials, voter challenge forms, VRG 4/12 forms, and any other completed voting or registration forms related to the Primary Election, canvass materials used in the Primary Election for Senate District 23's Republican nomination within the Precincts or created during the canvass conducted pursuant to Ind. Code § 3-12-4 *et seq*., the central count of absentee ballots pursuant to Ind. Code § 3-11.5-1 *et seq*, the counting of provisional ballots pursuant to Ind. Code § 3-11.7-1 *et seq*. and/or the counting of overseas ballots pursuant to Ind. Code § 3-12-1-17, and registration forms and information created subsequent to the Primary Election by voters in Senate District 23 and all voter registration and voting information related to **Voters A**, **B**, **C**, **D**, **E**, **F**, **G**, **H**, **I**, **J**, **K**, **L**, **M**, and **N** for the last ten years (collectively the "Primary Election Materials");

B. At least three weeks prior to the hearing on the Petitioner's election recount and/or contest provide to the Petitioner copies of all Primary Election Materials and other relevant election materials for the Primary Election for Senate District 23 within the Precincts;

C. Pursuant to Ind. Code § 3-12-11-9, issue a notice of the filing and pendency of this Verified Petition for Recount and Contest to each candidate or their designated

representative;

D. Pursuant to Ind. Code § 3-12-11-9, deliver the required notice to the Indiana State Police Department;

E. Issue such subpoenas, discovery orders and protective orders as may be necessary to permit a fair and accurate recount and/or election contest;

F. Issue subpoenas to the Tippecanoe County Clerk and to the Tippecanoe County Election Board in the format set forth in **Appendices B** and **C** attached hereto;

G. Issue subpoenas to individual voters to appear at their deposition and testify as requested in the *Motion for Subpoenas for the Deposition of Individual Voters* provisionally filed under Seal with the Indiana Election Division and to such other appropriate individuals as who may later be identified;

H. Incorporate the use of SAVE Data in the recount of votes in the Republican Primary in Senate District 23 to identify whether any unqualified individuals voted in the Republican Primary;

I. Count only the valid votes cast in the Republican Primary for Senate District 23 as determined by all the evidence submitted in the recount proceedings;

J. Upon conclusion of the recount and election contest issue written findings of fact and conclusions of law and a written decision setting forth the Recount Commission's decision upon the recount and/or contest; and

K. Take any further action required by the Indiana Election Code or that may be necessary and proper to ensure a fair and accurate count of the valid votes cast by the lawful voters in the Republican Primary for Senate District 23 and/or to ensure a fair and accurate election contest.

I, Paula K. Copenhaver, do hereby affirm under the penalties for perjury that the foregoing representations are based on personal knowledge and are true to the best of my knowledge, information and belief.

Paula K. Copenhaver

STATE OF INDIANA)
) SS:
COUNTY MARION)

Before me, the undersigned, a Notary Public, in and for said County and State this 18th day of May, 2026, personally appeared Paula K. Copenhaver who, having been duly sworn, acknowledges the execution of the foregoing.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed by official seal.

Carla J Resler
Notary Public Seal State of Indiana
Johnson County
Commission Number NP0679479
My Commission Expires 4/4/2032

Signature: Carla J Resler

Printed: CARLA J RESLER

My Commission Expires:
4-4-2032

My County of Residence is:
JOHNSON

Respectfully Submitted,

KROGER, GARDIS & REGAS, LLP

/s/ William Bock III
William Bock III, Atty. No. 14777-49
Ted Nolting, Atty. No. 27985-49
Sarah Pfister, Atty. No. 39820-32

ATTORNEYS FOR PETITIONER, PAULA K. COPENHAVER

KROGER, GARDIS & REGAS, LLP
111 Monument Circle, Suite 900
Indianapolis, Indiana 46204
(317) 692-9000

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by First Class United States Mail, postage prepaid this 18th day of May 2026.

Spencer R. Deery
3723 Westmoreland Drive
West Lafayette, IN 47906

/s/ William Bock III
William Bock III
KROGER, GARDIS & REGAS, LLP
111 Monument Circle, Suite 900
Indianapolis, Indiana 46204

Voice: (317) 698-9000
Email: wbock@kgrlaw.com