

# Constitution of the State of Indiana

Annotated by Andy Horning

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"...a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned." – *Thomas Jefferson*

"If men were angels, no government would be necessary." – *James Madison*

"But when they said, “Give us a king to lead us,” this displeased Samuel; so he prayed to the LORD. And the LORD told him: “Listen to all that the people are saying to you; it is not you they have rejected, but they have rejected me as their king.” – *Old Testament, I Samuel 8: 6-7*

“The secular corollary to ‘In God We Trust’ is that, ‘In Politicians, We Do Not.’” – *Andy Horning*

## Preface

*What follows is the complete, current Indiana Constitution, with my comments in italics. This one-sided covenant (you didn't sign it!) is almost certainly not what you've been told it is; either in what it says, or what it's for. But this constitution, along with the federal constitution, to which **all** Indiana politicians swear an oath (Article 15, Section 4), is the **law!** (See Article I, Section 25)*

*The Indiana Constitution, not incidentally, mandates federalism ("States' Rights;" Article 4, Section 16). So this is, **even more than the federal constitution**, the contract that delineates your rights and rules for living as a citizen of Indiana and the United States of America.*

*Yet this constitution governs politicians, not citizens. It is both a politicians' authorization...and leash. This constitution's purpose is to keep you as free as possible in a working human society. But over the past hundred years our politicians have so greatly exceeded their legal limits that you'd recognize very little of our political reality in this contract.*

*Why did this happen? While it is the nature of bad dogs to strain at the leash, we actually asked them to violate our rights; with our votes, our pleading ...and our sloth. It's time to ask for better.*

*All my comments are italicized and in a box like this. Everything else is the constitution itself.*

*Here're some highlights from the Indiana Constitution that you should understand well:*

- 1. Half your property tax bill is unconstitutional just by Article 8!*
- 2. Jury nullification is law! And **only** juries have the power to "interpret" laws!*
- 3. Justice is to be "without purchase!" That's even more-free than even "tuition free" schools!*
- 4. Our state-issued money is to be backed by gold or silver!*
- 5. ...But there's nothing to stop you from using whatever kind of money you want!*
- 6. Laws and agents/agencies that invoke power not granted by this constitution are null and void!*

*In reading the following, keep in mind that our ancestors knew that politics is inherently violent. Nothing related to "government" happens without at least the threat of violence. The Indiana Department of Revenue doesn't pass the hat and say "please;" and you could get killed if you resist arrest for a seatbelt violation. **Practically every political action hurts somebody.** Don't forget this. It is the reason we have constitutions ...and make politicians swear to obey them.*

*It's true that if politicians break these laws that protect you from them, then the laws that protect them from you are null and void. But before you think any violent thoughts, remember that about 97% of us have repetitiously chosen this ungoverned government throughout (mostly) the past hundred years. And violence won't fix what is literally all in our heads.*

*The constitutions didn't fail; **we** did. We can fix **that** anytime we want to...without firing a shot.*

*Liberty or Bust!*

*Andy Horning  
Freedom, IN  
July, 2010*

## Historical Context

*A little dose of history might help understand some current events.*

*The first Indiana Constitution of 1816 was excellent; but politicians (and of course voters) quickly dismissed and violated its rather harsh limitations on political power...and the state went bankrupt! This was largely due to what we now call “investment in public infrastructure” via the canal-building boom of the early-mid 1800’s; but there was also a great deal of corruption from the unconstitutional centralization and manipulation of governing power, largely from the National Bank (earlier form of the ancient moneychanger/banksters later renamed The Federal Reserve).*

*So in the midst of embarrassment and blame-hurling came a mandate to slash the profligacy and corruption within Indiana government. Politicians, trying to blame the very constitution they violated for doing what came natural to them, called for a Constitutional Convention.*

*The two most prominent objectives of the new constitution were to:*

- 1. Limit both spending, and the State’s ability to accrue debt. Actually, the 1816 constitution much more strictly limited spending and debt by allowing government very little authority to do anything. So this objective was mostly smoke and mirrors.*
- 2. Decentralize and clean-up local governance through the **public election of local officials**, instead of the previous system of centralized appointments. This was one of the very few true improvements in the new constitution.*

*Both of these objectives should interest you, since most of the amendments and proposals over the past decades have been to enhance the State’s ability to shuffle and accrue debts, and to re-centralize local governments. There’s even a push to eliminate local governments entirely, and replace their functions with appointments made by only a few state officials. This is in fact the major conclusion of the so-called “Kernan-Shepard Report” of 2007. Titled, “Streamlining Local Government” with the cutesy subtitle, “We’ve got to stop governing like this,” the report essentially advocates the unregulated corruption of 160 years ago as the solution to today’s ungoverned government.*

*Like fools who can’t remember yesterday’s errors, we’ve made massive “investment in public infrastructure” and we’re told we must do much more of the same (like I-69); and you’ll soon see that we’ve utterly dismissed and violated the limitations on politics written into this constitution.*

*Unfortunately, and unlike our federal constitution, amendments to this constitution replace the original text, making it necessary to do a little research to find the original wording and intent. That makes it harder for ordinary folks to see how politicians are incrementally taking what is yours.*

*So please consider...there is nothing new under the sun. When politicians today tell you that we need to centralize government to cut costs, remember that this has already been a terrible mistake.*

CONSTITUTION OF THE STATE OF INDIANA  
Approved in Convention at Indianapolis,  
February 10, 1851  
Adopted by the Electorate, effective November 1, 1851  
As Amended through November 2, 2004

## PREAMBLE

TO THE END, that justice be established, public order maintained, and liberty perpetuated; WE, the People of the State of Indiana, grateful to ALMIGHTY GOD for the free exercise of the right to choose our own form of government, do ordain this Constitution.

*So it's just a preamble; but I'm counting five fundamental points: 1. "TO THE END" is a key phrase demonstrating our founders' belief that government does not create justice, public order or liberty; it is only one means to these ends. 2. "...liberty perpetuated" is a key follow-on in that liberty is considered our natural state ...until/unless politicians take that liberty away. 3. "WE, the People" does not mean our political class, as there's supposed to be no such thing; it means the humans of Indiana. Some politicians claim that this phrase applies to the signatory states in the US Constitution...that won't work here. 4. "...grateful to ALMIGHTY GOD" may be irritating to atheists, but the writers of this constitution did not thank **government** for our rights. 5. And "...the right to choose our own form of government..." The purpose of constitutions is to establish and **limit** the use of political violence. Citizens must assert mastery over their inherently dangerous politics.*

## ARTICLE 1. Bill of Rights

### Section 1. Inherent and inalienable rights

Section 1. WE DECLARE, That all people are created equal; that they are endowed by their CREATOR with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that all power is inherent in the People; and that all free governments are, and of right ought to be, founded on their authority, and instituted for their peace, safety, and well-being. For the advancement of these ends, the People have, at all times, an indefeasible right to alter and reform their government.

(History: As Amended November 6, 1984).

*Why must we have such an "indefeasible right to alter and reform" our government if our government is to govern us, and if our leaders are to lead us? Because unrestrained, unreformed governments always (always; as in, without exception) become oppressive and counterproductive to the pursuit of life, liberty and anything else you might value.*

### Section 2. Natural right to worship

Section 2. All people shall be secured in the natural right to worship ALMIGHTY GOD, according to the dictates of their own consciences.

(History: As Amended November 6, 1984).



*Let us be clear and truthful. The freedom guaranteed in writing here is “to worship ALMIGHTY GOD;” well-understood at the time this was written (and amended) to be the Judeo-Christian God of Abraham and Isaac. We have no specified right to worship the sun, money, basketball, Horus, or politicians. You also have no listed rights to pledge allegiance to or burn a flag, to wash cars or to play baseball. We have no such enumerated constitutional rights.*

*These are rights nonetheless under our constitutions because, as you’ll see, government has no power over us not specifically granted by written constitutions (see Article I, Section 25 in this Indiana constitution, and amendments 9, 10 and 14 of the US Constitution).*

*I’ll repeat because this is important. We do have the right to worship statues and such because these rights are not specifically denied. We, the people, own all rights and powers not taken away from us in writing. You’ll see this written more clearly later.*

***This is a critical point.*** *It is the whole purpose of constitutions to establish the written, guaranteed, **absolute** limits of political power, not to describe the limits of your rights.*

### Section 3. Freedom of religious opinions and rights of conscience

Section 3. No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.

*Do you have any idea how many laws “control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience”? Churches’ tax status is another story (see Section 4 below), but it’s patently wrong to threaten churches with tax penalties, or even loss of property, if they say unapproved things in the pulpit, or do unapproved things in their own church buildings. And that phrase, “in any case whatever” leaves no excuse for what we have allowed.*

### Section 4. Freedom of religion

Section 4. No preference shall be given, by law, to any creed, religious society, or mode of worship; and no person shall be compelled to attend, erect, or support, any place of worship, or to maintain any ministry, against his consent.

(History: As Amended November 6, 1984).

*While some may not like it, this actually does unequivocally mean that churches must not get any relative tax advantages, property rights or legal status that amount to involuntary taxpayer support.*

### Section 5. Religious test for office

Section 5. No religious test shall be required, as a qualification for any office of trust or profit.

### Section 6. Public money for benefit of religious or theological institutions

Section 6. No money shall be drawn from the treasury, for the benefit of any religious or theological institution.

*Amplifying Sec.4, this pretty conclusively invalidates the church/state “partnerships” that many of us think are “conservative.” No tax money goes to “any religious or theological institution.” Period.*

### Section 7. Witness competent regardless of religious opinions



Section 7. No person shall be rendered incompetent as a witness, in consequence of his opinions on matters of religion.

Section 8. Oath or affirmation, administration

Section 8. The mode of administering an oath or affirmation, shall be such as may be most consistent with, and binding upon, the conscience of the person, to whom such oath or affirmation may be administered.

*As a Christian, I don't want to make oaths on a Bible, or in fact any affirmation other than that my Yes means Yes, and my No means No. This is both permissible, and binding, in an Indiana court.*

Section 9. Right to free thought, speech, writing and printing; abuse of right

Section 9. No law shall be passed, restraining the free interchange of thought and opinion, or restricting the right to speak, write, or print, freely, on any subject whatever: but for the abuse of that right, every person shall be responsible.

*“No law shall be passed, restraining the free interchange of thought and opinion...” Note that there are no provisos or amendments related to speech in airports, “free speech zones,” or any allowable limitations on our right to speak, write or print freely. All limitations on our freedom to communicate are illegal (i.e., criminal) usurpations of our rights. Of course, the added “but for the abuse of that right, every person shall be responsible” is problematic. It’s too open to abuse by government.*

Section 10. Truth in prosecutions for libel

Section 10. In all prosecutions for libel, the truth of the matters alleged to be libelous, may be given in justification.

Section 11. Unreasonable search or seizure; warrant

Section 11. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search or seizure, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

*“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search or seizure, shall not be violated.” Is there anything unclear about this? Ponder to what degree this is flouted daily. A wide variety of officials from IRS, BATF, child and fire protection “services” believe they can kick in your door and/or snoop on you without warrant or probable cause. These government agents are, according to this written law, criminals. Please run that through your mind a bit...the actual people, no matter what badge they wear or power they claim, are actually worse than other criminals when they act as agents of government, but are themselves ungoverned and in violation of the laws that created their jobs. They not only violate your property, rights and person, they also illegitimize institutions intended to maintain order, property, rights and persons.*

Section 12. Courts open; remedy by due course of law; administration of justice

Section 12. All courts shall be open; and every person, for injury done to him in his person, property, or reputation, shall have remedy by due course of law. Justice shall be administered freely, and without purchase; completely, and without denial; speedily, and without delay.

(History: As Amended November 6, 1984).

