

IN THE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

RICHARD STANLEY, JR	)	
and TIM CLARK	)	
	)	Cause No. 25-1482
Plaintiffs,	)	
	)	
vs.	)	
	)	
BROWN COUNTY ELECTION	)	
BOARD	)	
	)	
Defendant.	)	
	)	

**BRIEF IN SUPPORT OF PLAINTIFFS’  
MOTION FOR SUMMARY JUDGMENT**

**I. INTRODUCTION**

The present legal question arises from an earlier dispute between Mr. Stanley and Mr. Clark on the one side and the Indiana Republican Party (GOP) on the other side. In that prior dispute, the Indiana Republican Party issued an unappealable decision on May 14, 2025, holding that Mr. Stanley and Mr. Clark are not Republicans in good standing. (Plaintiffs’ Exhibit 7). As explained further below, the Indiana Republican Party’s decision against Mr. Stanley and Mr. Clark violates the U.S. Constitutional principles of due process, equal protection and freedom of speech. As a result of this situation, the Brown County Election Board is now at risk of violating the U.S. Constitution if it were to enforce the private decision of the Indiana Republican Party. That is, while the U.S. Constitution is not generally binding on the Indiana Republican Party since it is a private organization, the Brown County Election Board is a government body that is bound by the U.S. Constitution. For this reason, the Brown

County Election Board cannot enforce the Indiana Republican Party's decision against Mr. Stanley and Mr. Clark by preventing Mr. Stanley and Mr. Clark from running for elected office as Republicans without enmeshing itself in multiple violations of the U.S. Constitution.

## **II. FACTUAL BACKGROUND**

During the 2024 election season, Mr. Clark ran for the elected office of County Commissioner in Brown County. He ultimately won that election and now holds the elected office of County Commissioner in Brown County. However, Mr. Clark did not have the support of the local Republican Chairman for his campaign. (Plaintiffs' Exhibit 1). Instead, the local Republican Chairman supported the incumbent during the primary and supported an Independent candidate during the general election against Mr. Clark. After Mr. Clark won both the primary and general election, Mr. Clark and Mr. Stanley concluded that the local Republican Chairman had violated Indiana GOP Rule 1-25 which states that "The term 'Republican in Good-Standing' shall be defined as a Republican who supports Republican nominees and who does not actively or openly support another candidate against a Republican nominee." (Plaintiffs' Exhibit 12 at pg. 5). In an effort to address the improper conduct of the local Republican Chairman, Mr. Clark and Mr. Stanley filed a complaint with the Indiana Republican Party against the local Republican Chairman on December 20, 2024. (Plaintiffs' Exhibit 1).<sup>1</sup>

In response to Mr. Clark's complaint, the District 9 Officers of the Republican Party scheduled a hearing to consider the complaint on January 23, 2025. In preparation for the January 23, 2025 hearing, Mr. Stanley and Mr. Clark submitted

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<sup>1</sup> The complaint was filed in Mr. Clark's name, and Mr. Stanley was Mr. Clark's legal representative in the dispute.

supplemental arguments and exhibits to the District 9 Officers on January 21, 2025. (Plaintiffs' Exhibit 2). The local Republican Chairman also submitted exhibits in support of his defense on January 21, 2025. (Plaintiffs' Exhibit 3). Additionally, at the January 23, 2025 hearing, Mr. Stanley personally handed copies to the District 9 Officers of an analysis he had done of the local Republican Chairman's exhibits. (Plaintiffs' Exhibit 4).

At the end of the January 23, 2025 hearing, the District 9 Officers issued their decision with shocking results. (Plaintiffs' Exhibit 5). The decision dismissed Mr. Clark's complaint against the local Republican Chairman as being meritless. But, the decision did not stop there. Unbeknownst to Mr. Stanley and Mr. Clark, the District 9 Officers had secretly decided to also put Mr. Stanley and Mr. Clark on trial without notifying them that they should also be defending themselves in addition to putting on their own case against the local Republican Chairman. This was only revealed after the hearing was concluded when the District 9 Officers issued their decision in which they also held that Mr. Stanley and Mr. Clark are not in good standing with the Republican Party for a period of five years. It is important to note that the Indiana Republican Party has a formal complaint process for resolving these types of questions which Mr. Stanley and Mr. Clark followed in pursuing their complaint against the local Republican Chairman. Despite this, no one has ever filed a formal complaint with the Indiana Republican Party against Mr. Stanley or Mr. Clark. Instead, the District 9 Officers issued their decision against Mr. Stanley and Mr. Clark *sua sponte* without any warning.

In response to the District 9 Officers' adverse decision, Mr. Stanley and Mr. Clark filed an appeal with the state GOP on February 5, 2025. (Plaintiffs' Exhibit 6). After three months, the state GOP issued their unappealable decision on the matter on May

14, 2025. (Plaintiffs' Exhibit 7). The decision of the state GOP completely upheld the District 9 Officers' earlier decision in holding that Mr. Stanley and Mr. Clark cannot be considered to be Republicans in good standing for a period of five years.

**III. THIS CASE RAISES A PURE LEGAL QUESTION WITH NO FACTS IN DISPUTE**

There are no additional facts relevant to this case beyond those provided in the exhibits attached to Plaintiffs' Complaint and the additional exhibits attached hereto. In particular, Mr. Stanley and Mr. Clark have provided the entire record of the proceedings that occurred before the Indiana Republican Party. Indeed, the Defendant in this case, the Brown County Election Board, cannot add any new facts to the case because the Brown County Election Board had no involvement whatsoever in the underlying dispute between Mr. Stanley and Mr. Clark and the Indiana Republican Party.

Nor is it likely that the Indiana Republican Party could offer any additional facts to this case that the Court could give weight to. For instance, the final decision issued by the Indiana Republican Party provides no analysis whatsoever of the facts of the original dispute and provides no reasoning for their decision. Thus, the Court can only look to Plaintiffs' appeal to the state GOP for guidance as to why the Indiana Republican Party ruled in the way that they did. Indeed, the final decision of the Indiana Republican Party does not even specifically state that Mr. Stanley and Mr. Clark violated Indiana GOP Rule 1-25 (Plaintiffs' Exhibit 7), which is the ostensible basis for their ruling since this was the determination made by the prior District 9 decision (Plaintiffs' Exhibit 5).

