

IN THE SUPREME COURT OF THE UNITED STATES

INDIANA GREEN PARTY, et al.,	:	
	:	
<i>Applicants,</i>	:	No. 24A576
	:	
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 A FURTHER
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 a further extension of time of 30 days, to and including February 21, 2025, to file a petition for writ of certiorari. The petition for certiorari is currently due January 22, 2025.

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. On December 10, 2024, the undersigned counsel applied for an initial extension of time for the filing of a petition for a writ of certiorari. On December 12, 2024, Justice Barrett granted that application and extended the time to and including January 22, 2025.

3. As explained in Applicants' initial application, 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 with substantial responsibilities 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 particular, in *Ortiz*, the undersigned counsel must prepare an opposition to a motion to dismiss, which is due on January 23. And in *Brown*, a time-sensitive matter involving Ohio's initiative procedure, the undersigned counsel must prepare a Motion for Leave to File an Amended Complaint and prepare the accompanying pleading.

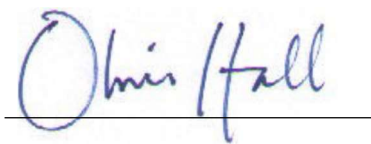
The undersigned counsel also must prepare a petition for writ of certiorari in *Miller*, which is due February 7. Additionally, as in-house counsel to the defendant in two cases pending in the Superior Court for the District of Columbia, the undersigned counsel continues to dedicate substantial time to supporting and advising lead defense counsel in those cases, including the preparation of two motions to dismiss and an opposition to a motion to consolidate. *See Vest v. McArdle, et al.*, No. 2024-CAB-002804 (D.C. Sup. Ct.); *Harlos v. McArdle, et al.*, No. 2024-CAB-006230. Finally, the undersigned counsel is seeking to collaborate with additional counsel in the preparation of this petition, and co-counsel will need time to review and revise the petition. More time is therefore required, commensurate with the undersigned counsel's other responsibilities, to prepare the petition for certiorari in this matter.

6. For the foregoing reasons, 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 February 21, 2025, within which they may file a petition for writ of certiorari.

Dated: January 10, 2025

Respectfully submitted,

A handwritten signature in blue ink that reads "Oliver B. Hall". The signature is written in a cursive style and is positioned above a horizontal line.

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