*A growing number of bureaucracies have their own legislative, executive and judicial powers like the IRS, DCS and, of course "Homeland Security." These bureaucracies illegally trample this section every minute of every day. We shouldn't put up with it anymore.*

*Also note that "Justice shall be administered freely, and **without purchase.**" The words and meaning are clear. Justice isn't to be an arms race of money and influence. Justice is to be at least as free as the tuition-free Common Schools in Article 8, which doesn't guarantee a free education (hence the extra cost to parents for books); it mandates only that tuition is paid out of the public purse. But justice is to be free! It is criminal how we've perverted this.*

*And consider the phrases, "...shall have remedy by due course of law" and "without denial." If you've ever tried to seek remedy for the damage done to you by politicians, you know that this law is badly broken. Do not expect the politicians sitting on the court bench to obey this law without a real fight.*

### Section 13. Rights of accused, Rights of victims

Section 13. (a) In all criminal prosecutions, the accused shall have the right to a public trial, by an impartial jury, in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor. (b) Victims of crime, as defined by law, shall have the right to be treated with fairness, dignity, and respect throughout the criminal justice process; and, as defined by law, to be informed of and present during public hearings and to confer with the prosecution, to the extent that exercising these rights does not infringe upon the constitutional rights of the accused.

(History: As Amended November 5, 1996).

*See the comment above and ditto the bureaucratic bashing of our rights. You have the guaranteed right to free (without purchase...free) access to a jury trial, as well as due process. You can never be legally forced or coerced (threatened) into a bench trial. Judges who deny this right are therefore criminals. This is in spite of the foolish, muddling language of the 1996 amendment.*

### Section 14. Double jeopardy and self-incrimination

Section 14. No person shall be put in jeopardy twice for the same offense. No person, in any criminal prosecution, shall be compelled to testify against himself.

*Income tax forms are just one of the many ways we're illegally forced to testify against ourselves in ways that you can bet will be used against you in courts of "law."*

### Section 15. Persons arrested or confined, treatment

Section 15. No person arrested, or confined in jail, shall be treated with unnecessary rigor.

*That phrase "unnecessary rigor" is quite good. By saying, "unnecessary" the authors gave citizens plenty of legal room to define unconstitutional treatment.*

### Section 16. Excessive bail or fines and cruel or unusual punishment

Section 16. Excessive bail shall not be required. Excessive fines shall not be imposed. Cruel and unusual punishments shall not be inflicted. All penalties shall be proportioned to the nature of the offense.

*Did you know that there are many drug and porn offenses that carry longer sentences than for murder? There is a huge and increasing assortment of behaviors that can land you in jail, and “The Land of the Free” already has the world’s highest percentage of citizens in prison. After losing years of their life in prison, these people will never again have equal access to employment or public service. That is excessive, cruel, almost always disproportional to the offense ...and therefore criminal.*

*You may blanch at my use of the word “criminal” as applied to politicians. It is a paradigm shift, I know, to think of politicians doing what we’ve allowed or even asked them to do as criminal. But that’s only because we’ve abstracted a false god of state that we think should do things no human should do. We should never think it is right for people to do wrong.*

Section 17. Right to bail and unbailable offenses

Section 17. Offenses, other than murder or treason, shall be bailable by sufficient sureties. Murder or treason shall not be bailable, when the proof is evident, or the presumption strong.

Section 18. Penal code founded on reformation

Section 18. The penal code shall be founded on the principles of reformation, and not of vindictive justice.

*So we’re not supposed to “send a message” with unusually cruel punishments. If the aim is reformation, then nearly all of our drug-related punishments are not just counterproductive; they’re also illegal. How do you reform a “tax cheat” by imposing a felony conviction that permanently impairs his/her ability to earn income?*

*Personally, I’d prefer a penal code based on restoration/repayment; and demote reformation to a second-tier priority. But the law’s the law and a deal’s a deal, right?*

Section 19. Right of jury to determine law and facts in criminal cases

Section 19. In all criminal cases whatever, the jury shall have the right to determine the law and the facts.

*This section gives citizens the power to judge laws. Judges, you’ll note, are never granted that power over the constitution. Don’t let anyone tell you, as a juror, what you can and can’t do. You, as a juror, have more power over the case at hand, the law, and the facts, than does anyone else in the courtroom. This is the basis for “Jury Nullification,” whereby jurors can hold their government accountable to the constitution...and to reason. **This is crucial.** Of course, it also assumes that you know the law.*

*You’re on the right track now...keep reading.*

Section 20. Trial by jury in civil cases

Section 20. In all civil cases, the right of trial by jury shall remain inviolate.

Section 21. Right to compensation for services and property



Section 21. No person's particular services shall be demanded, without just compensation. No person's property shall be taken by law, without just compensation; nor, except in case of the State, without such compensation first assessed and tendered.  
(History: As Amended November 6, 1984).

*There's a good argument that income tax violates this section (and also the prohibition against forced testimony against yourself). But the "just compensation" clause here is, without any doubt, important when considering eminent domain and tax seizure practices. Also without any doubt is that the added phrase, "...except in case of the State" should be stricken from this law. But if the state is to treat people badly, this is the proper way to do it...by constitutional amendment.*

Section 22. Privileges of debtor; imprisonment for.

Section 22. The privilege of the debtor to enjoy the necessary comforts of life, shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale, for the payment of any debt or liability hereafter contracted: and there shall be no imprisonment for debt, except in case of fraud.

*Lots of people do prison time for tax debt though no constitution allows this. An uncountable number of residences are taken for taxes, though no constitution allows this. And beside the aforementioned principle of many citizen rights and few government powers, this section of the Indiana Constitution specifically prohibits such abuse of citizens and their property. How can there be "just compensation" (Section 21) for taking a home; particularly when the taking itself is illegal? How do we justify taking taxes for the Colts/Pacers/foreign corporations/endless whatevers when people lose their homes and life-time (in prison) to taxation? What a crime!*

Section 23. Equal privileges

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.

*...So how come so many people, unions and corporations get special privileges and immunities? We use tax policy, in ugly particular, to give special people special deals all the time. We use subsidies and handouts to discriminate between those we favor, and those we do not favor. And corporate/union laws themselves have become multiple classes of privilege and relative abuse. This is all illegal! All human sub-classification/categorization like "hate crime legislation" and "collective bargaining" are herewith specifically unconstitutional! And abstract groupings of people, whether by occupation, race, cultural status, corporate or union charter...are forbidden!  
Only human beings get human rights; and under this law, we are, all of us **citizens** anyway, equal.*

Section 24. Ex post facto laws and impairing contracts

Section 24. No ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

Section 25. Effect of laws

Section 25. **No law shall be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution.**

*I **bolded** this sentence because it's arguably the most important sentence in this constitution.*

*"...except as provided in this Constitution." It says, in effect, that laws **depend** upon authority; laws do **not** create authority. Only constitutions create authority. So most laws, agencies (such as the Indiana State Police, created in 1921 by road/traffic legislation, not constitutional amendment) and powers as we know them today are unconstitutional by this section of law alone!*

*This is perhaps the most important sentence in the constitution, so let's deconstruct the wording a bit for clarity. "No law shall be passed...except" means that there cannot, legally, be any law, excepting the proviso of this law, "authority, except as provided in this Constitution." This is an unusual linguistic construction, so I'll rephrase this in what I think is an accurate summary: For any law to be itself legal, its powers over us must be already written into/granted by, this constitution. Said another way, legislators can't legislate new powers; they must amend the constitution first. Compare this to the federal Tenth Amendment: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." In essence, both laws affirm, once again, that constitutions allow only the powers specifically granted in writing, and deny all others. There is no authority outside of what has been authorized by the constitutions, as written.*

*Constitutions are the written warrants of violent power. If they are to have any effect at all in securing our lives, liberties and property, they are to be obeyed, as written. That is the law. It is law that protects us from tyranny. Breaking that law is a very high crime, don't you agree?*

Section 26. Suspension of operation of law

Section 26. The operation of the laws shall never be suspended, except by the authority of the General Assembly.

*This further clarifies the above, again, that the constitution is the law, and remains in effect, whole, unless entirely suspended. Either we have Rule of Law, or we have Rule of Politicians, in other words. The General Assembly thus wrote in its authority to become tyrannical, but it must be done legally!*

Section 27. Suspension of habeas corpus; exception

Section 27. The privilege of the writ of habeas corpus shall not be suspended, except in case of rebellion or invasion; and then, only if the public safety demand it.

*Some folks know that Lincoln suspended habeas corpus during the Civil War, and it was a horrible, tragic, embarrassing mistake. I'd trim this sentence down by about half.*

Section 28. Treason against state; definition

Section 28. Treason against the State shall consist only in levying war against it, and in giving aid and comfort to its enemies.

*What is "the State?" Surely it's not politicians and their bureaucracies! The State is the citizens and their collective, common, shared principles, rules and practices. See the Preamble. And anyone who violently, illegally and systematically kills, imprisons, steals and oppresses the state is at least a traitor. Those who oppose our constitution are enemies of the state. So are we surrounded and invaded by whole bureaucracies of traitors? Yes, I'm using harsh words. But what is "levying war?" Our politicians haven't legally levied a war since WWII. We've been pretty loosey-goosey with the*

*word “war” such that demanding justice and law from our politicians may literally be called “treason” by them. We live in dangerous, pivotal times!*

Section 29. Treason against state; proof

Section 29. No person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or upon his confession in open court.

*I’d certainly present proof and testimony against any number of politicians...except we elected them!*

Section 30. Conviction; effect

Section 30. No conviction shall work corruption of blood or forfeiture of estate.

*Since the invention of debt instruments like 40 year mortgages and credit cards, this concept has been overwhelmed by corporate and lawyerly greed. But the law is plain. You can’t extract anything – not property, jail time or money – from the descendents of someone convicted of anything. What this also says, unequivocally, is that **you can’t lose your home to a conviction, either.***

Section 31. Right to assemble, to instruct and to petition

Section 31. No law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good; nor from instructing their representatives; nor from applying to the General Assembly for redress of grievances.

*The preceding is too rarely put to a test. I can assure you from personal experience that while we still have it better than most nations, we are partly denied what is expressed in this law. There are many impediments to “instructing” our representatives and to “applying to the General Assembly for redress of grievances.” Even so, I believe it’s among the least of our problems.*

Section 32. Bearing arms

Section 32. The people shall have a right to bear arms, for the defense of themselves and the State.

*“The people shall have a right to bear arms...” Is there really any doubt? No limitations or regulatory powers are stated anywhere in this constitution; therefore none are allowed.*

Section 33. Military subordinate to civil power

Section 33. The military shall be kept in strict subordination to the civil power.

*This contract creates and delineates what “civil power” is. All other power is, at best, ...uncivil.*

Section 34. Quartering of soldiers

Section 34. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

Section 35. Titles of nobility and hereditary distinctions

Section 35. The General Assembly shall not grant any title of nobility, nor confer hereditary distinctions.



*One may reasonably ask what's up with "the Honorable" and "Esquire." These titles aren't hereditary or formally conferred, but they're certainly not right; they're also forbidden in the federal constitution (Article I, Section 9:8). So if anybody tries to make you use such a title (this happened to me once), you are legally (and morally) correct to refuse.*

Section 36. Freedom of emigration

Section 36. Emigration from the State shall not be prohibited.

*Most people think that citizenship, immigration and emigration were federal-level issues only. Well, certainly not when either constitution was written; states were entirely in charge of what happened within their borders until the 14<sup>th</sup> amendment to the federal constitution. And nothing in any constitution has altered the duty and charter of the states to protect their citizens; including who gets to be a citizen...and who must leave. Granted, this concept is more explicit in other constitutions. The Arizona constitution, for example, clearly denies citizen rights to those who are not citizens!*

Section 37. Slavery and involuntary servitude

Section 37. There shall be neither slavery, nor involuntary servitude, within the State, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted.

(History: As Amended November 6, 1984).