The only facts available to understand why the Indiana Republican Party ruled in the way that they did is the prior District 9 decision and the evidence that was submitted

to the District 9 Officers by Mr. Stanley, Mr. Clark and the local Republican Chairman, along with Mr. Stanley's characterizations of the January 23, 2025 hearing included in their appeal to the state GOP (Exhibit 6). And all of that evidence is included in the present record. Thus, this case is now ripe for summary judgment.

As such, this case presents a pure legal question for the Court. Can the Brown County Election Board enforce the May 14, 2025 decision by the Indiana Republican Party by preventing Mr. Stanley and Mr. Clark from running for elected office as Republicans when doing so would deprive Mr. Stanley and Mr. Clark of their protections under the U.S. Constitution of due process, equal protection and freedom of speech?

#### **IV. THIS CASE SHOULD HAVE NEVER REACHED THE COURT**

This case is before the Court because of a fundamental lie by the Indiana Republican Party. In the District 9 decision and the state GOP final decision, the Indiana Republican Party asserts that Mr. Stanley and Mr. Clark both violated GOP Rule 1-25, and for that reason, Mr. Stanley and Mr. Clark have been banned from the Indiana Republican Party for a period of five years. (Plaintiffs' Exhibits 5 and 7). But, these are outright lies. Mr. Stanley has never violated GOP Rule 1-25, and the Indiana Republican Party's assertion of this allegation is a demonstrable lie. Two of the three allegations made against Mr. Clark by the Indiana Republican Party do not constitute violations of GOP Rule 1-25, and thus, are also lies. The remaining allegation made against Mr. Clark by the Indiana Republican Party would have constituted a violation of GOP Rule 1-25 if the Indiana Republican Party had pursued it at the time that it occurred but is now barred due to the doctrine of laches. Thus, even the remaining allegation is basically a lie as well.

But, the foundational lie by the Indiana Republican Party is that Mr. Stanley and Mr. Clark were both banned because of violations of GOP Rule 1-25. This is most certainly not the real reason that the Indiana Republican Party banned Mr. Stanley and Mr. Clark. The truthful reason why the Indiana Republican Party banned Mr. Stanley and Mr. Clark is because they brought attention to the fact that the local Republican Chairman violated GOP Rule 1-25 himself by supporting an Independent candidate against Mr. Clark. Thus, the bans against Mr. Stanley and Mr. Clark are actually retribution for conduct that should have been encouraged, not condemned.

Mr. Stanley and Mr. Clark raised nine different allegations against the local Republican Chairman, which in summary are:

- A. Mr. Bowman Had Improper Motives In Challenging Mr. Clark's Candidacy With The Election Board;
- B. Mr. Bowman Offered Absolutely No Support Whatsoever To Mr. Clark's Campaign;
- C. Mr. Bowman Tried To Exclude Mr. Clark From The Brown County Republican Women's Club Meet & Greet for Republican Candidates;
- D. Mr. Bowman Refused To Allow Mr. Clark To Post His Campaign Sign At The Republican Party Booth At The Brown County Fair;
- E. Mr. Bowman Allowed Pictures Of Prominent Brown County Republicans Wearing Campaign T-shirts Promoting Mr. Clark's Opponent (Mr. Taggart) To Be Published On The Brown County Republican Facebook Page;
- F. Mr. Bowman Openly Announced His Opposition To Mr. Clark's Campaign At An Official Brown County Republican Party Meeting During The General Election;
- G. Mr. Bowman Appointed A Republican Who Was Openly Supporting Mr. Clark's Opponent (Mr. Taggart) To An Official Republican Position;
- H. Mr. Bowman Excluded Mr. Clark And An Elected Republican Precinct Committeeman From An Official Republican Campaign Event (The Lincoln Day Dinner) And Allowed Mr. Clark's Opponent (Mr. Taggart) To Attend The Event; and

I. Mr. Bowman's Wife And Son Arranged A Campaign Photo Op Of A Favored Republican Candidate Associating With Mr. Clark's Opponent.

Together, these allegations clearly constitute a violation of GOP Rule 1-25 by the local Republican Chairman. And yet, every one of these allegations stand unrebutted. In fact, the local Republican Chairman did not deny any of these allegations and put up no real defense to Mr. Clark's complaint. However, because these allegations were being made by outsiders (Mr. Clark and Mr. Stanley) against an insider (the local Republican Chairman), the Indiana Republican Party completely ignored Mr. Clark's and Mr. Stanley's allegations. (Plaintiffs' Exhibit 5). But, what the Indiana Republican Party was unwilling to ignore is that Mr. Clark and Mr. Stanley brought a light to the local Republican Chairman's improper conduct. That deserved punishment in the eyes of Indiana Republican Party.

The Brown County Election Board has no reason to be defending lies by the Indiana Republican Party. It is simply mind-numbing to think about the corruption, incompetence and negligence that has led to this case reaching this Court. This deprivation of Mr. Stanley's and Mr. Clark's rights could have been halted at three different junctures if people had just tried to be objective and apply the rules justly. But they could not bring themselves to look at this case fairly. We know that all four of the District 9 Officers voted unanimously to punish Mr. Stanley and Mr. Clark. We know that the state GOP decision was decided by a vote of the State Committee, which consists of 18 members. And, we also know that the Brown County Election Board, who voluntarily chose to defend this case, is made up of three members. This case could have been stopped by (1) the District 9 Officers, (2) the state GOP or (3) the Brown County Election Board. And yet, none of those bodies could bring themselves to

look at this case objectively and treat it fairly. One could not be blamed for losing faith in our political and governmental institutions when they act in such a patently unjust manner.

