

remove trustees whose terms have not expired but who were elected by alumni pursuant to the prior statutory system. He has already exercised that power to appoint three new trustees to the positions previously held by those who had been elected.

ANSWER: The Governor admits that, on May 6, 2025, the Governor signed into law provisions codified at Ind. Code § 21-20-3-2, et seq., and that the Governor has since appointed three new trustees. As to the remaining allegations, the Governor admits that alumni no longer elect a member of the Indiana University Board of Trustees, but denies that is the only way for alumni to provide input to the University. Indiana Code § 21-20-3-2, et seq., speaks for itself. The Governor denies as vague and ambiguous the allegation that “every institution of higher learning in Indiana that predominantly offer[ed] four-year baccalaureate degrees,” “[p]rior to May 6, 2025,” “provided a method for alumni” participation in Board of Trustee elections.

2. Under the now-repealed laws that regulated the election of trustees at Indiana University the Librarian of the University was charged with the responsibility of conducting and administering trustee elections, the most recent of which was to have taken place beginning on June 1 and ending on June 30, 2025. The librarian, defendant Dallis-Comentale, was scheduled to do so beginning June 1, 2025, but cancelled the election with the passage of Indiana Code § 21-20-3-2, *et seq.* (eff. May 6, 2025).

ANSWER: Indiana Code § 21-20-3-2, et seq. (eff. May 6, 2025), speaks for itself. As to the remaining allegations, the Governor admits that Diane Dallis-Comentale cancelled the 2025 election.

3. The new legislation that targets Indiana University and only Indiana University is clearly special legislation, and given that there is nothing unique about Indiana University that justifies application of the new statutory scheme to it and not to Indiana’s other public universities that predominantly offer baccalaureate and graduate degrees, the statute violates the Indiana Constitution, Article 4, section 23.

ANSWER: This paragraph asserts legal conclusions and arguments to which no answer is required. To the extent an answer is required, the Governor denies that the legislation violates the Indiana Constitution, Article 4, Section 23.

4. A declaratory judgment that the new legislation is unconstitutional must therefore be entered under Indiana Code § 34-14-1-2 and Indiana Trial Rule 57 and appropriate injunctive relief should be issued requiring that all steps be taken so that the alumni elections that previously were allowed can occur promptly in the future.

ANSWER: This paragraph asserts legal conclusions and arguments to which no answer is required. To the extent an answer is required, the Governor denies that the challenged legislation is unconstitutional and that any relief is proper.

Parties

5. Justin Vasel is an adult resident of Bloomington, Indiana.

ANSWER: The Governor admits this allegation.

6. Mike Braun is the duly elected Governor of the State of Indiana. He is sued in his official capacity.

ANSWER: The Governor admits this allegation.

7. Diane Dallis-Comentale is the Ruth Lilly Dean of University Libraries at Indiana University.

ANSWER: The Governor admits this allegation.

Legal and factual background

8. Under Indiana law, the boards of trustees of Indiana's public universities are the institutions' governing bodies and are charged with the control of the universities and their property.

ANSWER: Indiana law speaks for itself, and no answer is required.

The prior method of selection of members of Indiana University's Board of Trustees

9. Prior to May 6, 2025, Indiana Code § 21-20-3-2 provided that the Board of Trustees of Indiana University consisted of nine members.

ANSWER: Indiana Code § 21-20-3-2 speaks for itself, and no answer is required.

10. Indiana Code § 21-20-3-4 (repealed eff. May 6, 2025), provided that three members of the Board of Trustees were to be elected by alumni for three year terms beginning on the July 1 following their elections.

ANSWER: Indiana Code § 21-20-3-4 (repealed eff. May 6, 2025) speaks for itself, and no answer is required.

11. Indiana Code § 21-20-3-7(a) (repealed eff. May 6, 2025), provided that “[a]ny one hundred (100) of more alumni of Indiana University may file with the librarian of Indiana University on or before April 1 in each year a written nomination for a trustee to be elected by the alumni at the next election.”

ANSWER: Indiana Code § 21-20-3-7(a) (repealed eff. May 6, 2025) speaks for itself and no answer is required.

12. The statute formerly provided that if a vacancy occurred in one of the trustees elected by the alumni, the vacancy was to be filled by selection by the Indiana University alumni association executive counsel to finish the unexpired term. Ind. Code § 21-20-3- 4(b) (repealed eff. May 6, 2025).