*This use of "involuntary servitude" preceded the existence of income tax and even what are now child support rules, so it therefore means exactly and literally what it says. There was a time when our founders considered income tax/ garnishment as, in fact, involuntary servitude. After all, one literally submits one's labor to the state through direct income taxation which we cannot escape. Do we need to amend this section? Be careful. As ever-more taxation is forcibly extracted from us, our place in the spectrum between serfdom (where serfs paid one day in seven to their masters) and slavery (total submission) is heading the wrong way fast. Some estimates put the total cost of politics to be over 60% of our GDP, but it's hard for me to imagine it's that low if you include the cost of our moneychanger currency. When many get taxed out of their homes and work for a subsistence income already, how many more steps to serfdom?*

## **ARTICLE 2. Suffrage and Election**

Section 1. Free and equal elections

Section 1. All elections shall be free and equal.

Section 2. Voting qualifications

Section 2. (a) A citizen of the United States who is at least eighteen (18) years of age and who has been a resident of a precinct thirty (30) days immediately preceding an election may vote in that precinct at the election.

(b) A citizen may not be disenfranchised under subsection (a), if the citizen is entitled to vote in a precinct under subsection (c) or federal law.

(c) The General Assembly may provide that a citizen who ceases to be a resident of a precinct before an election may vote in a precinct where the citizen previously resided if, on the date of the election, the citizen's name appears on the registration rolls for the precinct.

(History: As Amended March 14, 1881; September 6, 1921; November 2, 1976; November 6, 1984; November 3, 1998).

Section 3. Repealed

(History: Repealed November 3, 1998).

Section 4. Residence; absence from state

Section 4. No person shall be deemed to have lost his residence in the State, by reason of his absence, either on business of this State or of the United States.

*The previous three sections have been so mutilated by amendment, and for such intent, that just about anybody, resident or not, living or dead, can vote in Indiana! In fact, by Section 2(c), it is quite often the case that voters, living or dead, invoke their previous habitations' paper trail (and woeful record purging) and vote several times!*

Section 5. Repealed

(Repealed March 14, 1881).

*Good thing, too. This one said, "No Negro or Mulatto shall have the right of suffrage." Oy vey!*

Section 6. Disqualification for bribery

Section 6. Every person shall be disqualified from holding office, during the term for which he may have been elected, who shall have given or offered a bribe, threat, or reward, to procure his election.

*Oh my. Special favors are the fuel of the major parties. It'd be hard work to chase down and prosecute all of these criminals. But it would be wholesome fun.*

Section 7. Repealed

(Repealed November 6, 1984).

Section 8. Conviction of infamous crime

Section 8. The General Assembly shall have power to deprive of the right of suffrage, and to render ineligible, any person convicted of an infamous crime.

Section 9. Holder of lucrative office; eligibility

Section 9. No person holding a lucrative office or appointment under the United States or under this State is eligible to a seat in the General Assembly; and no person may hold more than one lucrative office at the same time, except as expressly permitted in this Constitution. Offices in the militia to which there is attached no annual salary shall not be deemed lucrative.

(History: As Amended November 6, 1984).

*In other words, you can't serve in the General Assembly if you've a side job anywhere in government excepting the militia! Of course, many public school teachers, police and paid fire department*



*employees (government employees) hold office and thus have inherent, illegal conflicts of interest. And while Indiana does not mandate an integrated bar (requiring that lawyers be members of a Bar Association), lawyers are nonetheless agents of government with special privileges and immunities (see Article 7, Section 4), and are hereby forbidden to practice while in office.*

*I've often said that lawyers are to law what firemen are to fire, and I believe that's typically true. But it is even more true that lawyer-lawmakers are inherently the "fox guarding the henhouse" when it comes to conflicts of interest and dual office within government.*

*Voters don't seem to care; but legally, this is a problem. ...A rather large one, actually.*

#### Section 10. Collectors and holders of public money; eligibility

Section 10. No person who may hereafter be a collector or holder of public moneys, shall be eligible to any office of trust or profit, until he shall have accounted for, and paid over, according to law, all sums for which he may be liable.

*In other words, you can't benefit from political largesse and hold office. As with Section 9, this section is very problematic. Since government has grown into such a tentacled behemoth, we have lots of officeholders who collect and hold tax money in the form of corporate subsidies, tax privileges and immunities. This creates inherent conflicts of interest. I wish voters would stop this, but it is also unconstitutional, and Indiana Governors swear an oath to stop this crime.*

*As a perhaps unrelated aside, I hate the word, "moneys" even more than I hate the more correct, but still effete and officious "monies" as used by politicians. Monies can properly be used to describe the various currencies of the world; but as used here it is a legalistic idol; hex word separation of your money from reality. And adding "public" to it only further pushes your money away from proper perspective and practice. Public money sounds distant enough...as if it didn't come from you! Laws are words. Words start and end wars. Words condemn and reprieve. And words can most certainly deceive or enlighten. We must use them, and listen to them, very carefully.*

#### Section 11. Pro tempore appointment; term of office

Section 11. In all cases in which it is provided that an office shall not be filled by the same person more than a certain number of years continuously, an appointment pro tempore shall not be reckoned a part of that term.

#### Section 12. Freedom from arrest of electors; exceptions

Section 12. In all cases, except treason, felony, and breach of the peace, electors shall be free from arrest, in going to elections, during their attendance there, and in returning from the same.

#### Section 13. Election methods

Section 13. All elections by the People shall be by ballot; and all elections by the General Assembly, or by either branch thereof, shall be viva voce.

*"Viva voce" literally means "with living voice." This means by word of mouth, or vocal evidence. And election by ballot means physical evidence... so machine-only voting is unconstitutional!*

#### Section 14. Time of elections--Registration

Section 14. (a) General elections shall be held on the first Tuesday after the first Monday in November.

(b) The General Assembly may provide by law for the election of all judges of courts of general and appellate jurisdiction, by an election to be held for such officers only, at which time no other officer



shall be voted for.

(c) The General Assembly shall provide for the registration of all persons entitled to vote.  
(History: As Amended March 14, 1881; Amended November 3, 1998).

## **ARTICLE 3. Distribution of Powers**

Section 1. Three separate departments

Section 1. The powers of the Government are divided into three separate departments; the Legislative, the Executive including the Administrative, and the Judicial: and no person, charged with official duties under one of these departments, shall exercise any of the functions of another, except as in this Constitution expressly provided.

*Each of the three (only three; no bureaucratic branch) branches therefore has legally limited, unique powers and is divided against the others such that no branch gains too much power. We've certainly messed up this one. Our judges and Governors make law, our legislators and judges take executive power, and our Executives don't execute the constitutions at all. And of course bureaucracies transcend all branches. Dang, people...why do you keep voting for this?*

## **ARTICLE 4. Legislative**

Section 1. General assembly; composition; style of law

Section 1. The Legislative authority of the State shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives. The style of every law shall be: "Be it enacted by the General Assembly of the State of Indiana"; and no law shall be enacted, except by bill.

Section 2. Senate and house of representatives; membership

Section 2. The Senate shall not exceed fifty, nor the House of Representatives one hundred members; and they shall be chosen by the electors of the respective districts into which the State may, from time to time, be divided.

(History: As Amended November 6, 1984).

Section 3. Senators and representatives; tenure

Section 3. Senators shall be elected for the term of four years, and Representatives for the term of two years, from the day next after their general election. One half of the Senators, as nearly as possible, shall be elected biennially.

(History: As Amended November 6, 1984).

Section 4. Vacancies in general assembly

Section 4. The General Assembly may provide by law for the filling of such vacancies as may occur in the General Assembly.

(History: As Amended March 14, 1881; November 6, 1984).

*Side note: The wording of the preceding is important in that it delegates authority to deal with a problem in a “don’t bother amending the constitution for such trifles” way. This is important because it affirms, again, that where such authority isn’t delegated, it doesn’t exist!*

#### Section 5. Legislative apportionment

Section 5. The General Assembly elected during the year in which a federal decennial census is taken shall fix by law the number of Senators and Representatives and apportion them among districts according to the number of inhabitants in each district, as revealed by that federal decennial census.

The territory in each district shall be contiguous.

(History: As Amended March 14, 1881; November 6, 1984).

*While gerrymandering is certainly a problem, the constitution’s use of the word “contiguous” does grant a lot of dangerous, corrupting authority to politicians in this regard.*

#### Section 6. Repealed

(Repealed November 6, 1984).

#### Section 7. Senators and representatives; qualifications

Section 7. No person shall be a Senator or a Representative, who, at the time of his election, is not a citizen of the United States; nor any one who has not been for two years next preceding his election, an inhabitant of this State, and, for one year next preceding his election, an inhabitant of the district whence he may be chosen. Senators shall be at least twenty-five, and Representatives at least twenty-one years of age.

(History: As Amended November 6, 1984).

#### Section 8. Legislative immunity; exceptions

Section 8. Senators and Representatives, in all cases except treason, felony, and breach of the peace, shall be privileged from arrest, during the session of the General Assembly, and in going to and returning from the same; and shall not be subject to any civil process, during the session of the General Assembly, nor during the fifteen days next before the commencement thereof. For any speech or debate in either House, a member shall not be questioned in any other place.

#### Section 9. Sessions of general assembly

Section 9. The sessions of the General Assembly shall be held at the capitol of the State, commencing on the Tuesday next after the second Monday in January of each year in which the General Assembly meets unless a different day or place shall have been appointed by law. But if, in the opinion of the Governor, the public welfare shall require it, he may, at any time by proclamation, call a special session. The length and frequency of the sessions of the General Assembly shall be fixed by law.

(History: As Amended November 3, 1970. The schedule adopted with the 1970 amendment to Article 4, Section 9 was stricken out by the November 6, 1984, amendment).

#### Section 10. Selection of officers; rules of proceedings; adjournment

Section 10. Each House, when assembled, shall choose its own officers, the President of the Senate excepted; judge the elections, qualifications, and returns of its own members; determine its rules of proceeding, and sit upon its own adjournment. But neither House shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which it may be sitting.

### Section 11. Quorum

Section 11. Two-thirds of each House shall constitute a quorum to do business; but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. A quorum being in attendance, if either House fail to effect an organization within the first five days thereafter, the members of the House so failing, shall be entitled to no compensation, from the end of the said five days until an organization shall have been effected.

### Section 12. Journal; entry of yeas and nays

Section 12. Each House shall keep a journal of its proceedings, and publish the same. The yeas and nays, on any question, shall, at the request of any two members, be entered, together with the names of the members demanding the same, on the journal; Provided, that on a motion to adjourn, it shall require one-tenth of the members present to order the yeas and nays.

### Section 13. Open sessions and committee meetings

Section 13. The doors of each House, and of Committees of the Whole, shall be kept open, except in such cases, as, in the opinion of either House, may require secrecy.

### Section 14. Discipline of members

Section 14. Either House may punish its members for disorderly behavior, and may, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

*The preceding seems weird to me. If a member does something bad enough to be expelled, why shouldn't he/she be expelled again for the same offense? Or do they just shoot the two-time offender?*

### Section 15. Contempt by non-members; punishment

Section 15. Either House, during its session, may punish, by imprisonment, any person not a member, who shall have been guilty of disrespect to the House, by disorderly or contemptuous behavior, in its presence; but such imprisonment shall not, at any one time, exceed twenty-four hours.

### Section 16. Legislative powers

Section 16. Each House shall have all powers, necessary for a branch of the Legislative department of a free and independent State.

*That clause, "free and independent State" is not just a throwaway. It is critical to the understanding of the power of the state within a federal form of government. States are, after all, the owners of the United States and its federal form of government. Read Jefferson's and Madison's Kentucky and Virginia Resolutions for a real eye-opening paradigm shift. The way USA government was supposed to work is not be what you've been taught in the government's schools!*

### Section 17. Bills; raising revenue

Section 17. Bills may originate in either House, but may be amended or rejected in the other; except that bills for raising revenue shall originate in the House of Representatives.

