

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

Andrew M. Horning [Pro Se])	
Plaintiff,)	
)	Case No.
vs.)	
THE STATE OF INDIANA;)	
Defendant.)	

COMPLAINT FOR VIOLATION OF CONSTITUTIONAL RIGHTS

A. PARTIES

1. Plaintiff Andrew Michael Horning resides at 7851 Pleasant Hill Road, Freedom, Indiana 47431. Home phone is (812) 859 4063.
2. Defendant, the political entity, The State of Indiana, including the General Assembly, Governor and Secretary of State. The State of Indiana holds offices at 200 W Washington St, Indianapolis, IN 46204. The chief officer of Indiana is the Governor, whose office phone is (317) 232-4567.

B. STATEMENT OF CLAIM

1. The defendant has wrongfully granted two private organizations known as The Indiana Republican Party, and The Indiana Democratic Party (hereafter called the DP and RP) special rights, powers, money, employment and privileges unavailable to any other persons or organizations.

2. Plaintiff, as a candidate for local, state and federal office, has been and is currently, by the defendant, denied equal access to material resources, time, venues, media, employment, ballots, privileges and powers, and has been categorized as a lesser-class citizen in violation of the Indiana Constitution's Article I, Section 23: "The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms, shall not equally belong to all citizens;" and equal protections clause of the USA Constitution's 14th amendment, "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws."
3. The Primary Elections, even in races uncontested within the DP and RP, provide several months of lead time and public attention, which equals money and power in politics. Plaintiff has been denied any benefits of participating in Primary Elections while associated with the private organization called the Indiana Libertarian Party, and would be denied such benefits as an independent candidate as well. I have therefore been deprived of time, public exposure and money; the most important elements of political endeavors.
4. Plaintiff is forced to support Primary Elections which directly harm the plaintiff both materially and politically. By creating arbitrary thresholds (Ind. Code § 3-10-1-2) that bar all other candidates and political organizations, only the DP and RP are allowed in taxpayer-funded primary elections, which implicitly provide more money, public attention, free advertising and media promotion, as well as an imprimatur of greater legitimacy, to only DP and RP at the actual expense of all alternatives.

5. General Elections are unfairly prejudiced toward only those allowed in the Primary Elections. Many voters decide their vote from the results of the Primary Elections, and have often already committed time and money to the DP or RP candidates. Such voters are much less willing to consider options appearing in public only after their investments.

6. Plaintiff has been denied the special status, organizational and political powers granted to only the DP and RP. For example, Ind. Code § 6-4.1-4 specifies that members of the Indiana Election Commission “must be a member of a major political party.” And Ind. Code § 6-4.1-4 grants that only “the state chairman of the major political party” has powers of nomination and appointments for succeeding terms. Only designees “of the state chairman of each of the major political parties” shall “serve as members of the state recount commission.” (Ind. Code § 3-12-10-2.1) Ind. Code § 3-10-1-4 grants only major political parties privileges of organization and process for nomination to public office and filling vacancies (e.g., Ind. Code § 3-13-5, 6). Precinct Committeeman are a special class of citizen who have special powers (example, Ind. Code § 3-13-1-4, 5, 6), yet aren’t subject to the limitations placed on other political officeholders (Ind. Code § 3-6-1-15).

7. Plaintiff has been denied equal status as a candidate on the ballot itself. Ind. Code § 3-10-1-15 set apart a separate ticket for “each political party holding a primary election” making all alternative candidates not just inconspicuous to voters, but also of a lesser implied value.

8. Plaintiff has been unable to run for office independent of a private organization, as Indiana's petition requirements are so difficult as to be impossible for any person of average means.
9. The Indiana Constitution's Article I, Section 25 forbids the aforementioned legislation, passed by invoking authority never granted, and by transgressing constitutional limitations such as the previously mentioned equal protection rights: "No law shall be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution."
10. As a result of defendant's conduct, plaintiff is injured as follows:
11. Markedly reduced political success. Odds of electoral success are demonstrably more dependent upon DP and RP membership than to personal merit or effort. Plaintiff's 2004 association with the Republican Party demonstrates the tremendous advantage gained by the DP and RP's special status. The plaintiff won ten times as many votes with less personal expense and no more personal exertion than in his previous or subsequent Libertarian Party campaigns.
12. Greatly increased effort and personal cost. Investing in DP and RP campaigns is immeasurably more lucrative to lobbyists, and those wishing to purchase political influence and advantage because of the DP and RP special status. Contrariwise, those citizens hoping for alternatives, and otherwise willing to promote a change, see overwhelming unjust power and process stacked against them.

13. Public disrespect and derision. Independents and so-called “third party” candidates are routinely, and even by policy in the media, demeaned as, “spoilers,” “wasted vote,” “losers” and “not-viable.”
14. Corrupt, costly, destructive government as the inevitable consequence of this state-protected cartel. This has been affirmed by USA Presidents as disparate as Wilson, Eisenhower and Carter, and with warnings since Washington. The plaintiff argues that the State of Indiana empowers the DP and RP to use unconstitutional special powers to both consolidate their benefits under such corruption, and to thwart any alternatives; one alternative being the plaintiff himself.

C. JURISDICTION

1. This is a claim for violation of plaintiff’s civil, property and commerce rights as protected by the Indiana Constitution’s Article 1 Sections 23 and 25, and the Constitution and laws of the United States under 42 U.S.C. §§ 1983 and 1985, as well as 15 U.S.C. § 1 and 2.
2. The court has jurisdiction under 28 U.S.C. §§ 1331 and 1343; and 15 U.S.C. § 4 and 9

D. RELIEF WANTED

1. End the taxpayer-supported Primary Election system.
2. Equal access and rights to all political ballots, privileges and powers, regardless of organization or partisan associations, and without special class, for the plaintiff, and all Indiana citizens.

3. Nullify all special political powers granted by Major Party status, including the office of Precinct Committeeman.
4. Such injunctive, declaratory, or other relief as may be appropriate, including fees and reasonable expenses as authorized by 42 U.S.C. § 1988.

E. JURY DEMAND

1. Plaintiff asks that the case be tried by a jury.

Dated this xx day of xxxx, 2015.

Respectfully Submitted,

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