## V. THE LAW CONCERNING BALLOT ACCESS

According to Indiana statutory law, a candidate is considered to be affiliated with a political party if (1) the candidate voted in that party's primary election in the last two primary elections in which the candidate voted; or (2) the county chairman of the county in which the candidate resides certifies that the candidate is a member of the party. Ind. Code 3-8-2-7(a)(4). However, a judicial interpretation by the Seventh Circuit Court of Appeals in 2022 added a third criteria to this statutory regime. *Hero v. Lake County Election Board*, 42 F.4<sup>th</sup> 768 (2022). In the *Hero* case, the Seventh Circuit concluded that political parties retain their own right of association under the U.S. Constitution and can restrict their membership to those who are in good standing with the party. *Hero* at 776-777. The way in which this judicial interpretation would typically play out in practice is that the political party would first need to issue a formal ruling that an individual is not a member in good standing. *Hero* at 770-771. The next step would be for the party ruling to be communicated to the local election board (e.g., by the local political party chairman or anyone for that matter), and in response, the local election board should refuse to allow the candidate to run in the political party's primary. *Id.* Thus, according to the *Hero* case, Mr. Stanley and Mr. Clark are now at risk of being prevented from running for elected office as Republicans in Indiana.

The *Hero* case, however, did not address the question of what if the political party's decision against an individual is based on a mistake, fraud, corruption or some

other type of factual error or ill intent? The *Hero* case did not reach that question because the Indiana Republican Party's written rule defining a "Republican in Good-Standing" (Rule 1-25) is a legitimate viewpoint-based restriction and Mr. Hero clearly violated that rule. *Hero* at 770 ("They formed a local political action committee to elect two independent candidates for town council running against the incumbent, pro-development candidates. Hero lent his support to the effort, offering legal advice, posting yard signs, and making his opinions publicly known.").

What is important to note is that the present case is distinguishable from the *Hero* case on its facts because neither Mr. Stanley nor Mr. Clark violated a legally recognized viewpoint of the Indiana Republican Party. That is, the only legally recognized viewpoint of the Indiana Republican Party is represented in its Rule 1-25<sup>2</sup> which states "The term 'Republican in Good-Standing' shall be defined as a Republican who supports Republican nominees and who does not actively or openly support another candidate against a Republican nominee." (Plaintiffs' Exhibit 12 at pg. 5). However, even a cursory review of the facts of the present case will show that Mr. Stanley and Mr. Clark did not violate GOP Rule 1-25.

It is clear from prior U.S. Supreme Court cases that political parties are limited in the restrictions that can be imposed on their membership. A line of Supreme Court cases involving the Texas Democrats' long-standing effort to exclude black people from their party is instructive. *Smith v. Allwright*, 321 U.S. 649 (1944); *Terry v. Adams*, 345 U.S. 461 (1953); *Bullock v. Carter*, 405 U.S. 134 (1972). The first of those cases is the most similar to the present case because the Texas Democrats started their effort in the

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<sup>2</sup> This is the rule that was at issue in the *Hero* case and is the same rule that Mr. Stanley and Mr. Clark are alleged to have violated.

most direct way possible by simply excluding black people from membership in the party. This was done by passing a resolution that stated: “Be it resolved that all white citizens of the State of Texas who are qualified to vote under the Constitution and laws of the State shall be eligible to membership in the Democratic party and, as such, entitled to participate in its deliberations.”<sup>3</sup> *Smith* at 656-657. However, the U.S. Supreme Court recognized that this restriction would implicate the state of Texas itself in a U.S. Constitutional violation by explaining that “the place of the primary in the electoral scheme makes clear that state delegation to a party of the power to fix the qualifications of primary elections is delegation of a state function that may make the party's action the action of the State.” *Smith* at 660. As a result, the Court concluded that the Texas Democrats’ restriction was unenforceable by the state of Texas because enforcing the Texas Democrats’ restriction would result in a violation of the U.S. Constitution by the state of Texas. *Smith* at 661-662.

Later U.S. Supreme Court cases confirm this understanding of the interplay between political parties and the state regulation of elections. For example, in *California Democratic Party v. Jones*, 530 U.S. 567 (2000), the Court distinguished the facts of that particular case from *Smith* by stating that “Those cases simply prevent exclusion that violates some independent constitutional proscription.” *California* at 573 fn. 5. Likewise, in discussing the interplay between political parties and the state regulation of elections, the Court observed in *New York State Board of Elections v. Lopez Torres*, 552 U.S. 196 (2008) that “In the present case, however, the party's associational rights

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<sup>3</sup> The Texas Democrats’ resolution is directly comparable to Indiana GOP Rule 1-25 because on their face they are both restrictions on membership in a political party. One (the Texas Democrats’ resolution) is facially discriminatory, and the other (Indiana GOP Rule 1-25) is facially non-discriminatory.

are at issue (if at all) only as a shield and not as a sword.” *New York* at 203. Thus, it is clear from U.S. Supreme Court precedents that political parties are not allowed to exercise their Constitutional right of association in a way that would implicate the state in a violation of the U.S. Constitution.

Lower court decisions have also addressed a variety of electoral disputes on Constitutional grounds. For example, in *Weisberg v. Powell*, 417 F.2d 388 (7<sup>th</sup> Cir. 1969), the secretary of state was accused of covertly arranging candidate filings to provide preferred candidates top placement on the ballot. In *Smith v. Cherry*, 489 F.2d 1098 (7<sup>th</sup> Cir. 1973), a political party ran a sham candidate in the primary with a plan to replace the sham candidate after the primary. In *Williams v. Sclafani*, 444 F. Supp. 906 (S.D.N.Y. 1978), the city board of elections gave incorrect advice to a candidate concerning signature collection. In *Weiss v. Feigenbaum*, 558 F. Supp. 265 (E.D.N.Y. 1982), the defendants were accused of the malicious use of civil process to prevent ballot access. And, in *Gartrell v. Knight*, 546 F. Supp. 449 (N.D. Ala. 1982), a political party banned a candidate without following its own rules.

## **VI. STATEMENT OF MATERIAL FACTS NOT IN DISPUTE**

Pursuant to S.D. Ind. L.R. 56-1, Plaintiffs assert that the following material facts are not in dispute.