ANSWER: Ind. Code § 21-20-3- 4(b) (repealed eff. May 6, 2025) speaks for itself and no answer is required.

13. Indiana Code §§ 21-20-3-9, 10 (repealed eff. May 6, 2025), stated that the Librarian of Indiana University would conduct the election, with the person receiving the most votes declared the elected trustee.

ANSWER: Indiana Code §§ 21-20-3-9 and 10 (repealed eff. May 6, 2025) speak for themselves and no answer is required.

14. Allowing alumni to elect a number of the members of Indiana University's Board of Trustees has been a feature of Indiana law since 1891 when the General Assembly enacted a law providing that three members of the Board of Trustees “shall be elected by the Alumni of the University at the College Commencement of the year 1891.” Acts 1891, Ch. 53, Sec. 1.

ANSWER: The Governor lacks sufficient knowledge and information to form a belief on the historical continuity of the alumni election process of Indiana University Board of Trustees members, but denies the Complaint’s characterization of the alumni election as a “feature” of Indiana law.

15. Prior to May 6, 2025, Indiana Code § 21-20-3-12 (repealed eff. May 6, 2025) provided that the Governor was to appoint five members of the Board of Trustees for three year terms and Indiana Code § 21-20-3-13 (repealed eff. May 6, 2025) provided that the Governor was also to appoint one member of the Board of Trustees who had to be a full-time student for a two year term.

ANSWER: Indiana Code § 21-20-3-12 and Indiana Code § 21-20-3-13 speak for themselves, and no answer is required.

The selection of board of trustee members at Indiana’s other public institutions of higher learning that predominantly offer baccalaureate and offer graduate degrees

16. There are currently five public institutions of higher learning in Indiana that predominantly offer four-year baccalaureate degrees and also offer graduate degrees:

Indiana University, Ball State University, Indiana State University, Purdue University, and the University of Southern Indiana.

ANSWER: The Governor denies the allegation “there are currently five public institutions of higher learning in Indiana.” Indiana law recognizes seven public institutions of higher learning: Ball State University, Ind. Code § 21-19-2-1; Indiana State University, Ind. Code § 21-21; Indiana University, Ind. Code § 21-20-2-1; Ivy Tech Community College, Ind. Code § 21-22-2-2; Purdue University, Ind. Code § 21-23-2-2; University of Southern Indiana, Ind. Code § 21-24-2-1; and Vincennes University, Ind. Code § 21-25-2-1. The Governor admits that the institutions listed are the five public institutions of higher learning that currently offer graduate degrees in addition to four-year baccalaureate degrees, but denies as vague and ambiguous that they “predominantly offer four-year baccalaureate degrees.”

17. Although Vincennes University, previously offered only two-year degrees, it began to offer some baccalaureate degrees in 2005. However, it offers no graduate degrees and most of its programs are not four-year baccalaureate programs but award an associate's degree.

ANSWER: The Governor lacks sufficient knowledge and information to form a belief as to the truth of the allegations. The Governor admits that Vincennes University does not currently offer graduate degrees.

18. Current Indiana law provides that although the Governor appoints the nine members of Ball State University's Board of Trustees, two of those must be alumni whose names are selected by the Ball State University Alumni Council and submitted to the Governor for the Governor's "immediate appointment." Ind. Code §§ 21-19-3-1, 6. All terms are for four years, with the exception of one Board member who must be a student and who is appointed for two years. Ind. Code § 21-19-3-8. There is no provision in the law allowing the Governor to remove the trustees and vacancies in trustee positions held by the alumni members are to be filled by nominees submitted by the Ball State University alumni council. Ind. Code § 21-19-3-9.

ANSWER: Indiana Code §§ 21-19-3-1, 6, Ind. Code § 21-19-3-8, and Ind. Code § 21-19-3-9, speak for themselves, and no answer is required.

19. Similarly, under current Indiana law, the Governor appoints the nine members of Indiana State University's Board of Trustees, but two of them are nominated by the Indiana State University Alumni Council. Ind. Code §§ 21-21-3-2, 9. All terms are for four years, with the exception of one Board member who must be a student and who is appointed for two years. Ind. Code § 21-21-3-2, 3. There is no provision in the law allowing the Governor to remove the trustees and vacancies in trustee positions held by the alumni members are to be filled by nominees of the alumni council of Indiana State University. Ind. Code § 21-21-3-9.