### Section 18. Reading and passage of bills

Section 18. Every bill shall be read, by title, on three several days, in each House; unless, in case of emergency, two-thirds of the House where such bill may be pending shall, by a vote of yeas and nays,

deem it expedient to dispense with this rule; but the reading of a bill, by title, on its final passage, shall, in no case, be dispensed with; and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays.

(History: As Amended November 6, 1984).

*Before amendment, the phrase "by title" read "by section," which is a very different thing! The purpose of this was to ensure that, even if legislators hadn't read the law, at least there'd be no excuse for passing something that had never been read at all. Now they've constitutionally made this whole section pointless. But, hey, at least they cheated you constitutionally. That's the right way to do it.*

Section 19. One subject acts; exceptions

Section 19. An act, except an act for the codification, revision or rearrangement of laws, shall be confined to one subject and matters properly connected therewith.

(History: As Amended November 8, 1960 November 5. 1974).

*"An act... shall be confined to one subject..." Have you read a bill lately? Almost all bills become trundling dreadnaughts laden with unrelated pork, power and privilege such that you can hardly tell what the original law was supposed to do. However, this law was at least amended to allow their abuses of the original intent. Here is what the law said in 1851:*

*"Every act shall embrace but one subject and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act **shall be void** only as to so much thereof as shall not be expressed in the title."*

*I wish we'd **put that back!** Not only does it clearly cut the crud, but it also acknowledges the tendency of politicians to screw up, and provides a means to invalidate their abuses.*

*Even more...this proves that **nullification** was both understood doctrine and appropriate remedy.*

Section 20. Acts and resolutions; plain language

Section 20. Every act and joint resolution shall be plainly worded, avoiding, as far as practicable, the use of technical terms.

*Ditto much of my preceding comment. "Plainly worded" means understandable without lawyers, decoder rings or judges. The law, after all, belongs to you.*

Section 21. Repealed

(Repealed November 8, 1960).

Section 22. Local and special laws; restrictions

Section 22. The General Assembly shall not pass local or special laws:

Providing for the punishment of crimes and misdemeanors;

Regulating the practice in courts of justice;

Providing for changing the venue in civil and criminal cases;

Granting divorces;

Changing the names of persons;



Providing for laying out, opening, and working on, highways, and for the election or appointment of supervisors;  
Vacating roads, town plats, streets, alleys, and public squares;  
Summoning and empaneling grand and petit juries, and providing for their compensation;  
Regulating county and township business;  
Regulating the election of county and township officers and their compensation;  
Providing for the assessment and collection of taxes for State, county, township, or road purposes;  
Providing for the support of common schools, or the preservation of school funds;  
Relating to fees or salaries, except that the laws may be so made as to grade the compensation of officers in proportion to the population and the necessary services required;  
Relating to interest on money;  
Providing for opening and conducting elections of State, county, or township officers, and designating the places of voting;  
Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians, or trustees.

(History: As Amended March 14, 1881; November 6, 1984).

*This was better before the amendment (of course), but read through this list of remaining prohibited legislation and you'll see that only the odd bits (divorces, name changes, regulating courts) are still in force. Most parts are badly and routinely violated; many in ways you might not consider, such as the interest/value with special business loans, TIFs, etc. (as with the Colts, for example), or the now-routine setting of mandatory sentences. ...But not necessarily by the General Assembly per se. They've created bureaucracies to do most of the damage now.*

#### Section 23. General and uniform laws

Section 23. In all the cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State.

*As mentioned above, the General Assembly violates the preceding, but they usually do not need to with so many bureaucracies created to do dirty deeds.*

#### Section 24. Right to sue the state

Section 24. Provision may be made, by general law, for bringing suit against the State; but no special law authorizing such suit to be brought, or making compensation to any person claiming damages against the State, shall ever be passed.

(History: As Amended November 6, 1984).

#### Section 25. Passage of bills and resolutions; signing

Section 25. A majority of all the members elected to each House, shall be necessary to pass every bill or joint resolution; and all bills and joint resolutions so passed, shall be signed by the Presiding Officers of the respective Houses.

#### Section 26. Protest by members; entry of dissent on journal

Section 26. Any member of either House shall have the right to protest, and to have his protest, with his reasons for dissent, entered on the journal.

Section 27. Public laws

Section 27. Every statute shall be a public law, unless otherwise declared in the statute itself.

*The phrase, “unless otherwise declared in the statute itself” has been used to violate Sections 22 and 23, for example; but remember that Article I, Section 25 demands that all statutes depend upon constitutional authority. That’s what’s usually violated first!*

Section 28. Effective date of acts

Section 28. No act shall take effect, until the same shall have been published and circulated in the several counties of the State, by authority, except in case of emergency, which emergency shall be declared in the preamble, or in the body, of the law.

Section 29. Compensation of members; conditions

Section 29. The members of the General Assembly shall receive for their services a compensation to be fixed by law; but no increase of compensation shall take effect during the session at which such increase may be made.

(History: As Amended November 3, 1970. The schedule adopted with the 1970 amendment to Article 4, Section 9 was stricken out by the November 6, 1984, amendment).

Section 30. Holding of public office; eligibility

Section 30. No Senator or Representative shall, during the term for which he may have been elected, be eligible to any office, the election to which is vested in the General Assembly; nor shall he be appointed to any civil office of profit, which shall have been created, or the emoluments of which shall have been increased, during such term; but this latter provision shall not be construed to apply to any office elective by the People.

## ARTICLE 5. Executive

Section 1. Governor; term of office

Section 1. The executive power of the State shall be vested in a Governor. He shall hold his office during four years, and shall not be eligible more than eight years in any period of twelve years.

(History: As Amended November 7, 1972).

Section 2. Lieutenant governor; term of office

Section 2. There shall be a Lieutenant Governor who shall hold his office during four years.

*Did you notice that this says “his office?” While it can be argued that the masculine pronoun is used as gender neutral, we really should clarify/fix this anachronism by simply deleting “his.” Such gender neutralization has already been done elsewhere in this constitution.*

Section 3. Election of governor and lieutenant governor



Section 3. The Governor and Lieutenant Governor shall be elected at the times and places of choosing members of the General Assembly.

Section 4. Method of voting

Section 4. Each candidate for Lieutenant Governor shall run jointly in the general election with a candidate for Governor, and his name shall appear jointly on the ballot with the candidate for Governor. Each vote cast for a candidate for Governor shall be considered cast for the candidate for Lieutenant Governor as well. The candidate for Lieutenant Governor whose name appears on the ballot jointly with that of the successful candidate for Governor shall be elected Lieutenant Governor. (History: As Amended November 5, 1974).

Section 5. Tie vote

Section 5. In the event of a tie vote, the Governor and Lieutenant Governor shall be elected from the candidates having received the tie vote by the affirmative vote in joint session of a majority of the combined membership of both Houses as the first order of business after their organization. (History: As Amended November 5, 1974).

Section 6. Contested elections of governor and lieutenant governor

Section 6. Contested elections for Governor or Lieutenant Governor, shall be determined by the General Assembly, in such manner as may be prescribed by law.

Section 7. Qualifications of governor and lieutenant governor

Section 7. No person shall be eligible to the office of Governor or Lieutenant Governor, who shall not have been five years a citizen of the United States, and also a resident of the State of Indiana during the five years next preceding his election; nor shall any person be eligible to either of the said offices, who shall not have attained the age of thirty years.

Section 8. Ineligible persons

Section 8. No member of Congress, or person holding any office under the United States or under this State, shall fill the office of Governor or Lieutenant Governor.

Section 9. Term of office; commencement

Section 9. The official term of the Governor and Lieutenant Governor shall commence on the second Monday of January, in the year one thousand eight hundred and fifty-three; and on the same day every fourth year thereafter.

Section 10. Vacancies and disabilities; succession

Section 10. (a) In case the Governor-elect fails to assume office, or in case of the death or resignation of the Governor or the Governor's removal from office, the Lieutenant Governor shall become Governor and hold office for the unexpired term of the person whom the Lieutenant Governor succeeds. In case the Governor is unable to discharge the powers and duties of the office, the Lieutenant Governor shall discharge the powers and duties of the office as Acting Governor.

(b) Whenever there is a vacancy in the office of Lieutenant Governor, the Governor shall nominate a Lieutenant Governor who shall take office upon confirmation by a majority vote in each house of the General Assembly and hold office for the unexpired term of the previous Lieutenant Governor. If the General Assembly is not in session, the Governor shall call it into special session to receive and act upon the Governor's nomination. In the event of the inability of the Lieutenant Governor to discharge the powers and duties of the office, the General Assembly may provide by law for the manner in which a person shall be selected to act in the Lieutenant Governor's place and declare which powers and

duties of the office such person shall discharge.

(c) Whenever the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives the Governor's written declaration that the Governor is unable to discharge the powers and duties of the office, and until the Governor transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as Acting Governor. Thereafter, when the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives the Governor's written declaration that no inability exists, the Governor shall resume the powers and duties of the office.

(d) Whenever the President pro tempore of the Senate and the Speaker of the House of Representatives file with the Supreme Court a written statement suggesting that the Governor is unable to discharge the powers and duties of the office, the Supreme Court shall meet within forty-eight hours to decide the question and such decision shall be final. Thereafter, whenever the Governor files with the Supreme Court the Governor's written declaration that no inability exists, the Supreme Court shall meet within forty-eight hours to decide whether such be the case and such decision shall be final. Upon a decision that no inability exists, the Governor shall resume the powers and duties of the office.

(e) Whenever there is a vacancy in both the office of Governor and Lieutenant Governor, the General Assembly shall convene in joint session forty-eight hours after such occurrence and elect a Governor from and of the same political party as the immediately past Governor by a majority vote of each house. If either house of the General Assembly is unable to assemble a quorum of its members because of vacancies in the membership of that house, the General Assembly shall convene not later than forty-eight hours after a sufficient number of the vacancies are filled to provide a quorum of members for that house.

(f) An individual holding one (1) of the following offices shall discharge the powers and duties of the governor if the office of governor and the office of lieutenant governor are both vacant, in the order listed:

- (1) The speaker of the house of representatives.
- (2) The president pro tempore of the senate, if the office described in subdivision (1) is vacant.
- (3) The treasurer of state, if the offices described in subdivisions (1) and (2) are vacant.
- (4) The auditor of state, if the offices described in subdivisions (1) through (3) are vacant.
- (5) The secretary of state, if the offices described in subdivisions (1) through (4) are vacant.
- (6) The state superintendent of public instruction, if the offices described in subdivisions (1) through (5) are vacant.

(g) An individual's authority to discharge the governor's powers and duties under subsection (f) ends when the general assembly fills the office of governor under this section.

(History: As Amended November 7, 1978; November 2, 2004).

#### Section 11. President of the senate

Section 11. Whenever the Lieutenant Governor shall act as Governor, or shall be unable to attend as President of the Senate, the Senate shall elect one of its own members as President for the occasion.

#### Section 12. Commander-in-chief

Section 12. The Governor shall be commander-in-chief of the armed forces, and may call out such forces, to execute the laws, or to suppress insurrection, or to repel invasion.

(History: As Amended November 6, 1984).

*Which "armed forces"? This is clearly not as we've been taught since the "federal" government unconstitutionally stole so much power from states with the "Dick Act" of 1903. The Governor has real power!*

*But consider what this means in terms of illegal aliens, immigration and federalism. Think on it.*

Section 13. Messages by governor to general assembly

Section 13. The Governor shall, from time to time, give to the General Assembly information touching the condition of the State, and recommend such measures as he shall judge to be expedient.

(History: As Amended November 6, 1984).

Section 14. Presentment of bills for signature; veto power

Section 14. (a) Every bill which shall have passed the General Assembly shall be presented to the Governor. The Governor shall have seven days after the day of presentment to act upon such bill as follows:

(1) He may sign it, in which event it shall become a law.