1. The Indiana Republican Party has ruled that Mr. Stanley and Mr. Clark “are not in good standing for a period of five (5) years”. (Plaintiffs’ Exhibit 7; *Supra* § II).
2. According to *Hero v. Lake County Election Board*, 42 F.4<sup>th</sup> 768 (2022), Mr. Stanley and Mr. Clark may now be prevented from running for elected office as Republicans by the Brown County Election Board. (*Supra* § V.).
3. The Brown County Election Board received notice of the ruling by the Indiana Republican Party against Mr. Stanley and Mr. Clark prior to the present lawsuit and refused to take a position on whether the Brown County Election Board will actually

prevent Mr. Stanley and Mr. Clark from running for elected office as Republicans. (Plaintiffs' Exhibit 10; Complaint ¶ 8).

4. Mr. Stanley and Mr. Clark both intend to run for elected office as Republicans in Brown County within the time period covered by the Indiana Republican Party's decision against them. (Plaintiffs' Exhibits 8-9; Complaint ¶¶ 6-7).

5. The reason cited by the Indiana Republican Party in support of its ban against Mr. Stanley is "his contribution to independent candidate Greg Taggart". (Plaintiffs' Exhibit 5; *Infra* § VII).

6. Mr. Stanley did not contribute any money to independent candidate Greg Taggart. The money that Mr. Stanley allegedly contributed to independent candidate Greg Taggart was contributed by Mr. Stanley's wife without his knowledge, not by Mr. Stanley. (Plaintiffs' Exhibit 6 at pgs. 4-6; Plaintiffs' Exhibit 11; *Infra* § VII).

7. The Indiana Republican Party knew that Mr. Stanley did not contribute any money to independent candidate Greg Taggart when the Indiana Republican Party issued their final, unappealable ruling against Mr. Stanley. (Plaintiffs' Exhibit 6 at pgs. 4-6; *Infra* § VII).

8. Mr. Stanley did not violate GOP Rule 1-25. (*Infra* § VII).

9. The reasons cited by the Indiana Republican Party in support of its ban against Mr. Clark is "his long and well-documented history of opposition to Republican candidates, financial support for candidates opposing Republican nominees, and frequent public self-declarations of being an independent". (Plaintiffs' Exhibit 5; *Infra* § VIII).

10. It cannot be determined from the decision issued by the District 9 Officers (Plaintiffs' Exhibit 5) or the final, unappealable decision issued by the Indiana Republican Party (Plaintiffs' Exhibit 7) what specific facts the Indiana Republican Party relied upon in convicting Mr. Clark in accord with GOP Rule 1-25. (*Infra* § VIII).

11. Although the Indiana Republican Party has a formal complaint process that was followed by Mr. Clark and Mr. Stanley in their complaint against the local Republican Chairman (Plaintiffs' Exhibit 12 at pgs. 5-7; Plaintiffs' Exhibit 1), this process was not followed in the case of Mr. Stanley and Mr. Clark, and no formal complaint was ever filed with the Indiana Republican Party against Mr. Stanley or Mr. Clark (Plaintiffs' Exhibit 6 at pgs. 3-4). (*Infra* § IX.A).

12. Mr. Stanley and Mr. Clark were given no notice that the District 9 Officers decided to put them on trial at the January 23, 2025 hearing. (Plaintiffs' Exhibit 6 at pgs. 3-4; *Infra* § IX.A).

13. There is no evidence that Mr. Clark provided financial support to more than one candidate ("candidates" Plaintiffs' Exhibit 5) who opposed a Republican nominee as asserted in the District 9 Officers' decision. (*Infra* § IX.A).

14. The only action that Mr. Clark engaged in that could constitute a violation of GOP Rule 1-25 is a contribution that he made to Sherrie Mitchell in 2018, six years before the Indiana Republican Party banned him. (Plaintiffs' Exhibit 3 at pdf pgs. 37-38; *Infra* § IX.A).

15. The Indiana Republican Party's decision in 2025 to ban Mr. Clark for a period of five years (e.g., 2025-2029) for conduct that occurred six years ago in 2018 constitutes unreasonable delay. (Plaintiffs' Exhibits 5, 7; *Infra* § IX.A).

16. The reasons used by the Indiana Republican Party to convict Mr. Clark are fatally vague. (Plaintiffs' Exhibits 5, 7; *Infra* § IX.A).

17. Substantial evidence was submitted to the Indiana Republican Party that the local Republican Chairman violated GOP Rule 1-25 (Plaintiffs' Exhibit 1), but the Indiana Republican Party provided no clear reasoning for refusing to convict the local Republican Chairman (Plaintiffs' Exhibit 5). (*Infra* § IX.B).

18. Although numerous people contributed money to independent candidate Greg Taggart's campaign (Plaintiffs' Exhibit 3 at pdf pgs. 65-71), the Indiana Republican Party chose to ban only one person listed on independent candidate Greg Taggart's campaign finance report, i.e., Mr. Stanley (Plaintiffs' Exhibit 6 at pg. 7). (*Infra* § IX.B).

19. Duane Parsons is a Precinct Committeeman in the Brown County Republican Party. (Plaintiffs' Exhibit 6 at pg. 7). His name appears directly below Mr. Stanley's name on independent candidate Greg Taggart's campaign finance report, where it indicates that Duane Parsons contributed \$200 to independent candidate Greg Taggart (Plaintiffs' Exhibit 3 at pdf pg. 67), and yet, the Indiana Republican Party chose not to ban Duane Parsons. (Plaintiffs' Exhibit 6 at pg. 7; *Infra* § IX.B).

20. Independent candidate Greg Taggart was at the January 23, 2025 hearing before the District 9 Officers. (Plaintiffs' Exhibit 6 at pg. 7-8). Inexplicably, the Indiana Republican Party chose to ban Mr. Stanley, who allegedly contributed money to independent candidate Greg Taggart (but in reality did not), and yet, the Indiana Republican Party chose not to ban independent candidate Greg Taggart himself, who received the alleged contribution and used it to campaign against Republican candidate Mr. Clark. (Plaintiffs' Exhibit 6 at pg. 7-8; *Infra* § IX.B).