ANSWER: Ind. Code §§ 21-21-3-2, 9, and Ind. Code § 21-21-3-2, 3 speak for themselves, and no answer is required.

20. The Purdue University Board of Trustees consists of ten persons appointed by the Governor, although three are selected by members of the Purdue Alumni Association. Ind. Code §§ 21-23-3-1 through 3. All terms are for three years, with the exception of one Board member who must be a student and who serves for two years. Ind. Code § 21-23-3-7. There is no provision in the law allowing the Governor to remove the trustees and vacancies in trustee positions held by the alumni members are to be filled immediately by appointment by the president of the Purdue alumni association until the next annual meeting of the alumni association when a successor will be chosen. Ind. Code § 21-23-3-3(c).

ANSWER: Ind. Code §§ 21-23-3-1 through 3, Ind. Code § 21-23-3-7, and Ind. Code § 21-23-3-3(c) speak for themselves, and no answer is required.

21. The Board of Trustees of the University of Southern Indiana consists of nine persons appointed by the Governor, although three of the members are selected by the Governor from names provided by the screening committee created by the executive body of the University's alumni association. Ind. Code §§ 21-24-3-2, 6. All terms are for four years, with the exception of one Board member who must be a student and who serves a two year term. Ind. Code § 21-24-3-2. There is no provision in the law allowing the Governor to remove the trustees and vacancies in trustee positions held by an alumnus, the position is filled from a list of at least three names submitted by a screening committee appointed by the executive body of the university alumni association. Ind. Code § 21-24-3-6.

ANSWER: Indiana Code §§ 21-24-3-2, 6, § 21-24-3-2, § 21-24-3-6, speak for themselves, and no answer is required.

22. Recognizing that Vincennes University is primarily a school that awards associate degrees and does not have graduate programs, the membership requirements for its Board of Trustees focuses on representation by persons associated with local school corporations and the county in which the school is located. Ind. Code § 21-25-3-2 (one member must be a resident of Knox County); Ind. Code § 21-5-3-7 (the superintendents of the Vincennes Community, South Knox, and North Knox School Corporations are ex officio members of the Board of Trustees).

ANSWER: The Governor lacks sufficient knowledge and information to form a belief that the composition of Vincennes' Board of Trustees reflects the degrees it "primarily" awards. As to the remaining allegations, Indiana Code § 21-25-3-2 and Indiana Code § 21-5-3-7, speak for themselves, and no answer is required.

The changes in the election of the Board of Trustees to Indiana University effected by HEA 1001

23. Sections 253 through 266 of the recently enacted Budget Bill, HEA 1001, codified at Indiana Code §§ 21-20-3-2 to 21-20-3-13 (eff. May 6, 2025), significantly change the selection of members of the Board of Trustees of Indiana University.

ANSWER: HEA 1001-2025, codified at Indiana Code §§ 21-20-3-2 to 21-20-3-13, speaks for itself, and no answer is required. To the extent an answer is required, the Governor denies the characterization of the change.

24. Effective May 6, 2025, Indiana law continues to provide that the Board of Trustees of Indiana University consists of nine persons, but the section has been expanded to provide that the Governor will now appoint all nine members. Ind. Code § 21-20-3-2 (eff. May 6, 2025).

ANSWER: Indiana Code § 21-20-3-2 speaks for itself, and no answer is required.

25. The former provisions providing for the election of three members of the Board of Trustees by alumni and regulating the election process have been repealed. Ind. Code §§ 21-20-3-4 through 21-20-3-11 (eff. May 6, 2025).

ANSWER: HEA 1001 and Indiana Code §§ 21-20-3-4 through 21-20-3-11 speak for themselves, and no answer is required.

26. Unlike the gubernatorial selection process for board of trustee members in the other public institutions of higher learning in Indiana that predominantly offer four-year baccalaureate degrees and offer graduate degrees, there is no longer any mechanism for alumni of Indiana University to select members to be appointed by the Governor.

ANSWER: HEA 1001 speaks for itself, and no answer is required.