(2) He may veto it:

(A) In the event of a veto while the General Assembly is in session, he shall return such bill, with his objections, within seven days of presentment, to the House in which it originated. If the Governor does not return the bill within seven days of presentment, the bill becomes a law notwithstanding the veto.

(B) If the Governor returns the bill under clause (A), the House in which the bill originated shall enter the Governor's objections at large upon its journals and proceed to reconsider and vote upon whether to approve the bill. The bill must be reconsidered and voted upon within the time set out in clause (C). If, after such reconsideration and vote, a majority of all the members elected to that House shall approve the bill, it shall be sent, with the Governor's objections, to the other House, by which it shall likewise be reconsidered and voted upon, and, if approved by a majority of all the members elected to that House, it shall be a law.

(C) If the Governor returns the bill under clause (A), the General Assembly shall reconsider and vote upon the approval of the bill before the final adjournment of the next regular session of the General Assembly that follows the regular or special session in which the bill was originally passed. If the House in which the bill originated does not approve the bill under clause (B), the other House is not required to reconsider and vote upon the approval of the bill. If, after voting, either House fails to approve the bill within this time, the veto is sustained.

(D) In the event of a veto after final adjournment of a session of the General Assembly, such bill shall be returned by the Governor to the House in which it originated on the first day that the General Assembly is in session after such adjournment, which House shall proceed in the same manner as with a bill vetoed before adjournment. The bill must be reconsidered and voted upon within the time set out in clause (C). If such bill is not so returned, it shall be a law notwithstanding such veto.

(3) He may refuse to sign or veto such bill in which event it shall become a law without his signature on the eighth day after presentment to the Governor.

(b) Every bill presented to the Governor which is signed by him or on which he fails to act within said seven days after presentment shall be filed with the Secretary of State within ten days of presentment.

The failure to so file shall not prevent such a bill from becoming a law.

(c) In the event a bill is passed over the Governor's veto, such bill shall be filed with the Secretary of State without further presentment to the Governor, provided that, in the event of such passage over the Governor's veto in the next succeeding General Assembly, the passage shall be deemed to have been the action of the General Assembly which initially passed such bill.

(History: As Amended November 7, 1972 Nov. 6, 1990).

*Oh my. You should read the original, un-amended version. It is much, much simpler. ...Sheesh.*

Section 15. Administrative officers and departments

Section 15. The Governor shall transact all necessary business with the officers of government, and may require information in writing from the officers of the administrative department, upon any subject relating to the duties of their respective offices.

Section 16. Laws faithfully executed

Section 16. The Governor shall take care that the laws are faithfully executed.

(History: As Amended November 6, 1984).

*There it is; the Governor's job description. When are you going to elect somebody to do it?*

Section 17. Pardons and reprieves; exception

Section 17. The Governor may grant reprieves, commutations, and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law.

Upon conviction for treason, the Governor may suspend the execution of the sentence, until the case has been reported to the General Assembly, at its next meeting, when the General Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. The Governor may remit fines and forfeitures, under such regulations as may be provided by law; and shall report to the General Assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and also the names of all persons in whose favor remission of fines and forfeitures were made, and the several amounts remitted; provided, however, the General Assembly may, by law, constitute a council composed of officers of State, without whose advice and consent the Governor may not grant pardons, in any case, except those left to his sole power by law.

(History: As Amended November 6, 1984).

*An actual Governor would give lots of Hoosiers their houses back. People imprisoned illegally would be freed. Money would be returned. Rights would, of course, be restored. Justice would be done. Why wouldn't you want that? Why don't we vote for that?*

Section 18. Vacancies; filling during recess

Section 18. When, during a recess of the General Assembly, a vacancy shall happen in any office, the appointment to which is vested in the General Assembly; or when, at any time, a vacancy shall have occurred in any other State office, or in the office of Judge of any Court; the Governor shall fill such vacancy, by appointment, which shall expire, when a successor shall have been elected and qualified.

Section 19. Repealed

(Repealed November 6, 1984).

Section 20. Meeting place of general assembly

Section 20. Should the seat of government become dangerous from disease or a common enemy, the Governor may convene the General Assembly at any other place.

(History: As Amended November 6, 1984).

Section 21. Functions and duties of lieutenant governor

Section 21. The Lieutenant Governor shall, by virtue of his office, be President of the Senate; have a right, when in committee of the whole, to join in debate, and to vote on all subjects; and, whenever the Senate shall be equally divided, he shall give the casting vote.

Section 22. Compensation of governor

Section 22. The Governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished, during the term for which he shall have been elected.

Section 23. Compensation of lieutenant governor

Section 23. The Lieutenant Governor, while he shall act as President of the Senate, shall receive, for his services, the same compensation as the Speaker of the House of Representatives; and any person, acting as Governor, shall receive the compensation attached to the office of Governor.

Section 24. Dual holding of office

Section 24. Neither the Governor nor Lieutenant Governor shall be eligible to any other office, during the term for which he shall have been elected.

## ARTICLE 6. Administrative

*Note that this may be a separate Article, but it's considered a sub-part of the Executive branch. It has no legitimate legislative or judicial power at all...in spite of current practices.*

Section 1. State officers; secretary, auditor and treasurer: election

Section 1. There shall be elected, by the voters of the state, a Secretary, an Auditor and a Treasurer of State, who shall, severally, hold their offices for four years. They shall perform such duties as may be enjoined by law; and no person shall be eligible to either of said offices, more than eight years in any period of twelve years.

(History: As Amended November 3, 1970).

Section 2. County officers; clerk of circuit court, auditor, recorder, treasurer, sheriff, coroner and surveyor; election

Section 2. (a) There shall be elected, in each county by the voters thereof, at the time of holding general elections, a Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner, and Surveyor, who shall, severally, hold their offices for four years.

(b) The General Assembly may provide by law for uniform dates for beginning the terms of the county officials listed in subsection (a). If the General Assembly enacts a law to provide a uniform date for beginning the terms of a county official listed in subsection (a), the General Assembly may provide that the term of each county official initially elected after enactment of the law to provide the uniform date for beginning the terms of the county official is for less than four years in order to establish a uniform schedule of dates for the beginning of terms for the office. However, after the initial election for each office, the term for that office shall be for four years.

(c) No person shall be eligible to the office of Clerk, Auditor, Recorder, Treasurer, Sheriff, or Coroner more than eight years in any period of twelve years.

(History: As Amended November 4, 1952; November 6, 1984; November 2, 2004).

*Note also that the only mention of policing authority you'll see in this constitution is at the County level. There are so many very good reasons for this that I can't detail them here. But it's therefore fact that State Police are, unconstitutional as well as, legally and technically if not practically, armed and dangerous vigilantes. Counties are authorized to enforce this constitution with armed police...the State of Indiana has never been granted this agency of armed force. Why should it need such a force?*

Section 3. Election or appointment of other county and township officers

Section 3. Such other county and township officers as may be necessary, shall be elected, or appointed, in such manner as may be prescribed by law.

*There you go...counties and townships may hire officers of varying descriptions as they see fit and can afford as long as obedient to this constitution. Here is where armed police are authorized by law.*

Section 4. County officers; qualifications

Section 4. No person shall be elected, or appointed, as a county officer, who is not an elector of the county and who has not been an inhabitant of the county one year next preceding his election or appointment.

(History: As Amended November 6, 1984).

Section 5. Residence of state officers

Section 5. (a) The Governor, and the Secretary, Auditor, and Treasurer of State, shall severally keep the public records, books, and papers, in any manner relating to their respective offices, at the seat of government.

(b) The Governor shall reside at the seat of government.

(History: As Amended November 3, 1998).

*Some complain that Governor Daniels lives outside the "seat of government" in Hamilton County. I wish that the people who care about this trifle would care as much for the rest of the constitution!*

Section 6. Local officers; residence

Section 6. All county, township, and town officers, shall reside within their respective counties, townships, and towns; and shall keep their respective - offices at such places therein, and perform such duties, as may be directed by law.

Section 7. State officers; removal methods; impeachment

Section 7. All State officers shall, for crime, incapacity, or negligence, be liable to be removed from office, either by impeachment by the House of Representatives, to be tried by the Senate, or by a joint resolution of the General Assembly; two-thirds of the members elected to each branch voting, in either case, therefore.

*Of course we shouldn't take this lightly. We shouldn't have taken this contract so lightly, either. But the constitution will be violated as long as you tolerate it. And if you stop tolerating it, you may have to demand the use of this Section 7 power.*

Section 8. State, county, township and town officers; impeachment and removal



Section 8. All State, county, township, and town officers, may be impeached, or removed from office, in such manner as may be prescribed by law.

Section 9. County, township and town offices; vacancies

Section 9. Vacancies in county, township, and town offices, shall be filled in such manner as may be prescribed by law.

Section 10. Powers of county boards

Section 10. The General Assembly may confer upon the boards doing county business in the several counties, powers of a local, administrative character.

*Note that this is administrative power only, and not legislative, judicial and executive authority!*

Section 11. Repealed

(Repealed November 6, 1984).

*I've not yet found the original text for this repealed Section... So it was probably something good.*

## **ARTICLE 7. Judicial.**

Section 1. Judicial power

Section 1. Judicial Power. The judicial power of the State shall be vested in one Supreme Court, one Court of Appeals, Circuit Courts, and such other courts as the General Assembly may establish.

(History: As Amended March 14, 1881; November 3, 1970).

Section 2. Supreme Court

Section 2. Supreme Court. The Supreme Court shall consist of the Chief Justice of the State and not less than four nor more than eight associate justices; a majority of whom shall form a quorum. The court may appoint such personnel as may be necessary.

(History: As Amended November 3, 1970).

Section 3. Chief Justice

Section 3. Chief Justice. The Chief Justice of the State shall be selected by the judicial nominating commission from the members of the Supreme Court and he shall retain that office for a period of five years, subject to reappointment in the same manner, except that a member of the Court may resign the office of Chief Justice without resigning from the Court. During a vacancy in the office of Chief Justice caused by absence, illness, incapacity or resignation all powers and duties of that office shall devolve upon the member of the Supreme Court who is senior in length of service and if equal in length of service the determination shall be by lot until such time as the cause of the vacancy is terminated or the vacancy is filled.

The Chief Justice of the State shall appoint such persons as the General Assembly by law may provide for the administration of his office. The Chief Justice shall have prepared and submit to the General Assembly regular reports on the condition of the courts and such other reports as may be requested.

(History: As Amended November 3, 1970).

#### Section 4. Jurisdiction of Supreme Court

Section 4. The Supreme Court shall have no original jurisdiction except in admission to the practice of law; discipline or disbarment of those admitted; the unauthorized practice of law; discipline, removal and retirement of justices and judges; supervision of the exercise of jurisdiction by the other courts of the State; and issuance of writs necessary or appropriate in aid of its jurisdiction. The Supreme Court shall exercise appellate jurisdiction under such terms and conditions as specified by rules except that appeals from a judgment imposing a sentence of death shall be taken directly to the Supreme Court. The Supreme Court shall have, in all appeals of criminal cases, the power to review all questions of law and to review and revise the sentence imposed.

(History: As Amended November 3, 1970; November 8, 1988; November 7, 2000).

*The amendments, of course, granted the courts much greater, new powers. It's a shame, but it's law. You'll note that this Article has suffered many, many amendments. But they're mostly silly procedural fripperies. The original constitution was much more to the point and serious. Some of this judicial verbosity is embarrassingly petty and motivated by arrogant vanities.*

#### Section 5. Court of Appeals

Section 5. Court of Appeals. The Court of Appeals shall consist of as many geographic districts and sit at such locations as the General Assembly shall determine to be necessary. Each geographic district of the Court shall consist of three judges. The judges of each geographic district shall appoint such personnel as the General Assembly may provide by law.

