

STATE OF INDIANA)	IN THE CLAY CIRCUIT COURT
)	SS:
COUNTY OF COURT)	CAUSE NO. 11C01-2603-RA-000185
)	
JEFFREY GALLANT,)	
Petitioner,)	
)	
v.)	
)	
INDIANA ELECTION COMMISSION)	
Respondent.)	
)	
ALEXANDRA WILSON)	
Intervenor)	

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This matter came before the Court on Petitioner’s Verified Petition for Judicial Review. The Court, having reviewed the Petition, the agency record, and the briefs submitted by the parties, and having heard oral argument on March 24, 2026, hereby finds, concludes, and orders as follows:

FINDINGS OF FACT

1. Any point identified as a finding of fact may be considered a conclusion of law to the extent it may be appropriate to do so, and any point identified herein as a conclusion of law may also be considered to be a finding of fact to the extent it may be appropriate to do so.
2. This case is a judicial review of a final agency action under the Administrative Orders and Procedures Act (AOPA). Ind. Code § 4-21-5-1 *et seq.*
3. Petitioner, Jeffrey Gallant, is a registered voter in Vigo County, Indiana. Verified Pet. for Judicial Review (hereinafter “Petition”) ¶ 2.

4. Respondent, the Indiana Election Commission is a state agency whose headquarters is located at Indiana Government Center South, 302 West Washington Street, Suite E204, Indianapolis, Indiana. Petition ¶ 5.

5. Petitioner filed his challenge of the candidate certification for Intervenor, Alexandra Wilson, on February 13, 2026. R. 1.

6. On February 25, 2026, the Indiana Election Commission held a hearing to address Petitioner's challenge to the candidate certification of Wilson. Petitioner ¶ 6. After taking evidence and hearing argument from the challenger and the candidate, the Commission voted on the motion to disqualify, and the vote was two in favor and two against. R. 86. Since there was no conclusive vote, no further action was taken by the Commission.

7. On March 3, 2026, Petitioner initiated the present case by filing his Verified Petition for Judicial Review. *See Docket.*

8. On March 24, 2026, oral argument was held in this matter.

CONCLUSIONS OF LAW

9. The Petition was filed pursuant to Indiana Code article 4-21.5, otherwise known as the Administrative Orders and Procedure Act.

10. Under AOPA, a court may grant relief from an administrative determination upon concluding that the Petitioner has been prejudiced by an agency action that is: “(1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (2) contrary to constitutional right, power, privilege, or immunity; (3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; (4) without observance of procedure required by law; or (5) unsupported by a preponderance of the evidence.” Ind. Code § 4-21.5-5-14(d).

11. A petitioner in a judicial review action bears the burden of demonstrating that the agency's action is invalid. Ind. Code § 4-21.5-5-14(a).

12. An administrative decision is arbitrary and capricious only when it is "willful and unreasonable, without consideration or in disregard of the facts and circumstances of the case, or without some basis which could lead a reasonable person to the same conclusion." *Good v. Indiana Teachers Retirement Fund*, 31 N.E.3d 978, 981 (Ind. Ct. App. 2015).

13. Indiana courts "shall decide all questions of law," including statutory interpretation, "without deference to any previous interpretation made by the agency." Ind. Code § 4-21.5-5-11(b).

14. Judicial review of disputed issues of fact "must be confined to the agency record." Ind. Code § 4-21.5-5-11(a).

15. In the present case, Intervenor presented evidence to this Court that her conviction has been expunged by the Vermillion County Circuit Court. Petitioner objected to the admission of this evidence before this Court. The Election Commission did not have the opportunity to consider evidence that the candidate's conviction was expunged.

16. A candidate is not disqualified from running for office if their felony conviction has been expunged. Ind. Code § 3-8-1-5(c)(2)(E).

17. A candidate is defined, inter alia, as one who has "taken the action necessary to qualify under Indiana law for listing on the ballot." Ind. Code § 3-5-2.1-16(a)(1).

18. Petitioner has not raised any other disqualifying defect in Alexandra Wilson's candidacy.

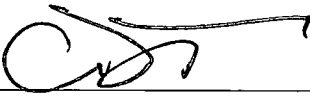
19. Remand to the Indiana Election Commission is appropriate because circumstances of the case have changed. The Indiana Election Commission has not had an

opportunity to consider Wilson's notice of expungement and whether her candidacy is disqualified in light thereof.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Court Orders that the Petitioner's Verified Petition for Judicial Review is remanded to the Indiana Election Commission for consideration of whether the candidate is disqualified pursuant to Indiana Code § 3-8-1-5.

Date: 040126



Judge

Distribution:

Counsel of record