

State of Indiana
Clay County _____ Court

<p>Jeffrey P. Gallant,</p> <p style="text-align: right;"><i>Petitioner,</i></p> <p style="text-align: center;">v.</p> <p>Indiana Election Commission</p> <p style="text-align: right;"><i>Respondent.</i></p>	<p>Civil Cause No. <u>11C01-2603-RA-000185</u></p>
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Verified Petition for Judicial Review of Final Agency Action

Comes now Petitioner, Jeffrey P. Gallant, by counsel, and for his Verified Petition for Judicial Review (“Petition”), states as follows:

1. This action is brought pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code 4-21.5-5-1 *et seq.* which governs judicial review of an order, determination or action of an agency. Mr. Gallant seeks reversal of the Indiana Election Commission decision denying his challenge to the eligibility of Alexandra Rachele Wilson (“**Mrs. Wilson**”) to be a candidate on the 2026 Republican primary ballot, (“**Challenge**”) and remand to the Indiana Election Commission to immediately uphold the Challenge, disqualify Mrs. Wilson from being a candidate and prohibit her name appearing on the ballot for the 2026 Republican primary for Indiana Senate District 38 and so order the respective election boards of Vigo, Clay, and Sullivan Counties.

Introduction

2. Petitioner, Jeffrey P. Gallant, is a registered voter of the Otter Creek-F Precinct of the Township of Otter Creek in Vigo County, Indiana. Mr. Gallant’s mailing address is 2821 E. Hasselburger Avenue, Terre Haute, Indiana 47805. He resides within Indiana Senate District 38.

3. On February 5, 2026 Mrs. Wilson filed her Declaration of Candidacy (“CAN-2”) for in the Republican primary for Senate District 38.

4. On February 13, 2026, Mr. Gallant filed a Candidate File Challenge (“CAN-1”) asserting that, pursuant to Indiana Code 3-8-1-5 *et seq.* (“**Disqualification Statute**”), Mrs. Wilson is disqualified from assuming or being a candidate for elected office in Indiana.

5. The name of the agency whose action is at issue is the Indiana Election Commission (the “**Commission**”). The Commission’s mailing address is 302 W. Washington St. Room E204, Indianapolis, Indiana 46204.

6. At the noticed February 25 hearing addressing Mr. Gallant’s Challenge, the Commission heard argument from attorneys for Mr. Gallant and Mrs. Wilson and voted 2/2, denying the Challenge, which action has the effect of ordering that Mrs. Wilson’s name be placed on the ballot for the May 7, 2026 Republican primary as a candidate for Indiana Senate District 38.

7. Petitioner asks, pursuant to IC 4-21.5-5-15 (2), that the Court set aside the Commission’s action and remand to the Commission to uphold the Challenge, disqualify Mrs. Wilson from being a candidate and prohibit her name appearing on the ballot for the 2026 Republican primary for Indiana Senate District 38 and so order the respective election boards of Vigo, Clay, and Sullivan Counties.

Standing, Jurisdiction, and Venue

8. Petitioner has standing under IC 4-21.5-5-3; the final agency action of denying the Challenge is specifically directed to him.

9. The Commission’s action is a final order and Petitioner has exhausted administrative

remedies, IC 4-21.5-5-4 and is filing this Petition within thirty (30) days of the action for which review is sought. IC 4-21.5-5-5.

10. Venue is proper in Clay County under IC 4-21.5-5-6. Clay County lies wholly within Indiana Senate District 38, where the agency action, denying Petitioner's candidate challenge, will be carried out or enforced; the Commission's action requires the Clay County Election Board to place the challenged candidate's name on the Republican ballot for the May primary election.

Factual and Procedural Background

11. Mrs. Wilson has conceded that, in 2010, as Alexandra Rachele Anderson, she was arrested for and pleaded guilty to resisting arrest, which is a Class D felony, in Vermillion County Indiana.

12. On February 5, 2026, Mrs. Wilson filed a Declaration of Candidacy for Primary Nomination in 2026 ("CAN-2") for the Republican primary election for the office of Indiana Senate, District 38.

13. On February 13, 2026, Mr. Gallant filed with the Commission a Candidate Filing Challenge ("CAN-1") noting the 2010 plea and concluding that under subpart (d)(3)(C) of the Disqualification Statute, Mrs. Wilson was ineligible to be a candidate for office in Indiana.

