

IN THE SUPREME COURT OF THE UNITED STATES

INDIANA GREEN PARTY, et al.,	:	
	:	
<i>Applicants,</i>	:	
	:	
v.	:	7th Cir. No. 23-2756
	:	
DIEGO MORALES, in his official capacity	:	
as Secretary of State of Indiana,	:	
	:	
<i>Respondents.</i>	:	

APPLICATION TO THE HON. AMY CONEY BARRETT FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Pursuant to Supreme Court Rule 13.5, and for good cause, Indiana Green Party, Libertarian Party of Indiana, John Shearer, George Wolfe, David Wetterer, A.B. Brand, Evan McMahon, Mark Rutherford, Andrew Horning, Ken Tucker and Adam Muehlhausen (“Applicants”) hereby move for an extension of time of 30 days, to and including January 22, 2025, to file a petition for writ of certiorari. The petition for certiorari is currently due December 23, 2024.

In support of this motion, Applicants state as follows:

1. The Opinion of the Court of Appeals for the Seventh Circuit was entered on August 19, 2024 (Exhibit 1) and the Court of Appeals’ Order denying rehearing was entered on September 23, 2024 (Exhibit 2). Applicants seek review of that Opinion and Order. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

2. Pursuant to Supreme Court Rules 13.1 and 30.1, the deadline for filing a petition for a writ of certiorari is December 23, 2025. This motion for an extension of that deadline by 30 days, until January 22, 2025, is timely because it is filed 10 days before the date the petition is due.

3. This case involves a challenge to the constitutionality of Indiana’s statutory scheme governing ballot access. The undisputed facts and uncontested evidence establish that it costs a new political party or independent candidate for statewide office approximately \$500,000 or more to comply with that statutory scheme. The Court of Appeals nevertheless upheld the constitutionality of Indiana’s statutory scheme, without addressing Applicants’ evidence, based in part on its conclusion that “the potential expense of paying staff or professional circulators to collect signatures does not render Indiana’s otherwise eminently reasonable requirements severely burdensome.” Ex. 1 at 11-12.

4. The decision of the Court of Appeals reflects a confusion among the lower courts as to the proper legal standard to apply when analyzing the constitutionality of ballot access statutes. Applicants seek an extension of time to file a petition for a writ of certiorari to allow them adequate time to conduct the legal research necessary to demonstrate that lower courts are divided with respect to this issue, and to prepare a petition for certiorari demonstrating that this case is an appropriate vehicle for the Court to decide the issues it raises.

5. The undersigned counsel is Applicants’ lead counsel in this matter. The undersigned counsel is also lead or co-counsel in several other pending cases. *See Ortiz, et al. v. North Carolina State Board of Elections*, No. 5:24-cv-00420 (E.D. N.C.); *Stein v. LaRose*, No. 2:24-cv-4042 (S.D. Oh.); *Miller, et al. v. Nelson*, No. 23-50537 (5th Cir.); *Brown, et al. v. Yost*, No. 24-3354 (6th Cir.). In that capacity, during the pendency of the period for filing a petition for certiorari in this matter, the undersigned counsel has: (1) researched, drafted and filed a Verified Complaint; (2) drafted and filed an emergency motion for temporary restraining order or preliminary injunction; and (3) filed and briefed an emergency appeal. The undersigned counsel

is also lead counsel in *Miller, supra*, and has dedicated substantial time to prepare the petition for certiorari in that matter, which was originally due for filing on or before December 9, 2024, and is now due for filing on or before January 8, 2025. *See Miller v. Nelson*, No. 24A525 (Dec. 3, 2024). Additionally, as in-house counsel to the defendant in two cases pending in the Superior Court for the District of Columbia, the undersigned counsel has dedicated substantial time to supporting and advising lead defense counsel in those cases. *See Vest v. McArdle, et al.*, No. 2024-CAB-002804 (D.C. Sup. Ct.); *Harlos v. McArdle, et al.*, No. 2024-CAB-006230. Due to these obligations, and others, the undersigned counsel has not had adequate time to devote to the preparation of a petition for certiorari in this matter.

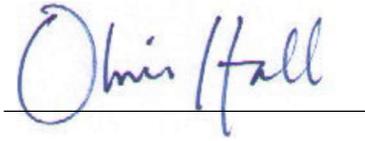
6. The petition for certiorari in this matter currently must be filed on or before December 23, 2024, and the petition for certiorari in *Miller, supra*, must be filed on or before January 8, 2024. The undersigned counsel will not have sufficient time to prepare an adequate petition in the instant matter, and an adequate petition in *Miller*, within the current deadlines.

7. For the foregoing reasons, and due to the onset of the holiday season, good cause exists for the Court to grant the requested extension of time.

WHEREFORE, Applicants respectfully request that an extension of time be granted, to and including January 22, 2025, within which they may file a petition for writ of certiorari.

Dated: December 10, 2024

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that on December 10, 2024, I caused the foregoing Application to the Hon. Amy Coney Barrett for an Extension of Time to File a Petition for a Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit to be served, by First Class mail and email, on the following:

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/s/ Oliver B. Hall _____

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