

Mitchell asks judge to overturn ballot decision

By Courtney H ughett Brown County Democrat

Sherrie Mitchell filed a lawsuit against the Brown County Election Board on Feb. 23, over her removal from the May 5 Republican primary ballot, and that has now expanded to include emergency motions, a judge's recusal, and a request for the Indiana Supreme Court to appoint a special judge.

Mitchell filed her original Verified Petition for Judicial Review asking the Brown Circuit Court to overturn a Feb. 19 decision by the Brown County Election Board that upheld a challenge to her candidacy for Brown County Council District 2. She is representing herself in the case.

In a separate Notice of Filing submitted the same day, Mitchell formally notified the court and the election board that she had filed the petition and was seeking emergency relief to block the board's decision. In that filing, she argues the board's action violated constitutional due process protections and should be declared void.

Mitchell claims she properly filed her candidacy paperwork and that the county clerk issued a CAN-5 form confirming she filed for the Republican nomination for County Council District 2. However, after a challenge hearing on Feb. 19, the three-member election board unanimously voted to remove her from the Republican primary ballot.

In her lawsuit, Mitchell argues the hearing was unfair and that she was not given advance notice of the specific allegations against her. She also claims she was not provided with copies of evidence submitted by the challenger.

After the lawsuit was filed, Brown Circuit Court Judge Mary Wertz issued an Order of Recusal on Feb. 23, stepping aside from the case. Under Indiana trial rules, the parties normally have seven days to agree on a special judge. If they cannot agree, a judge is selected under local rules, which typically involve the clerk's office.

That process became the focus of Mitchell's next filing.

On Feb. 24, Mitchell filed a Verified Emergency Motion under Trial Rule 79(O), asking the court to immediately stay the election board's decision and preserve her place on the ballot while a special judge is selected. She argued there was an urgent deadline of Feb. 27 for resolving candidate challenges and that without immediate court action, she would

be permanently excluded from the ballot.

In the same motion, Mitchell objected to Brown County Clerk Pearletta Banks having any role in selecting a special judge. Banks is not only the circuit court clerk but also a voting member of the Brown County Election Board and a named defendant in the lawsuit. Mitchell argued that allowing a defendant in the case to help select the judge would create a conflict of interest.

The following day, Judge Wertz issued a response explaining that once she recused herself, she no longer had authority to act on emergency matters in the case. In that same filing, she formally requested that the Indiana Supreme Court appoint a special judge under Trial Rule 79(H)(3).

The judge stated that because the clerk is both a defendant in the case and a voting member of the election board, having the clerk select the special judge could create an appearance of impropriety and undermine public confidence in the court's impartiality.

Separately, Mitchell also filed a written request asking the election board to transmit the full record of the Feb. 19 candidate challenge hearing to the court. She requested copies of the CAN-1 challenge form, all evidence submitted by Republican Party Chairman Mark Bowman, board minutes, transcripts, and any documents considered by the board in reaching its decision.

At this stage, the Indiana Supreme Court must appoint a special judge before the case can move forward. No ruling has yet been issued on Mitchell's request for a temporary restraining order that would place her back on the ballot while the case is pending.

The underlying dispute remains whether the election board lawfully removed Mitchell from the Republican primary ballot following the Feb. 19 challenge hearing. The court process is now focused first on who will hear the case, before any decision is made on the merits of her claims.

[Copyright \(c\) 2026 Brown County Democrat eEdition, Edition 3/4/2026](#)
[Powered by TECNAVIA](#)