21. Although numerous people contributed money to Sherrie Mitchell's campaign in 2018 (Plaintiffs' Exhibit 3 at pdf pgs. 37-40), the Indiana Republican Party chose to ban only one person listed on Sherrie Mitchell's campaign finance report, i.e., Mr. Clark. (Plaintiffs' Exhibit 6 at pg. 13; *Infra* § IX.B).

22. Mr. Stanley's and Mr. Clark's convictions by the Indiana Republican Party were highly selective and vindictive. (*Infra* § IX.B).

23. The Indiana Republican Party banned Mr. Stanley because he represented Mr. Clark in his complaint with the Indiana Republican Party against the local Republican Chairman. (*Infra* § IX.C).

24. The Indiana Republican Party banned Mr. Clark because he submitted a complaint with the Indiana Republican Party against the local Republican Chairman. (*Infra* § IX.C).

25. The first reason cited by the District 9 Officers for banning Mr. Clark (“history of opposition to Republican candidates”) would explicitly prevent Republicans from criticizing each other, which would effectively prevent Republicans from distinguishing each other, for example, in primary debates. (*Infra* § IX.C).

26. The third reason cited by the District 9 Officers for banning Mr. Clark (“frequent public self-declarations of being an independent”) is a facial restriction on his free speech rights by preventing him from uttering the word “independent”. (*Infra* § IX.C).

## **VII. THE DECISION OF THE INDIANA REPUBLICAN PARTY AGAINST MR. STANLEY IS BASED ON FALSE EVIDENCE AND THEY KNEW IT**

In contrast to Mr. Clark’s conviction where the Indiana Republican Party has largely hidden the reasons for his conviction, the alleged reason for Mr. Stanley’s conviction is explicitly clear. Mr. Stanley was convicted “because of his contribution to independent candidate Greg Taggart.” (Plaintiffs’ Exhibit 5). If this were true, it would be quite audacious for Mr. Stanley to have represented Mr. Clark in his complaint against the local Republican Chairman for supporting the Independent candidate against Mr. Clark when Mr. Stanley had supposedly done the exact same thing. Is Mr. Stanley really so duplicitous as this? The real answer is “no”. The truth is that Mr. Stanley did not contribute anything to the Independent candidate, and the Indiana Republican Party knew this when they issued their final decision against Mr. Stanley. The egregiousness of this situation is hard to overstate. Part of the reason for how this developed the way it did is that the District 9 Officers deprived Mr. Stanley of his due process rights as explained below. Another apparent reason for why the state GOP refused to correct the District 9 Officers’ decision is because Mr. Stanley is really being punished for exercising his free-speech rights as also explained below.

The basis for Mr. Stanley's conviction can be found in the local Republican Chairman's exhibits submitted in his defense to the District 9 Officers. (Plaintiffs' Exhibit 3). In Exhibit 32 thereof (i.e., pdf pg. 67 of Plaintiffs' Exhibit 3), Mr. Stanley's name can be found on the third page of the Independent candidate's campaign finance report as apparently having contributed \$105 to his campaign. If Mr. Stanley had actually contributed this money as the campaign finance report seems to say, then Mr. Stanley's conviction would have generally been legitimate. But, again, it's not true and the Indiana Republican Party knew that it wasn't true.

Mr. Stanley first received a copy of the local Republican Chairman's Exhibit 32 about 24 hours before the January 23, 2025 hearing before the District 9 Officers. (Plaintiffs' Exhibit 6 at pg. 4). Although Mr. Stanley did notice this anomaly during those 24 hours, he didn't investigate it because it was irrelevant to the purpose of the January 23 hearing which was only in response to Mr. Clark's complaint against the local Republican Chairman. (Plaintiffs' Exhibit 6 at pgs. 4-5). Mr. Stanley did, however, note in his analysis of the local Republican Chairman's exhibits, which he personally handed to the District 9 Officers at the hearing, that "Mr. Stanley did not contribute to Mr. Taggart's campaign (his wife may have)". (Plaintiffs' Exhibit 4; Plaintiffs' Exhibit 6 at pg. 5). During the January 23 hearing, this issue came up very briefly, and when Mr. Stanley was asked during the hearing if he had contributed money to the Independent candidate, Mr. Stanley simply answered "No". (Plaintiffs' Exhibit 6 at pg. 5). It is noteworthy that Mr. Stanley had no particular reason to defend himself in detail on this particular point at the time because he had never been told that the District 9 Officers

were actually deliberating his own possible guilt instead of the local Republican Chairman.

After the District 9 Officers issued their shocking decision against Mr. Stanley, he investigated the matter more fully and found that his wife had written two checks to the Independent candidate from their joint checking account. (Plaintiffs' Exhibit 6 at pg. 5; Plaintiffs' Exhibit 11<sup>4</sup>). Thus, someone (innocent or otherwise) incorrectly put Mr. Stanley's name on the Independent candidate's campaign finance report instead of Mr. Stanley's wife's name. (Plaintiffs' Exhibit 6 at pgs. 5-6). And, as absurd as this all is, the state GOP was fully informed of this error when they affirmed that District 9 Officers' ruling against Mr. Stanley. (Plaintiffs' Exhibit 6 at pgs. 4-6).<sup>5</sup>

Thus, the only reason cited by the Indiana Republican Party for Mr. Stanley's conviction is a demonstrable lie. Therefore, the Brown County Election Board has no grounds to enforce the Indiana Republican Party's decision against Mr. Stanley notwithstanding the Constitutional violations discussed below that this decision implicates.

#### **VIII. THE DECISION OF THE INDIANA REPUBLICAN PARTY AGAINST MR. CLARK IS TOO VAGUE FOR JUDICIAL REVIEW**

Unlike Mr. Stanley's conviction where the alleged reason is specific and understandable on its face, the alleged reasons for Mr. Clark's conviction cannot be

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<sup>4</sup> To put a nail in the coffin on this, a copy of a third check which was actually written by Mr. Stanley is included for handwriting comparison.

