

SUPREME COURT OF INDIANA

Majors v. Abell

785 N.E.2d 226 (Ind. 2003) · No. 94S00-0303-CQ-94 · Decided March 17, 2003

SUMMARY

The Indiana Supreme Court accepts a certified question from the United States Court of Appeals for the Seventh Circuit concerning the scope of the term "persons" in specified Indiana campaign-finance statutes. The order establishes briefing, appendix, word-count, and anticipated oral-argument procedures for resolving the certified question.

CASE DETAILS

COURT	Supreme Court of Indiana
JURISDICTION	Indiana
DECIDED	March 17, 2003
DOCKET	94S00-0303-CQ-94
DISPOSITION	other
PROCEDURAL POSTURE	The United States Court of Appeals for the Seventh Circuit certified a question of Indiana law to the Supreme Court of Indiana under Indiana Appellate Rule 64.
PRECEDENTIAL VALUE	Published Indiana Supreme Court order accepting a certified question; it resolves only the procedural issue of acceptance and does not decide the certified statutory-interpretation question.
PARTIES	Brian Majors, et al. v. Marsha Abell, et al.

TOPICS

- appellate jurisdiction
- appellate procedure
- statutory interpretation
- election law

PRACTICE AREAS

- appellate procedure
- election law
- statutory interpretation

QUESTIONS PRESENTED

- Whether the term "persons" in Indiana Code sections 3-9-3-2.5(b)(1) and (d) is limited to candidates, authorized political committees or subcommittees of candidates, and their agents, or has a broader scope.

HOLDINGS

1. The Indiana Supreme Court accepted the certified question pursuant to Indiana Appellate Rule 64.

KEY QUOTATIONS

“The Court ACCEPTS the certified question pursuant to Appellate Rule 64.” (226)

FACTUAL BACKGROUND

The federal action involved a dispute requiring interpretation of the term "persons" in Indiana Code sections 3-9-3-2.5(b)(1) and (d). The federal court determined that the issue presented a question of Indiana state law appropriate for certification to the Indiana Supreme Court. The Indiana Supreme Court noted that the pertinent facts apparently were not in dispute.

PROCEDURAL HISTORY

The federal appellate court certified a question concerning the meaning of the term "persons" in Indiana Code sections 3-9-3-2.5(b)(1) and (d). The Indiana Supreme Court accepted the certified question and established briefing, appendix, and anticipated oral-argument procedures; it did not answer the substantive question in this order.

DISPOSITION

other

OPINION

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PER CURIAM.

785 N.E.2d 226 (2003) MAJORS, Brian, et al., Plaintiff-Appellants, v. ABELL, Marsha, et al., Defendants-Appellees. No. 94S00-0303-CQ-94. Supreme Court of Indiana. March 17, 2003.

ORDER ACCEPTING CERTIFIED QUESTION

The United States for the Seventh Circuit, 317 F.3d 719, has certified a question of Indiana state law for this Court's consideration pursuant to Indiana Appellate Rule 64. The question, as framed by the federal court, is: Is the term "persons" in Ind.Code §§ case 3-9-3-2.5(b)(1), (d) limited to candidates, authorized political committees or subcommittees of candidates, and the agents of such committees or subcommittees, or does it have a broader scope, and, if so, how much broader? The Court ACCEPTS the certified question pursuant to Appellate Rule 64. There being a single question certified to the Court and the pertinent facts apparently not being in dispute, the Court directs consolidated, simultaneous briefing as follows. The plaintiffs in the federal action are allowed a single main brief and a single response brief. These two briefs shall be bound with a blue cover. Likewise, the defendants in the federal action are allowed a single main brief and a single response brief. These two briefs shall be bound with a red cover. Except to the extent this

order directs otherwise, the four briefs shall conform to the provisions of Appellate Rules 43 and 44. In addition, an appendix shall be filed containing certified copies of documents from the federal court that the parties believe are necessary or helpful for deciding the question, including, as applicable, the items listed in Appellate Rule 50. It is anticipated that the parties will confer and agree on the material to be included in an appendix and that only one will be filed. The cover of the appendix shall be blue and labeled "Appellant's Appendix." Appellees may file one appendix, in accordance with Appellate Rule 50(A)(3), if the parties are unable to agree on the contents, although a single appendix is preferred. An original and eight copies of each brief and appendix are to be filed with the Clerk. The two main briefs must be filed by April 22, 2003. These briefs shall, to the extent reasonably practical, conform to the provisions of Appellate Rule 46(A). These briefs may not exceed 8400 words, exclusive of the items listed in Appellate Rule 44(C) and shall be accompanied by the verified statement of word count referred to in Appellate Rule 44(F). The two response briefs must be filed by May 13, 2003. These briefs may not exceed 2400 words exclusive of the items listed in Appellate Rule 44(C), and shall be accompanied by the verified statement of word count referred to in Appellate Rule 44(F). Any appendix must be filed by May 13, 2003. Extensions of time will be granted only under extraordinary circumstances. The Court anticipates that oral argument will be scheduled in this matter for a date in late May or early June; a separate order scheduling oral argument will be entered. The Court will then take the case under advisement and issue an opinion in due course. The Clerk is directed to send copies of this order to Jennifer Doerr, Assistant Appeals Processing Manager, United State for the Seventh Circuit, for distribution to *227 that Court; to the Hon. Larry J. McKinney, Chief Judge, United State District Court for the Southern District of Indiana; and to counsel of record as indicated on the attached service list. All Justices concur.