14. On February 16, 2026, the Commission noticed a hearing on the Challenge for February 25, 2026.

15. At the hearing, Mrs. Wilson's attorney, Samantha DeWester, argued that the Disqualification Statute, IC 3-8-1-5, did not, as a matter of law, apply to Mrs. Wilson's 2010 guilty plea for the Class D felony of resisting arrest. Attorney DeWester argued that the

Disqualification Statute applied only to a felony conviction, and that Mrs. Wilson's conviction was entered as a misdemeanor and thus did not trigger the Disqualification Statute.

16. Commissioners Karen Celestino-Horseman and Suzannah Overholt questioned Mr. Gallant's attorney, James Bopp, Jr., noting that the judgment of conviction in Mrs. Wilson's case was entered for a Class A misdemeanor, and asserting that because the Disqualification Statute's definition of "felony" included the term "conviction," that the Disqualification Statute applied only to conviction of a felony.

17. Commissioners Celestino-Horseman and Overholt voted to deny the Challenge, and Commissioners Beth Boyce and John Westercamp voted to uphold the challenge.

18. In a separate vote, the Commissioners unanimously agreed that the vote constituted a final order.

Petitioner has been prejudiced by agency action under IC 4-21.5-5-14(d)(1)

19. Indiana Code § 4-21.5-5-14 (d)(1) provides that a court shall grant the relief sought if it determines that the Commission's denying the Challenge was arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law. *First Am. Title Ins. Co. v. Robertson*, 19 N.E.3d 757, 759 n.2 (Ind. 2014) ("Under AOPA a person is prejudiced by an agency action if it falls within five enumerated categories.").

**The Commission denied the Challenge
based on an erroneous interpretation of state statute.**

20. The Commission's denial is not in accordance with law; the Disqualification Statute, IC 3-8-1-5, expressly applies to Mrs. Wilson's 2010 plea agreement to a Class D Felony and judgment of conviction as a Class A misdemeanor. The Commission's order was based on an interpretation of IC 3-8-1-5 requiring conviction of a felony. *See supra*. But IC 3-8-1-5, as

amended in 2005, expressly applies when, as here, a person pleads guilty to a Class D Felony, regardless of whether it is “converted” to or judgment is entered as a Class A misdemeanor. *See, e.g.,* Indiana Attorney General Opinion 2006-4, 2007 Ind. AG LEXIS 1, *13 (explaining that as amended in 2005, IC 3-8-1-5 “disqualifies a person from assuming or being a candidate for office if the person *committed* a Class D felony that has been *converted* to a Class A misdemeanor . . . or *entered into judgment* as a Class A misdemeanor . . .” (emphases added)).

The Court does not defer to the Commission’s interpretation of IC 3-8-1-5.

21. “The court shall decide all questions of law, including any interpretation of a federal or state constitutional provision, state statute, or agency rule, without deference to any previous interpretation made by the agency.” I.C. § 4-21.5-5-11(b).

22. The Commission’s denial was based on an erroneous interpretation or construction of IC 3-8-1-5 and therefore is not in accordance with law. Pursuant to IC 4-21.5-5-14 (d)(1), then, the Court should grant the relief sought.

Relief Requested

23. Pursuant to IC 4-21.5-5-15, Petitioner requests that this Court set aside the final order of the Commission dated February 25, 2026, remand the case to the Indiana Election Commission to immediately uphold the Challenge, disqualify Mrs. Wilson from being a candidate and prohibit her name appearing on the ballot for the 2026 Republican primary for Indiana Senate District 38 and so order the respective election boards of Vigo, Clay, and Sullivan Counties.

24. Because absentee ballots for the 2026 Republican primary for Indiana Senate District 38 must be mailed by the respective election boards by March 21, 2026, an emergency

exists, and Petitioner will file a Motion to Set an Emergency Hearing on his Petition, proposing a schedule for hearing and deciding his Petition that will afford Petitioner the possibility of effective relief.

Verification

I, Jeffrey P. Gallant, affirm under the penalties of perjury that the foregoing factual representations are true to the best of my knowledge and belief.

Dated: March 2, 2026



Jeffrey P. Gallant

Dated: March 2, 2026

Respectfully submitted,

/s/ James Bopp, Jr.
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Certificate of Service

I certify that on March 2, 2026, I electronically filed the foregoing documents and all attachments thereto using the Indiana E-filing System. I further certify that on March 2, 2026, the foregoing was served upon the following persons via electronic mail with USPS hard copy to follow:

The Indiana Election Commission
302 W. Washington St., Rm E-204, Indianapolis, IN 46204

The Indiana Attorney General's Office
302 W. Washington St., 5th Floor, Indianapolis, IN 46204

Samantha DeWester, counsel for Mrs. Wilson
609 E. 23rd St., Indianapolis, IN 46205

/s/ James Bopp, Jr.
Attorney for Petitioner