

Election Board chair responds to commissioner's lawsuit

By Courtney H ughett Brown County Democrat

Chair Mark Williams responded at the Brown County Election Board meeting on Aug.

12 to the recent lawsuit filed by Tim Clark and Richard Stanley against the election board.

Williams made a formal disclosure under Indiana's Open Door Law regarding an executive session of the election board held July 28. That closed meeting, he said, was called to address a threatened lawsuit from Brown County residents Richard Stanley and Commissioner Tim Clark.

Williams recounted a series of emails from Stanley beginning July 2, in which Stanley threatened to file a federal complaint unless the board issued a written statement refusing to enforce a decision by the Indiana Republican Party.

That party decision, issued in May, found both Stanley and Clark "not Republicans in good standing" for five years following a disciplinary hearing. Stanley's message gave the board until July 24 to respond.

In his reply that same day, Williams told Stanley the board "has been no party to the matters you cite" and "does not make law."

He said he saw "no good reason why the board should issue an advanced advisory opinion," calling such action "bad precedent and of dubious value as a matter of law." Stanley responded hours later, accusing Williams of being "evasive" and legally wrong, stating that "any additional evasiveness will be brought to the attention of the court."

After further follow-up from Stanley on July 16, the board met in executive session on July 28 to discuss its legal position. Minutes from that meeting show the board agreed "the demand made is not within the lawful power of the board to provide," and authorized Williams to retain counsel "subsequent to the filing of any such lawsuit."

Williams said that shortly after the executive session, the clerk picked up the mail and found the federal summons. Filed in the U.S. District Court for the Southern District of Indiana, the complaint seeks a permanent injunction preventing the board from enforcing the Republican Party's decision, plus attorney fees and costs.

The complaint cites constitutional claims of due process, equal protection, and free speech violations if the party's ban were enforced, as well as federal jurisdiction under multiple statutes.

Stanley and Clark argue the party's decision was based on false or vague grounds and that the election board's refusal to issue a written statement creates a "justiciable controversy."

The complaint references *Hero v.*

Lake County Election Board, a 2022 decision from the Seventh Circuit Court of Appeals. Williams read portions of that opinion, which involved a Republican candidate barred by his party after supporting independents in a local race. In that case, the court upheld the election board's decision to keep the candidate off the Republican primary ballot, finding the restriction "reasonable and nondiscriminatory" and noting that Indiana law provides alternate paths to the general election ballot.

Williams said the board believes the Hero case remains “good law” and that the state has an interest in allowing political parties to determine their own membership.

The county council is expected to discuss the lawsuit’s fiscal impact at its Aug. 18 meeting. “I wanted everyone to be fully informed,” Williams said, noting that his

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remarks were drawn directly from official correspondence, meeting minutes, the federal summons, and the appellate court opinion.

“I won’t discuss any of it” beyond the facts presented, he added.

In other business, the board voted unanimously to approve its proposed vote center plan, moving the multi-year effort into its final stages. The board also set a public meeting for Aug. 28 to present the plan to voters and spent much of the session disclosing details of a newly filed federal lawsuit against the board.

Board Chair Williams opened the discussion by noting that the vote center proposal had been “studied extensively,” and that it had already been approved by the committee formed to study the creation of vote centers, the commissioners, and secured a location for a required satellite office for absentee voting in 2026. “We have everything that we need to approve this,” he said.

The plan passed on a motion by member Rick Kelley, seconded by Clerk Pearletta Banks, with all three voting yes.

The public meeting to explain the plan and accept written comments will be held Thursday, Aug. 28 at 6 p.m. in the Salmon Room at the county office building. Comments may be submitted in person, by mail, or by email. After considering public input, the board plans a final public meeting on Oct. 1 to take action on the plan before sending it to the commissioners, county council, and state election board for approval.

The board also canceled its Sept. 9 meeting due to scheduling conflicts.

The next regular session will be Sept.

30 at 1 p.m. to review public comments on the vote center plan, followed by the Oct. 1 final action meeting.