<sup>5</sup> The state GOP had no reason to disregard Mr. Stanley's assertion that he did not contribute any money to the Independent candidate since Mr. Stanley verified in the Appeal "that all statements herein are factually accurate." (Plaintiffs' Exhibit 6 at pg. 17). Moreover, Mr. Stanley is an attorney bound by the Indiana Rules of Professional Conduct, and as such, it would be professional misconduct for Mr. Stanley to "engage in conduct involving dishonesty, fraud, deceit or misrepresentation." Ind. Prof. Cond. R. 8.4(c).

evaluated from a review of the Indiana Republican Party's decision alone. The decision of the District 9 Officers, which the state GOP affirmed without additional explanation, merely states that he is guilty "because of his long and well-documented history of opposition to Republican candidates, financial support for candidates opposing Republican nominees, and frequent public self-declarations of being an independent". (Plaintiffs' Exhibit 5). But, what do these three alleged reasons even mean? What were the circumstances of these situations? Who did the situations involve? What documents support these allegations? No one can really answer any of these questions at this point, including Plaintiffs, because the Indiana Republican Party failed to specifically specify the basis of their claims against Mr. Clark and none of the proceedings were recorded. (See, e.g., Plaintiffs' Exhibit 6 at pg. 9 "But not only that, the District 9 Officers' Decision fails to clearly identify what Mr. Clark has even been convicted of. Thus, Mr. Clark is left to scratch his head wondering what this is all about even after the District 9 Officers have issued their Decision convicting him."). Moreover, the Brown County Election Board is in no position to shed any light on the Indiana Republican Party's decision because the Brown County Election Board had no involvement whatsoever in those proceedings. Thus, the Indiana Republican Party has hidden its true reasons for convicting Mr. Clark from Plaintiffs, the Brown County Election Board and this Court.

Nonetheless, the Court should evaluate the Indiana Republican Party's stated reasons for convicting Mr. Clark to see if there is anything clearly stated in the reasons themselves that would undeniably support Mr. Clark's conviction. As recited above, the first stated reason is "his long and well-documented history of opposition to Republican

candidates”. This reason is so vague that it would prevent Republicans from even engaging in primary debates against each other to select a preferred candidate. And, it would also prevent Republicans from criticizing their own leadership (which is what this probably relates to). Without stating who was involved in the situation, when it happened, and the circumstances thereof, this Court simply cannot evaluate the legitimacy of this stated reason.

The second stated reason is “financial support for candidates opposing Republican nominees”. This reason has the air of legitimacy because it seems to track GOP Rule 1-25. But, think about. All this reason is really saying is that “Mr. Clark violated GOP Rule 1-25, but we’re not going to tell you why”. The decision does not state what candidates (plural) Mr. Clark allegedly supported, when this occurred or any of the circumstances at all. Thus, any evaluation that the Court might try to engage in to try to understand this allegation would be based on speculation, which is an improper role for both the Brown County Election Board and this Court.

The third stated reason is Mr. Clark’s alleged “frequent public self-declarations of being an independent”. Plaintiffs, themselves, are reasonably confident what this allegation is based on due to their personal involvement in the underlying dispute with the Indiana Republican Party and from circumstances outside of the record. But, does the Court have any way to understand what this reason means without relying on Plaintiffs’ personal insights? All this reason really says on its face is that in some way, on some particular day or days, in some public forum somewhere, Mr. Clark stated that he is “independent”. But, what does “independent” mean in this context? Is it a violation of GOP Rule 1-25 for a Republican to casually and/or inadvertently utter the

word “independent” at any point in their lifetime? Again, the Court is going to have to engage in speculation if it is going to try to evaluate this reason for Mr. Clark’s conviction because the Indiana Republican Party has failed to specifically state what facts and evidence support this allegation.

One might ask why judicial review of a decision by the Indiana Republican Party even matters. The reason it matters is that a lack of judicial review would allow the Indiana Republican Party to put a discriminatory practice in place under the guise of a neutral viewpoint-based membership rule. Take for example the Texas Democrats’ attempt to discriminate against black people in the 1944 *Smith* case with their overtly discriminatory membership rule that they had. If judicial review into the underlying facts of an individual exclusion decision was allowed to be thwarted, then the Texas Democrats could have easily circumvented the Supreme Court’s ruling against them by officially opening up their membership to both whites and blacks, and then start individually banning all the black members for no stated reasons. The only way to prevent this sort of obvious manipulation is to require the Indiana Republican Party to specifically state what their basis is for excluding someone from the party so that a court can review whether the exclusion was proper under the law.

Accordingly, the decision of the Indiana Republican Party against Mr. Clark is defective on its face because the Indiana Republican Party has hidden the real reasons for his conviction. Therefore, apart from the Constitutional violations that this decision implicates, the Court should conclude that the Indiana Republican Party’s decision against Mr. Clark is too vague for judicial review.

**IX. IT WOULD BE A VIOLATION OF THE U.S. CONSTITUTION FOR THE BROWN COUNTY ELECTION BOARD TO ENFORCE THE INDIANA REPUBLICAN PARTY'S DECISION AGAINST MR. STANLEY AND MR. CLARK**

Although the Court may rule in favor of Plaintiffs on the non-Constitutional grounds set forth above, this case raises serious Constitutional issues that should be addressed by the Court. The *Hero* case established judicial precedent for the enforcement of GOP Rule 1-25 by local election boards. However, the *Hero* case did not reach the question of *de facto* discrimination by the Indiana Republican Party. More recent Supreme Court cases frequently state that election restrictions are permissible as long as they are “nondiscriminatory”. *Burdick v. Takushi*, 504 U.S. 428, 434 (1992); *Anderson v. Celebrezze*, 460 U.S. 780, 788 (1983). As stated above, Plaintiffs’ position is that GOP Rule 1-25 satisfies that “nondiscriminatory” standard on its face. However, what if a facially nondiscriminatory rule is being practiced in a discriminatory way? That is what has occurred here. Mr. Stanley and Mr. Clark unexpectedly discovered that the Indiana Republican Party is selectively applying GOP Rule 1-25 against those that they apparently see as threats to their own personal control of the party but not to others.