27. The amended law, currently in effect, allows the Governor to remove at any time the current Indiana University Board of Trustees members who had been elected by the alumni and whose terms have not yet expired. Ind. Code § 21-20-3-2.5 (eff. May 6, 2025).

ANSWER: Indiana Code § 21-20-3-2.5 (eff. May 6, 2025) speaks for itself, and no answer is required.

28. The current law continues to provide that members of the Indiana University Board of Trustees will serve three-year terms, but the one trustee who must be a student now will only serve one year. Ind. Code § 21-20-3-12, 13 (eff. May 6, 2025).

ANSWER: Indiana Code § 21-20-3-12, 13 (eff. May 6, 2025) speaks for itself, and no answer is required.

29. The methods of selection of members of the board of trustees of Indiana's other public four-year institutions of higher learning noted above remain unchanged so that as of May 6, 2025, Indiana University is the only one of Indiana's public institutions of higher learning that predominantly offer four-year baccalaureate degrees and offer graduate degrees where alumni have absolutely no say in the selection of any of the members of the Board of Trustees.

ANSWER: The state laws governing the selection of trustees speak for themselves, and as for allegations about them, no answer is required. To the extent an answer is required, the Governor denies that "alumni have absolutely no say in the selection of any" Board members.

Plaintiff Vasel and the election that was scheduled to begin June 1, 2025

30. At the time of the passage of the recently enacted Budget Bill, HEA 1001, there were three alumni-elected members of the Indiana University Board of Trustees—Vivian Winston, Jill Maurer Burnett, and Donna Spears.

ANSWER: The Governor admits this allegation.

31. Ms. Winston's term was set to expire effective July 1, 2025, and she was not seeking reelection.

ANSWER: The Governor admits this allegation.

32. The terms of Ms. Burnett and Ms. Spears were set to expire in years subsequent to 2025.

ANSWER: The Governor admits this allegation.

33. Prior to the passage of HEA 1001 there were six persons running to replace Ms. Winston.

ANSWER: The Governor admits this allegation.

34. One of those candidates was plaintiff Justin Vassel, who received a PhD in physics from Indiana University.

ANSWER: The Governor admits this allegation.

35. Under the procedure that existed prior to passage and enactment of HEA 1001, voting for the trustee position was to take place from June 1, 2025 through June 30, 2025 at 10:00 a.m. with the winning candidate to be announced shortly after the close of the election.

ANSWER: The Governor admits this allegation.

36. Defendant Dallis-Comentale, as University Librarian, was set to issue paper ballots to alumni so they could vote in the election. Paper ballots would be issued to any alumni who voted in the prior three elections or who requested a ballot.

ANSWER: The Governor admits the allegation that paper ballots were a form of voting in the election and were provided to any alumni upon request, but lacks knowledge and information to form a belief as to the truth of the allegation that “paper ballots would be issued to any alumni who voted in the prior three elections”.

37. Indiana University has one of the largest alumni bodies in the world, totaling more than 790,000 persons. Indiana University-Alumni Association, Alumni by the numbers, <https://alumni.iu.edu/about/alumni-census/index.html> (last visited May 4, 2025).

ANSWER: The Governor admits that Indiana University’s website states the University has more than 790,000 alumni, but lacks sufficient knowledge or information to form a belief that it is “one of the largest alumni bodies in the world.”

38. The winning candidate would have assumed their position on the Board of Trustees on July 1, 2025.

ANSWER: The Governor admits this allegation.

39. Plaintiff Vasel has spent a considerable amount of effort, time, and expense in campaigning for the position. See Vasel for IU Board of Trustees, <https://vaselforIU.com/> (last visited June 7, 2025).

ANSWER: The Governor lacks sufficient knowledge and information to form a belief as to the truth of these allegations.

40. Plaintiff Vasel obviously has an interest in the election as a candidate. However, even if he were not a candidate he would have voted in this election as he desires that alumni, even those not favored by the Governor, should have a role in shaping the future of Indiana University.

ANSWER: The Governor lacks sufficient knowledge and information to form a belief as to the truth of these allegations.

41. The change to the manner in which Indiana University's Board of Trustees is selected did not follow the normal legislative process: no hearings were held concerning the proposal but instead the change was inserted at the last-minute deep within

a lengthy budget bill that otherwise would have nothing to do with the election of members of the boards of trustees of Indiana's higher education institutions.