(History: As Amended November 3, 1970).

#### Section 6. Jurisdiction of Court of Appeals

Section 6. Jurisdiction of Court of Appeals. The Court shall have no original jurisdiction, except that it may be authorized by rules of the Supreme Court to review directly decisions of administrative agencies. In all other cases, it shall exercise appellate jurisdiction under such terms and conditions as the Supreme Court shall specify by rules which shall, however, provide in all cases an absolute right to one appeal and to the extent provided by rule, review and revision of sentences for defendants in all criminal cases.

(History: As Amended November 3, 1970).

#### Section 7. Judicial circuits

Section 7. Judicial Circuits. The State shall, from time to time, be divided into judicial circuits; and a Judge for each circuit shall be elected by the voters thereof. He shall reside within the circuit and shall have been duly admitted to practice law by the Supreme Court of Indiana; he shall hold his office for the term of six years, if he so long behaves well.

(History: As Amended November 3, 1970).

*Please notice the phrase, "...if he so long **behaves well.**" Don't let any politician cry about "activist judges" when they're denying their role as **in**-activist legislative and executive politicians! Bad judges making unconstitutional/bad decisions should be impeached!*

#### Section 8. Circuit courts

Section 8. Circuit Courts. The Circuit Courts shall have such civil and criminal jurisdiction as may be prescribed by law.

(History: As Amended November 3, 1970).

#### Section 9. Judicial nominating commission

Section 9. Judicial Nominating Commission. There shall be one judicial nominating commission for the Supreme Court and Court of Appeals. This commission shall, in addition, be the commission on judicial qualifications for the Supreme Court and Court of Appeals. The judicial nominating commission shall consist of seven members, a majority of whom shall form a quorum, one of whom shall be the Chief Justice of the State or a Justice of the Supreme Court whom he may designate, who shall act as chairman. Those admitted to the practice of law shall elect three of their number to serve as members of said commission. All elections shall be in such manner as the General Assembly may provide. The Governor shall appoint to the commission three citizens, not admitted to the practice of law. The terms of office and compensation for members of a judicial nominating commission shall be fixed by the General Assembly. No member of a judicial nominating commission other than the Chief Justice or his designee shall hold any other salaried public office. No member shall hold an office in a political party or organization. No member of the judicial nominating commission shall be eligible for appointment to a judicial office so long as he is a member of the commission and for a period of three years thereafter.

(History: As Amended November 8, 1960; November 3, 1970).

#### Section 10. Selection of justices of the Supreme Court and judges of the Court of Appeals

Section 10. Selection of Justices of the Supreme Court and Judges of the Court of Appeals. A vacancy in a judicial office in the Supreme Court or Court of Appeals shall be filled by the Governor, without regard to political affiliation, from a list of three nominees presented to him by the judicial nominating commission. If the Governor shall fail to make an appointment from the list within sixty days from the day it is presented to him, the appointment shall be made by the Chief Justice or the acting Chief Justice from the same list. To be eligible for nomination as a justice of the Supreme Court or Judge of the Court of Appeals, a person must be domiciled within the geographic district, a citizen of the United States, admitted to the practice of law in the courts of the State for a period of not less than ten (10) years or must have served as a judge of a circuit, superior or criminal court of the State of Indiana for a period of not less than five (5) years.

(History: As Amended November 3, 1970).

#### Section 11. Tenure of justices of Supreme Court and judges of the Court of Appeals

Section 11. Tenure of Justices of Supreme Court and Judges of the Court of Appeals. A justice of the Supreme Court or Judge of the Court of Appeals shall serve until the next general election following the expiration of two years from the date of appointment, and subject to approval or rejection by the electorate, shall continue to serve for terms of ten years, so long as he retains his office. In the case of a justice of the Supreme Court, the electorate of the entire state shall vote on the question of approval or rejection. In the case of judges of the Court of Appeals the electorate of the geographic district in which he serves shall vote on the question of approval or rejection. Every such justice and judge shall retire at the age specified by statute in effect at the commencement of his current term. Every such justice or judge is disqualified from acting as a judicial officer, without loss of salary, while there is pending (1) an indictment or information charging him in any court in the United States with a crime punishable as a felony under the laws of Indiana or the United States, or (2) a recommendation to the Supreme Court by the commission on judicial qualifications for his removal or retirement. On recommendation of the commission on judicial qualifications or on its own motion, the Supreme Court may suspend such justice or judge from office without salary when in any court in the United States he pleads guilty or no contest or is found guilty of a crime punishable as a felony under the laws of Indiana or the United States, or of any other crime that involves moral turpitude under that law. If his

conviction is reversed, suspension terminates and he shall be paid his salary for the period of suspension. If he is suspended and his conviction becomes final the Supreme Court shall remove him from office. On recommendation of the commission on judicial qualifications the Supreme Court may (1) retire such justice or judge for disability that seriously interferes with the performance of his duties and is or is likely to become permanent, and (2) censure or remove such justice or judge, for action occurring not more than six years prior to the commencement of his current term, when such action constitutes willful misconduct in office, willful and persistent failure to perform his duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute. A justice or judge so retired by the Supreme Court shall be considered to have retired voluntarily. A justice or judge so removed by the Supreme Court is ineligible for judicial office and pending further order of the Court he is suspended from practicing law in this State. Upon receipt by the Supreme Court of any such recommendation, the Court shall hold a hearing, at which such justice or judge is entitled to be present, and make such determinations as shall be required. No justice shall participate in the determination of such hearing when it concerns himself. The Supreme Court shall make rules implementing this section and provide for convening of hearings. Hearings and proceedings shall be public upon request of the justice or judge whom it concerns. No such justice or judge shall, during his term of office, engage in the practice of law, run for elective office other than a judicial office, directly or indirectly make any contribution to, or hold any office in, a political party or organization or take part in any political campaign.

(History: As Amended November 4, 1952 November 3, 1970).

#### Section 12. Substitution of judges

Section 12. Substitution of Judges. The General Assembly may provide, by law, that the Judge of one circuit may hold the Courts of another circuit, in cases of necessity or convenience; and in case of temporary inability of any Judge, from sickness or other cause, to hold the Courts in his circuit, provision may be made, by law, for holding such courts.

(History: As Amended November 3, 1970).

#### Section 13. Removal of circuit court judges and Prosecuting attorneys

Section 13. Removal of Circuit Court Judges and Prosecuting Attorneys. Any Judge of the Circuit Court or Prosecuting Attorney, who shall have been convicted of corruption or other high crime, may, on information in the name of the State, be removed from office by the Supreme Court, or in such other manner as may be prescribed by law.

(History: As Amended November 3, 1970).

#### Section 14. Repealed

(Repealed November 6, 1984).

#### Section 15. No limitation on term office

Section 15. No Limitation on Term of Office. The provisions of Article 15, Section 2, prohibiting terms of office longer than four years, shall not apply to justices and judges.

(History: As Amended November 3, 1970).

#### Section 16. Prosecuting attorneys

Section 16. Prosecuting Attorneys. There shall be elected in each judicial circuit by the voters thereof a prosecuting attorney, who shall have been admitted to the practice of law in this State before his election, who shall hold his office for four years, and whose term of office shall begin on the first day of January next succeeding his election. The election of prosecuting attorneys under this section shall be held at the time of holding the general election in the year 1974 and each four years thereafter.

(History: As Amended November 3, 1970).

Section 17. Grand jury

Section 17. Grand Jury. The General Assembly may modify, or abolish, the grand jury system.

(History: As Amended November 3, 1970)

Section 18. Criminal prosecutions

Section 18. Criminal Prosecutions. All criminal prosecutions shall be carried on in the name, and by the authority of the state; and the style of all process shall be: "The State of Indiana."

(History: As Amended November 3, 1970)

Section 19. Pay

Section 19. Pay. The Justices of Supreme Court and Judges of the Court of Appeals and the Circuit Courts shall at stated times receive compensation which shall not be diminished during their continuance in office.

(History: As Amended November 3, 1971,

Section 20. Repealed

(Repealed November 6, 1984. The schedule adopted with the November 3, 1970, amendment to Article 7 was stricken out by the November 1984, amendment).

Section 21. Repealed

(Repealed November 8, 1932).

*You need to read the original text:*

“Every person of good moral character, being a voter, shall be entitled to admission to practice law in all Courts of justice.”

*Oh my. Just **imagine** if **that** were still law...ordinary people actually taking real law back to courts!*

## ARTICLE 8. Education

Section 1. Common schools system

Section 1. Knowledge and learning, general diffused throughout a community, being essential to the preservation of a free government; it should be the duty of the General Assembly to encourage, by all suitable means, moral, intellectual scientific, and agricultural improvement; and provide, by law, for a general and uniform system of Common Schools, wherein tuition shall be without charge, and equally open to all.

*When this constitution was written, Common Schools were well understood to be the uniform (identical; same quality everywhere) and simple system of education promoted by Horace Mann as the “ladder of opportunity” putting poor kids on the same level as rich kids who wanted secular, instead of religious (also free in the churches’ “Free Schools” of the day. These are now gone, of course; out-competed by the non-voluntary government collection plate), education. Ergo the state, non-local funding of such schools (see below). Only by making identical schools funded equally across rich and*

*poor areas would this make any sense at all given the generally bad nature of political education. Now, as you know, we have a local/state hybrid that's anything but equal and/or uniform. Rich kids obviously get better schools; only now it's with poor folks' tax dollars; and all schools are now run by politicians and unions, making them an international embarrassment. And perversely, we make parents pay for books, yet we make taxpayers pay for exotic sporting facilities, cafeterias and other non-educational claptrap that'd make Horace Mann spin in his grave.*

Section 2. Common school fund

Section 2. The Common School fund shall consist of the Congressional Township fund, and the lands belonging thereto;

The Surplus Revenue fund;

The Saline fund and the lands belonging thereto;

The Bank Tax fund, and the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana;

The fund to be derived from the sale of County Seminaries, and the moneys and property heretofore held for such Seminaries; from the fines assessed for breaches of the penal laws of the State; and from all forfeitures which may accrue;

All lands and other estate which shall escheat to the State, for want of heirs or kindred entitled to the inheritance;

All lands that have been, or may hereafter be, granted to the State, where no special purpose is expressed in the grant, and the proceeds of the sales thereof; including the proceeds of the sales of the Swamp Lands, granted to the State of Indiana by the act of Congress of the twenty eighth of September, eighteen hundred and fifty, after deducting the expense of selecting and draining the same;

Taxes on the property of corporations, that may be assessed by the General Assembly for common school purposes.

***No personal property tax allowed.***

*I'll repeat. No personal property taxation is authorized for these Common Schools. You didn't read it in the preceding, because it's not there. There goes half of your property tax bill.*

Section 3. Principal and income of fund

Section 3. The principal of the Common School fund shall remain a perpetual fund, which may be increased, but shall never be diminished; and the income thereof shall be inviolably appropriated to the support of Common Schools, and to no other purpose whatever.

*There was to be an inviolable trust (Section 7) to pay for all this, and we don't have one anymore.*

Section 4. Investment and distribution of fund interest

Section 4. The General Assembly shall invest, in some safe and profitable manner, all such portions of the Common School fund, as have not heretofore been entrusted to the several counties and shall make provision, by law, for the distribution, among the several counties, of the interest thereof.



Section 5. Reinvestment of unused interest

Section 5. If any county shall fail to demand its proportion of such interest, for Common School purposes, the same shall be reinvested, for the benefit of such county.

Section 6. Preservation of fund by counties; liability

Section 6. The several counties shall be held liable for the preservation of so much of the said fund as may be entrusted to them, and for the payment of the annual interest thereon.

Section 7. State trust funds inviolate

Section 7. All trust funds, held by the State, shall remain inviolate, and be faithfully and exclusively applied to the purposes for which the trust was created.