That is demonstrated quite clearly in this case by how the Indiana Republican Party handled Mr. Clark’s original complaint against the local Republican Chairman. In Mr. Clark’s original complaint, Mr. Clark and Mr. Stanley submitted uncontroverted evidence that the local Republican Chairman engaged in conduct supporting an Independent candidate against Mr. Clark that was indistinguishable from the conduct that Mr. Hero was guilty of in the *Hero* case. (Plaintiffs’ Exhibit 1 at pgs. 9-20). But, because the local Republican Chairman was an insider unlike Mr. Clark and Mr. Stanley (or for that matter Mr. Hero), the Indiana Republican Party dismissed Mr. Clark’s

complaint without any serious consideration. (Plaintiffs' Exhibits 5 and 7). And then, out of the blue without any warning, the District 9 Officers vindictively banned Mr. Stanley and Mr. Clark when in fact Mr. Stanley and Mr. Clark weren't even guilty of violating GOP Rule 1-25. (Plaintiffs' Exhibit 5).

In practice, GOP Rule 1-25 is being used by the Indiana Republican Party as a discriminatory tool to protect party leadership, not to properly exclude those who disagree with a legally recognized viewpoint of the Indiana Republican Party. And, it is legally clear that the state of Indiana (i.e., the Brown County Election Board in this case) is not allowed by the Constitution to participate in a discriminatory electoral scheme.

*A. The Decision of the Indiana Republican Party Against Mr. Stanley and Mr. Clark Violated the U.S. Constitutional Protection of Due Process*

One of the Constitutional infirmities of the Indiana Republican Party's decision against Mr. Stanley and Mr. Clark is that the decision will deprive Mr. Stanley and Mr. Clark of their due process rights under the U.S. Constitution if the Brown County Election Board enforces the decision against Mr. Stanley and Mr. Clark. The due process problems began right at the very beginning of the underlying dispute. The underlying dispute began when Mr. Clark and Mr. Stanley (as Mr. Clark's representative) filed a complaint against the local Republican Chairman according to the formal complaint provisions in the Indiana GOP Rules. (Plaintiffs' Exhibits 1 and 12). But, no complaint was, or ever has been, filed against Mr. Stanley or Mr. Clark under the Indiana GOP Rules. (Plaintiffs' Exhibit 6 at pgs. 3-4). At the January 23 hearing on Mr. Clark's complaint, the District 9 Officers never told Mr. Stanley or Mr. Clark that the Officers were actually considering Mr. Stanley's and Mr. Clark's potential guilt instead of the local Republican Chairman. (Plaintiffs' Exhibit 6 at pgs. 3-4). In fact, Mr. Stanley

and Mr. Clark only learned that the table had been flipped against them at the end of the hearing when the District 9 Officers announced their decision against Mr. Stanley and Mr. Clark and dismissed Mr. Clark's original complaint. (Plaintiffs' Exhibit 6 at pg. 4). Thus, Mr. Stanley and Mr. Clark had no real opportunity to defend themselves at the January 23 hearing, although it probably wouldn't have mattered because it seems that the District 9 Officers had already decided to aggressively go after the local Republican Chairman's attackers instead of conducting a fair trial on the matter. It also seems doubtful that the Indiana Republican Party's appellate process (which Plaintiffs followed) granted Mr. Stanley and Mr. Clark any significant due process protections because the Indiana Republican Party merely addressed Plaintiffs' appeal by putting it to a vote by the State Committee which is made up of the District Chairmen and District Vice-Chairmen. (Plaintiffs' Exhibit 7; Plaintiffs' Exhibit 12 at pg. 26, Rule 6-1).

There are also due process problems with the Indiana Republican Party's actual decision as well. For example, there are several due process problems with the second reason for convicting Mr. Clark. The second reason for convicting Mr. Clark states that he gave financial support to "candidates" (plural). (Plaintiffs' Exhibit 5). But, while Mr. Stanley and Mr. Clark are able to speculate about one past candidate that this could relate to, Mr. Stanley and Mr. Clark have no idea who the other candidate or candidates are. In fact, this question was raised in Plaintiffs' appeal to the state GOP, but this question has never been answered. (Plaintiffs' Exhibit 6 at pg. 12).

Another due process problem is the lack of any time limits recited in the Indiana GOP Rules for bringing complaints. Mr. Stanley and Mr. Clark believe that Mr. Clark was convicted under the second reason because Mr. Clark made a political contribution

to a Democratic candidate in the 2018 election. The following description of the January 23 hearing taken from Plaintiffs' appeal to the state GOP demonstrates how silly the discussion became:

The discussion about this issue became somewhat contentious at the January 23 hearing because Mr. Clark's representative (Mr. Stanley) and Mr. Clark felt that the Chairwoman was taking this out of proportion. Specifically, Mr. Stanley objected to the raising of this issue because it occurred 6 years ago well before Mr. Clark chose to run as a Republican for Brown County Commissioner. During that discussion, Mr. Stanley asked the Chairwoman if it was a violation of the rules for someone to contribute to a Democrat when they were 18 years old and then when they were 60 years old they decided to run for office as a Republican. In response, the Chairwoman became animated and waved her hands and exclaimed "IT'S FOREVER". Mr. Stanley then responded that President Trump used to be a Democrat but he's now the Republican President. However, at this point the Chairwoman ignored Mr. Stanley's rebuttal and moved on.

(Plaintiffs' Exhibit 6 at pg. 12). Clearly, the Chairwoman was just making this up on the spot because the Indiana GOP Rules provide no written guidance at all to decide when past conduct is no longer relevant.