ANSWER: The Governor denies the characterizations of HEA 1001 and the process by which it was enacted. HEA 1001 and its history speak for themselves.

42. After the passage of HEA 1001, defendant Dallis-Comentale notified the candidates, including plaintiff Vassel, that due to the newly enacted statutory provisions removing the alumni-elected trustee positions, the election that was to have commenced on June 1, 2025, had been cancelled.

ANSWER: The Governor admits this allegation.

43. In the event that the challenged provisions of HEA 1001 are enjoined, Ms. Dallis-Comentale, in her official capacity, has the authority to conduct and administer an election for the seats on the Board of Trustees, even if that happens after the original election was to have concluded on June 30, 2025.

ANSWER: The Governor denies this allegation.

The replacement of the Board of Trustee members elected by alumni

44. On June 2, 2025, Governor Braun announced that he had replaced the three alumni-elected Indiana University Board of Trustee members.

ANSWER: The Governor admits this allegation.

45. The new trustees appointed, and the expiration dates of their terms, are Brian Eagle (June 30, 2027), Sage Steele (June 20, 2028), and James Bopp, Jr. (June 30, 2028).

ANSWER: The Governor admits this allegation.

46. Additionally, the Governor reappointed W. Quinn Buckner to a term ending on June 30, 2026.

ANSWER: The Governor admits this allegation.

Concluding allegation

47. The plaintiff is being caused irreparable harm for which there is no adequate remedy at law.

ANSWER: This is a legal conclusion to which no answer is required. To the extent an answer is required, the Governor denies the allegation.

Claim for relief

48. The statutory changes that remove the ability of Indiana University alumni to elect members of the Board of Trustees, Sections 253-263 and Section 265 of HEA 1001, codified at Indiana Code §§ 21-20-3-2 through 21-20-3-11; 21-20-3-12 (all eff. May 6, 2025), represent special legislation that violate the Indiana Constitution, Article 4, Section 23, as they uniquely apply to Indiana University and there is no justification for excluding the voice of alumni in the selection process of boards of trustees when alumni have a voice in every other four-year public institution in Indiana that predominantly offers baccalaureate and offers graduate degrees. That is, there is nothing unique about Indiana University and its alumni justifying the special legislation. The legislation is therefore void as unconstitutional special legislation.

ANSWER: The Governor denies the allegations in paragraph 48.

WHEREFORE, plaintiff requests that this Court:

1. Declare that Sections 253-263 and Section 265 of HEA 1001, codified at Indiana Code §§ 21-20-3-2 through 21-20-3- 11; 21-20-3-12 (all eff. May 6, 2025), are unconstitutional and void as special legislation violating Article 4, Section 23 of the Indiana Constitution and that defendant Braun's actions to enforce the unconstitutional sections by replacing the elected members of the Board of Trustee are void.

2. Enter a permanent injunction enjoining the defendants to take all steps necessary so that the election for the alumni-elected position on the Indiana University Board of Trustees that should have occurred prior to July 1, 2025 can occur at the earliest practical opportunity and so that elections for the other alumni-elected positions can occur in the future as provided in Indiana law prior to the enactment of HEA 1001.
3. Award all other proper relief.

ANSWER: The Governor denies the allegations set forth in paragraphs 1 through 3 of Plaintiff's "Claim for relief" and denies that Plaintiff is entitled to any relief requested therein or any relief whatsoever.

GENERAL DENIAL

The Governor denies any and all remaining allegations set forth in Plaintiff's Amended Complaint not herein previously admitted or denied.

AFFIRMATIVE DEFENSES

1. One or more claims asserted by Plaintiff fail to state a claim on which relief can be granted.
2. The challenged public laws are constitutional in all respects.
3. The Governor reserves the right to assert other affirmative defenses that may become apparent during the course of discovery, and therefore also reserves the right to amend the Answer to assert additional affirmative defenses.

Dated: July 30, 2025

Respectfully submitted,

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CERTIFICATE OF FILING AND SERVICE

I certify that on July 30, 2025, I electronically filed the foregoing document using the Indiana E-filing System (“IEFS”). I also certify that on July 30, 2025, the foregoing document was served upon the following persons using the IEFS:

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