Section 8. State superintendent of public instruction

Section 8. There shall be a State Superintendent of Public Instruction, whose method of selection, tenure, duties and compensation shall be prescribed by law.

(History: As Amended November 7, 1972. The schedule adopted under the 1972 amendment to Article 8, Section 8. was stricken out by the November 6, 1984, amendment).

## ARTICLE 9. State Institutions

Section 1. Institutions for the deaf, mute, blind, and the insane

Section 1. It shall be the duty of the General Assembly to provide, by law, for the support of institutions for the education of the deaf, the mute, and the blind; and, for the treatment of the insane.

(History: As amended November 6, 1981).

Section 2. Institutions for juvenile offenders

Section 2. The General Assembly shall provide institutions for the correction and reformation of juvenile offenders.

(History: As Amended November 6, 1984).

Section 3. County asylum farms

Section 3. The counties may provide farms, as an asylum for those persons who, by reason of age, infirmity, or other misfortune, have claims upon the sympathies and aid of society.

(History: As Amended November 6, 1984).

*This was not intended as work camps for those who'd lost their homes to taxation and eminent domain! But this Article was the extent of charity or "welfare" authorized by the Indiana Constitution. No Social Security, Medicare, etc. or et cetera was ever legitimized in either state or federal constitution.*

*The history of "county homes" is not very good, as the temptation to seek free labor via courtroom conscription is very great indeed. I need to look into this more since I confess I know little about the current state of affairs.*

## ARTICLE 10. Finance

### Section 1. Property assessment and taxation

Section 1. (a) a) Subject to this section, the General Assembly shall provide, by law, for a uniform and equal rate of property assessment and taxation and shall prescribe regulations to secure a just valuation for taxation of all property, both real and personal.

(b) A provision of this section permitting the General Assembly to exempt property from taxation also permits the General Assembly to exercise its legislative power to enact property tax deductions and credits for the property. The General Assembly may impose reasonable filing requirements for an exemption, deduction, or credit.

(c) The General Assembly may exempt from property taxation any property in any of the following classes:

(1) Property being used for municipal, educational, literary, scientific, religious, or charitable purposes.

(2) Tangible personal property other than property being held as an investment.

(3) Intangible personal property.

(4) Tangible property, including curtilage, used as a principal place of residence by an:

(A) owner of the property;

(B) individual who is buying the tangible property under a contract; or

(C) individual who has a beneficial interest in the owner of the tangible property.

(d) The General Assembly may exempt any motor vehicles, mobile homes (not otherwise exempt under this section), airplanes, boats, trailers, or similar property, provided that an excise tax in lieu of the property tax is substituted therefor.

(e) This subsection applies to property taxes first due and payable in 2012 and thereafter. The following definitions apply to subsection (f):

(1) "Other residential property" means tangible property (other than tangible property described in subsection (c)(4)) that is used for residential purposes.

(2) "Agricultural land" means land devoted to agricultural use.

(3) "Other real property" means real property that is not tangible property described in subsection (c)(4), is not other residential property, and is not agricultural land.

(f) This subsection applies to property taxes first due and payable in 2012 and thereafter. The General Assembly shall, by law, limit a taxpayer's property tax liability as follows:

(1) A taxpayer's property tax liability on tangible property described in subsection (c)(4) may not exceed one percent (1%) of the gross assessed value of the property that is the basis for the determination of property taxes.

(2) A taxpayer's property tax liability on other residential property may not exceed two percent (2%) of the gross assessed value of the property that is the basis for the determination of property taxes.

(3) A taxpayer's property tax liability on agricultural land may not exceed two percent (2%) of the gross assessed value of the land that is the basis for the determination of property taxes.

(4) A taxpayer's property tax liability on other real property may not exceed three percent (3%) of the gross assessed value of the property that is the basis for the determination of property taxes.

(5) A taxpayer's property tax liability on personal property (other than personal property that is tangible property described in subsection (c)(4) or personal property that is other residential property) within a particular taxing district may not exceed three percent (3%) of the gross assessed value of the taxpayer's personal property that is the basis for the determination of property taxes within the taxing district.

(g) This subsection applies to property taxes first due and payable in 2012 and thereafter. Property

taxes imposed after being approved by the voters in a referendum shall not be considered for purposes of calculating the limits to property tax liability under subsection (f).

(h) As used in this subsection, "eligible county" means only a county for which the General Assembly determines in 2008 that limits to property tax liability as described in subsection (f) are expected to reduce in 2010 the aggregate property tax revenue that would otherwise be collected by all units of local government and school corporations in the county by at least twenty percent (20%). The General Assembly may, by law, provide that property taxes imposed in an eligible county to pay debt service or make lease payments for bonds or leases issued or entered into before July 1, 2008, shall not be considered for purposes of calculating the limits to property tax liability under subsection (f). Such a law may not apply after December 31, 2019.

(History: As Amended November 8, 1966; November 2, 2004; November 2, 2010).

*The embarrassingly ignorant new opening phrase, "Subject to this section," added November 2010, is a clue that what follows is legal madness. This whole article has been transmogrified into an awful injustice. It should be nullified, erased and/or otherwise scrapped. It's justly unenforceable, as truly uniform and equal rate of property assessment can only be zero; and the "just valuation" clause renders the tax impossible because of the state's illegal spending. Taxing people out of their homes to subsidize pro sports (for example) is not only immoral, it's also unconstitutional by not only the constitutional prohibitions on such spending (whatever isn't authorized is denied – Article I, Section 25), but also by the constitutional prohibition on such takings (Article I, Section 21).*

*Only a property tax rate of zero could fit the letter of this law.*

*But the letter of this law keeps getting worse! The 2004 removal of inventory from (2), Tangible personal property as above, ensured that personal property taxes would go up. The 2004 addition of more verbosity starting under (4), above, ensured more confusion.*

*And now we've fixed it with "caps" dependent upon that vaguery of vagueries, "gross assessed value?" Who are we fooling with these caps? Apparently ourselves, since voters approved it. This part of the constitution has been ruined, and property tax cannot ever be levied without corruption, injustice, and bad results.*

### Section 2. Public debt; payment

Section 2. All the revenues derived from the sale of any of the public works belonging to the State, and from the net annual income thereof, and any surplus that may, at any time, remain in the Treasury, derived from taxation for general State purposes, after the payment of the ordinary expenses of the government, and of the interest on bonds of the State, other than Bank bonds; shall be annually applied, under the direction of the General Assembly, to the payment of the principal of the Public Debt.

### Section 3. Appropriations made by law

Section 3. No money shall be drawn from the Treasury, but in pursuance of appropriations made by law.

*A good number of appropriations are made by bureaucracies in flagrant violation of this law.*

### Section 4. Receipts and expenditures; publication

Section 4. An accurate statement of the receipts and expenditures of the public money, shall be published with the laws of each regular session of the General Assembly.



Section 5. State debt; requirements

Section 5. No law shall authorize any debt to be contracted, on behalf of the State, except in the following cases: to meet casual deficits in the revenue; to pay the interest on the State Debt; to repel invasion, suppress insurrection, or, if hostilities be threatened, provide for the public defense.

*Deficits in revenue are not the same as deficits in desired spending! And bureaucracies do not transcend this law! Most government debt is illegal, no matter how it is described. See Article 13.*

Section 6. Corporation stock and subscription by counties; state assumption of county debts

Section 6. No county shall subscribe for stock in any incorporated company, unless the same be paid for at the time of such subscription; nor shall any county loan its credit to any incorporated company, nor borrow money for the purpose of taking stock in any such company; nor shall the General Assembly ever, on behalf of the State, assume the debts of any county, city, town, or township; nor of any corporation whatever.

*Remember this when you read Article 11, Section 12. And consider that even the state's well-intended bailouts of local school and governing units are specifically illegal.*

Section 7. Wabash and Erie Canal

Section 7. No law or resolution shall ever be passed by the General Assembly of the State of Indiana, that shall recognize any liability of this State to pay or redeem any certificate of stock issued in pursuance of an act entitled "An Act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," passed January 19th, 1846; and an act supplemental to said act, passed January 29th, 1847, which, by the provisions of the said acts, or either of them, shall be payable exclusively from the proceeds of the canal lands, and the tolls and revenues of the canal, in said acts mentioned, and no such certificates or stocks shall ever be paid by this State. (History: Added February 18, 1873).

*The state went broke investing in the public transportation system. It used this calamity as an excuse to scrap a good constitution, write a weaker, more ambiguous one, and deny its own accountability for the mess. Scandalous, terrible behavior. I don't know why we trust politicians with our money...*

Section 8. Income tax; levy and collection authorized

Section 8. The general assembly may levy and collect a tax upon income, from whatever source derived, at such rates, in such manner, and with such exemptions as may be prescribed by law. (History: Added November 8, 1932).

*Y'all ought to kill this Section.*

## ARTICLE 11. Corporations

Section 1. Banks, banking companies and moneyed institutions; incorporation

Section 1. The General Assembly shall not have power to establish, or incorporate, any bank or banking company, or moneyed institution, for the purpose of issuing bills of credit, or bills payable to order or bearer, except under the conditions prescribed in this Constitution.

Section 2. General banking laws; exception

Section 2. No banks shall be established otherwise than under a general banking law, except as provided in the fourth section of this article.

*There are many constitutional proscriptions and denied powers regarding central banking. I pray that citizens will have an epiphany about the disastrous, unconstitutional/illegal "Federal" Reserve Bank.*

Section 3. Registry by state of notes

Section 3. If the General Assembly shall enact a general banking law, such law shall provide for the registry and countersigning, by an officer of State, of all paper credit designed to be circulated as money; and ample collateral security, readily convertible into specie, for the redemption of the same in gold or silver, shall be required; which collateral security shall be under the control of the proper officer or officers of State.

*While this Section doesn't specifically forbid fractional reserve banking, it does at least mandate "ample collateral security" for all paper credit. That's a far sight better than what we've got now. I'd love to see a debt-free currency issued in competition/ replacement of Federal Reserve Notes. ...Did you notice our constitution's gold/silver valuation requirement? Very nice. Even more important as our "federal" government increasingly, illegally, destroys our dollar. You should insist upon citizens' right to barter using whatever unit of barter you want (such as the "Liberty Dollar" which, in 2007, was illegally stolen in Indiana by our "federal" government agents).*

Section 4. Banks and branches of banks; charter

Section 4. The General Assembly may also charter a bank with branches, without collateral security as required in the preceding section.

Section 5. Bank branches mutually liable

Section 5. If the General Assembly shall establish a bank with branches, the branches shall be mutually responsible for each other's liabilities upon all paper credit issued as money.

Section 6. Repealed

(Repealed November 5, 1940).

Section 7. Redemption of bills and notes

Section 7. All bills or notes issued as money shall be, at all times, redeemable in gold or silver; and no law shall be passed, sanctioning, directly or indirectly, the suspension, by any bank or banking company of specie payments.

*It has somehow gotten into the heads of many that the USA Constitution's Article I, Section 10 invalidates the Indiana Constitution's sound money law. It does seem to say that no state can "coin money." But it also says, "No State shall... make any Thing but gold and silver Coin a Tender in Payment of Debts." And consider these two issues:*

*1. Indiana's sound money law is not about counterfeiting "federal" money; it's offering the gold/silver coin tender for payment of debts which is specifically mandated by federal law.*

*2. The Feds are in breach of their contract, so **we have no legal tender at all right now**. Until/unless the US Constitution becomes in effect, it's not an issue anyway.*

*Section 7 specifically mandates specie (gold or silver) payments that the feds stole (yes, that's the proper word) from us many decades ago.*

Section 8. Holders of bank notes; preference

Section 8. Holders of bank notes shall be entitled, in case of insolvency, to preference of payment over all other creditors.

Section 9. Interest rate

Section 9. No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed, by law, to individuals loaning money.

Section 10. Repealed

(Repealed November 5, 1940).

*Here is the original text:*

*"Every bank or banking company, shall be required to cease all banking operations, within twenty years from the time of its organization, and promptly thereafter to close its business."*

*Yes, that sounds crazy to modern ears. But a twenty year sunset certainly would've dealt with "too big to fail," and it reveals the reasoned fears people used to have about banksters.*

Section 11. Trust funds; investment in banks with branches

Section 11. The General Assembly is not prohibited from investing the Trust Funds in a bank with branches; but in case of such investment, the safety of the same shall be guaranteed by unquestionable security.

Section 12. State as stockholder in banks; prohibition

Section 12. The State shall not be a stockholder in any bank; nor shall the credit of the State ever be given, or loaned, in aid of any person, association or corporation; nor shall the State become a stockholder in any corporation or association. However, the General Assembly may by law, with limitations and regulations, provide that prohibitions in this section do not apply to a public employee retirement fund.

(History: As amended November 6, 1984; November 5, 1996).

**"...Nor shall the credit of the State ever be given, or loaned, in aid of any person, association or corporation..."** *Read that a few times until it sinks in that all the credit, perks, loans, subsidies and breaks given to foreign corporations, sports teams, mall builders, politicians and the like...are illegal!*

Section 13. Corporations other than banking; creation



Section 13. Corporations, other than banking, shall not be created by special act, but may be formed under general laws.

*As far as I can tell, most people don't know that corporations are government (not business) entities created to oppose the inherent accountability of a free market. I make this point because when you hear the phrase "unregulated free market" you're hearing ignorant blather. Regulations (including licensing) are almost always created to favor the politically connected, not the meek, poor and underserved. It is political regulations, not the lack thereof, that cause havoc and crime.*

Section 14. Liability of stockholders  
Section 14. Dues from corporations shall be secured by such individual liability of the stockholders, or other means, as may be prescribed by law. (History: As Amended November 5, 1940).

## **ARTICLE 12. Militia**

### Section 1. Membership

Section 1. A militia shall be provided and shall consist of all persons over the age of seventeen (17) years, except those persons who may be exempted by the laws of the United States or of this state. The militia may be divided into active and inactive classes and consist of such military organizations as may be provided by law. (History: As Amended November 3, 1936; November 5, 1974).

*This says "militia," and not "standing army" in the parlance of our predecessors (who wrote our constitutions, both state and federal). This is a key difference, but I won't take space here to explain why. You should look this up and see why our founders were so opposed to what we have become; particularly since 1903's unconstitutional, warned-against and disastrous "Dick Act." And note that nobody joins this militia...you are it, if you're over 17. That includes old guys like me, who typically just vote our kids into foreign battles and remain comfortably in our Lazy Boys. This mandates a Swiss-like military that's very, very unlikely to fight unless attacked. ...Would that be so bad?*

### Section 2. Commander-in-chief

Section 2. The Governor is Commander-in-Chief of the militia and other military forces of this state. (History: As Amended November 5, 1974).

*"...and other military forces of this state." This is the heart of political executive authority, but it's also the heart of federalism and the loss of proper order between state and truly federal power.*

### Section 3. Adjutant general

Section 3. There shall be an Adjutant General, who shall be appointed by the Governor. (History: As Amended November 5, 1974).

### Section 4. Conscientious objectors



Section 4. No person, conscientiously opposed to bearing arms, shall be compelled to do so in the militia.

(History: As Amended November 5, 1974).

Section 5. Repealed

(Repealed November 5, 1974).

Section 6. Repealed

(Repealed November 5, 1974).

*As you can see, this whole Article has been amended many times, and not so long ago. But the fact of an Indiana Militia still exists in law!*

## **ARTICLE 13. Indebtedness**

Section 1. Limitation on debt; excess; exceptions

Section 1. No political or municipal corporation in this State shall ever become indebted, in any manner or for any purpose, to an amount, in the aggregate, exceeding two per centum on the value of the taxable property within such corporation, to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness; and all bonds or obligations, in excess of such amount, given by such corporations, shall be void: Provided, That in time of war, foreign invasion, or other great public calamity, on petition of a majority of the property owners in number and value, within the limits of such corporation, the public authorities in their discretion, may incur obligation necessary for the public protection and defense to such amount as may be requested in such petition.

(History: As Amended March 14, 1881).

*This would be a joke if it weren't so sad. The phrase, "to an amount, in the aggregate," apparently has no meaning to the increasing number of bureaucracies, each of whom believe they're entitled to encumber taxpayers with their own 2% debt load. Well, such obligations are void, by law.*

## **ARTICLE 14. Boundaries**

Section 1. Boundaries of state established Section 1. In order that the boundaries of the State may be known and established, it is hereby ordained and declared, that the State of Indiana is bounded, on the East, by the meridian line, which forms the western boundary of the State of Ohio; on the South, by the Ohio river, from the mouth of the Great Miami river to the mouth of the Wabash river; on the West, by a line drawn along the middle of the Wabash river, from its mouth to a point where a due north line, drawn from the town of Vincennes, would last touch the north-western shore of said Wabash river; and, thence, by a due north line, until the same shall intersect an east and west line, drawn through a



point ten miles north of the southern extreme of Lake Michigan; on the North, by said east and west line, until the same shall intersect the first mentioned meridian line, which forms the western boundary of the State of Ohio.

#### Section 2. Jurisdiction and sovereignty

Section 2. The State of Indiana shall possess jurisdiction and sovereignty co-extensive with the boundaries declared in the preceding section; and shall have concurrent jurisdiction, in civil and criminal cases, with the State of Kentucky on the Ohio river, and with the State of Illinois on the Wabash river, so far as said rivers form the common boundary between this State and said States respectively.

## ARTICLE 15. Miscellaneous

#### Section 1. Nonconstitutional officers; appointment

Section 1. All officers, whose appointment is not otherwise provided for in this Constitution, shall be chosen in such manner as now is, or hereafter may be, prescribed by law.

*Nonconstitutional officers may be chosen, but their powers still must fall within the limitations herein granted. So constitutionally, there **can** be a State Police force, but it can't do what it does now.*

#### Section 2. Term of office

Section 2. When the duration of any office is not provided for by this Constitution, it may be declared by law; and, if not so declared, such office shall be held during the pleasure of the authority making the appointment. But the General Assembly shall not create any office, the tenure of which shall be longer than four years.

*Did you notice the wording, "such office shall be held during the pleasure of the authority making the appointment?" This is significant! The Governor can wipe out entire bureaucracies (with all their costs and counterproductive, unconstitutional powers) at his discretion.*

#### Section 3. Holding over of office pending successor

Section 3. Whenever it is provided in this Constitution, or in any law which may be hereafter passed, that any officer, other than a member of the General Assembly, shall hold his office for any given term, the same shall be construed to mean, that such officer shall hold his office for such term, and until his successor shall have been elected and qualified.

#### Section 4. Oath or affirmation of office

Section 4. Every person elected or appointed to any office under this Constitution, shall, before entering on the duties thereof, take an oath or affirmation, to support the Constitution of this State, and of the United States, and also an oath of office.

“...take an oath or affirmation, to support the Constitution of this State, and of the United States...”  
*We’ve not chosen a Governor to honor this oath in a very, very long time. Please look again at the preceding. The oath is to both state and federal constitutions. This is no typo. It is serious and very important. To the state’s chief Executive, the phrase “to support” does not mean wave pom-poms and throw confetti. It means to defend, enforce, to execute as law. ...That’s sworn duty.*

Section 5. Seal of state

Section 5. There shall be a Seal of State, kept by the Governor for official purposes, which shall be called the Seal of the State of Indiana.

Section 6. Commission issued by state

Section 6. All commissions shall issue in the name of the State, shall be signed by the Governor, sealed with the State Seal, and attested by the Secretary of State.

Section 7. Areas of counties

Section 7. No county shall be reduced to an area less than four hundred square miles; nor shall any county, under that area, be further reduced.

Section 8. Repealed

(Repealed November 8, 1988.)

*Just so you know, here is the original text:*

“No lottery shall be authorized; nor shall the sale of lottery tickets be allowed.”

Section 9. State grounds in Indianapolis

Section 9. The following grounds owned by the State in Indianapolis, namely: the State House Square, the Governor's Circle, and so much of out-lot numbered one hundred and forty-seven, as lies north of the arm of the Central Canal, shall not be sold or leased.

Section 10. Tippecanoe Battle Ground

Section 10. It shall be the duty of the General Assembly, to provide for the permanent enclosure and preservation of the Tippecanoe Battle Ground.

## ARTICLE 16. Amendments

Section 1. Amendments

Section 1. (a) An amendment to this Constitution may be proposed in either branch of the General Assembly. If the amendment is agreed to by a majority of the members elected to each of the two houses, the proposed amendment shall, with the yeas and nays thereon, be entered on their journals, and referred to the General Assembly to be chosen at the next general election.

(b) If, in the General Assembly so next chosen, the proposed amendment is agreed to by a majority of all the members elected to each House, then the General Assembly shall submit the amendment to the electors of the State at the next general election.

(c) If a majority of the electors voting on the amendment ratify the amendment, the amendment becomes a part of this Constitution.

(History: As Amended November 3, 1998).

#### Section 2. Submission

Section 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

(History: As Amended November 8, 1966).

## **SCHEDULE**

Whenever a portion of the citizens of the counties of Perry and Spencer, shall deem it expedient to form, of the contiguous territory of said counties, a new County, it shall be the duty of those interested in the organization of such new county, to lay off the same, by proper metes and bounds, of equal portions as nearly as practicable, not to exceed one-third of the territory of each of said counties. The proposal to create such new county shall be submitted to the voters of said counties, at a general election, in such manner as shall be prescribed by law. And if a majority of all the votes given at said election, shall be in favor of the organization of said new county, it shall be the duty of the General Assembly to organize the same, out of the territory thus designated.

The General Assembly may alter or amend the charter of Clarksville, and make such regulations as may be necessary for carrying into effect the objects contemplated in granting the same; and the funds belonging to said town shall be applied, according to the intention of the grantor.

(History: As Amended November 6, 1984).

## Andy Horning's Endnotes

*I'm assuming that if you've read this far, you never found anything granting the state any authority over drivers, over businesses (in licensure, rules, etc.) or individuals (our consumer choices, property, behaviors) that amount to so much cost, hassle and lost liberties as we now endure. You read specific details in the matters of school funding and banking policy...but found no mention at all of DCS, or roadblocks or wiretapping. There is a reason for that. Such powers are prohibited. Whatever is not specifically granted is completely denied.*

*Laws do not create authority – they depend upon authority that comes from only constitutions! (look again at Article I, Section 25)*

*So, your money is taken for spending never allowed by the preceding constitution. Your rights are taken without any legal basis at all. Most of what government does to us is illegal!*

*That is high crime committed against you, the State of Indiana, and the nation of the United States of America.*

*Yes, crime. I must push this a little further – it is rare that you are in any way told what the punishment shall be for breaking laws. A speed limit sign says what the limit is, but it doesn't specify the cost of infraction. Well, this constitution may not specify the punishment for violating its terms (an oversight I wish we would correct), but it does, indeed, clearly display the "speed limit." So yes, violating this constitution is a crime. And following the principle that the greater the power, the greater the accountability, violating this constitution is a very, very serious crime.*

*This crime would stop should you choose to demand enforcement of the constitutions / Rule of Law for which so many Americans believed they fought and died. If you choose to support anti-constitutional candidates/politician, you will get what you've been getting...and get it good and hard. That is fact.*

*You know that what we are doing now isn't working, right?*

*If you support constitutional politicians, however (or run for office yourself), you would at least have a chance to live under the constitutions, with the peace, prosperity and liberty proven to follow.*

*It is your choice. Please choose wisely.*

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Comments by Andy Horning.  
 But this constitution belongs to all Hoosiers.