And yet, the question of the timing of Mr. Clark's past contribution could easily be resolved by applying the well-accepted legal doctrine of laches. If the Indiana Republican Party really cared about Mr. Clark's past contribution to a Democrat, then they should have pursued this matter in 2018 or 2019. And, if they had, the supposedly appropriate ban of five years for this type of conduct would have already expired. Obviously, the Indiana Republican Party didn't care about it at the time that it happened and only care about it now because they are seeking to punish Mr. Clark for something else entirely. Indeed, Mr. Clark's contribution from six years ago was only raised by the District 9 Officers *sua sponte* after Mr. Clark decided to run for county commissioner in 2024; after the local Republican Chairman challenged his candidacy before the Brown

County Election Board; after Mr. Clark won the primary as a Republican and also won the general election for county commissioner; and was only finally raised without warning by the District 9 Officers when Mr. Clark filed his original complaint against the local Republican Chairman. This is the epitome of an unreasonable delay, which the doctrine of laches is intended to prevent.

Still another due process problem with the Indiana Republican Party's decision against Mr. Clark is the third reason cited against him. This reason states that Mr. Clark is guilty of saying he is "independent". But what does the word "independent" even mean in this particular context? How can Mr. Clark defend himself against such a vague assertion? Mr. Stanley and Mr. Clark believe that the Indiana Republican Party is referring to Mr. Clark's common refrain that he considers governmental questions with an independent mind. (Plaintiffs' Exhibit 6 at pgs. 13-15). This trait should be admired, not punished. But, even so, there is nothing in the written Indiana GOP Rules that requires a Republican to shut off their brain and blindly follow the directions of some other unnamed person.

Thus, not only did the Indiana Republican Party explicitly deny Mr. Stanley and Mr. Clark due process by failing to give them notice and a hearing, but the reasons that have been cited to convict Mr. Clark are fatally vague.

*B. The Decision of the Indiana Republican Party Against Mr. Stanley and Mr. Clark Violated the U.S. Constitutional Protection of Equal Protection*

Another Constitutional infirmity of the Indiana Republican Party's decision against Mr. Stanley and Mr. Clark is that it will deprive Mr. Stanley and Mr. Clark of their equal protection rights under the U.S. Constitution if the Brown County Election Board enforces the decision against Mr. Stanley and Mr. Clark. Indeed, it is hard to overstate

how selective and vindictive the Indiana Republican Party's decision against Mr. Stanley and Mr. Clark is. When one considers all of the facts underlying the Indiana Republican Party's decision, it simply cannot be said that this decision was made in an even-handed, impartial way.

As noted, Mr. Stanley was convicted by the Indiana Republican Party because he allegedly contributed money (which he didn't do) to the Independent candidate who ran against Mr. Clark. So, if the Indiana Republican Party was acting in an even-handed, impartial way, why didn't the Indiana Republican Party convict everyone listed on the Independent candidate's campaign finance report? (Plaintiffs' Exhibit 6 at pg. 7; Plaintiffs' Exhibit 3 at pdf pgs. 65-71, Exhibit 32). Indeed, the name directly below Mr. Stanley's name on the Independent candidate's campaign finance report was at the time, and still is, an official Precinct Committeeman in the Brown County Republican Party. (Plaintiffs' Exhibit 6 at pg. 7). One would think that the reason for not convicting everyone on the Independent candidate's campaign finance report would be that no formal complaint against those individuals has been filed with the Indiana Republican Party, but it has already been established that the Indiana Republican Party did not rely upon any formal complaint against Mr. Stanley or Mr. Clark in convicting them.

Even more egregiously selective is the Indiana Republican Party's choice not to convict the Independent candidate who received Mr. Stanley's alleged contribution and used that money to run against Mr. Clark in the general election. (Plaintiffs' Exhibit 6 at pg. 7-8). If the Indiana Republican Party really cared about individuals like Mr. Stanley supposedly contributing money to that particular Independent candidate, then surely the Indiana Republican Party would come down especially hard on that Independent

candidate himself. And surprisingly, that Independent candidate was actually present at the January 23, 2025 hearing for the purpose of defending the local Republican Chairman. (Plaintiffs' Exhibit 6 at pg. 7). In fact, that Independent candidate was sitting directly across the aisle from Mr. Stanley at the hearing, and the District 9 Officers saw nothing wrong with selectively convicting Mr. Stanley without any warning and letting the Independent candidate walk away from the hearing unscathed. (Plaintiffs' Exhibit 6 at pgs. 7-8). The only way to explain this disparate treatment is that the District 9 Officers made their decision based on bias, not on the facts of the dispute.

Moreover, Mr. Clark and Mr. Stanley submitted substantial evidence that the local Republican Chairman supported the Independent candidate's campaign against Mr. Clark. (Plaintiffs' Exhibit 1). Again, the question is unavoidable, if the Indiana Republican Party really cared about Republicans supporting that Independent candidate's campaign against Mr. Clark, then why didn't they convict the local Republican Chairman for supporting the Independent candidate's campaign? The answer is painfully obvious. The Indiana Republican Party did not care at all about the Independent candidate or those supporting his campaign. What they did care about, and what really bothered them, was anyone who would dare to bring attention to it. What is beyond dispute is that Mr. Stanley was not convicted because he allegedly contributed money to the Independent candidate. Instead, he was convicted by the Indiana Republican Party because the District 9 Officers were biased against him.

Mr. Clark's conviction raises similar issues. One of the reasons that he might have been convicted<sup>6</sup> is because he contributed money to a Democrat in 2018.

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<sup>6</sup> Again, we can't be certain of what he was convicted of because the District 9 Officers hid the actual reasons for his conviction.

(Plaintiffs' Exhibit 6 at pgs. 11-13). But, if the Indiana Republican Party really cared about those making contributions to that Democratic candidate in 2018, then they would have convicted everyone listed on that candidate's campaign finance report. But they didn't. Instead, they only convicted one person listed on that campaign finance report (Mr. Clark), and they did it six years after the campaign finance report was made publicly available. (Plaintiffs' Exhibit 3 at pdf pgs. 37-38, Exhibit 18). In fact, there is no evidence whatsoever that the Indiana Republican Party has ever punished anyone for making a contribution to an independent candidate more than five years after the contribution occurred—except for Mr. Clark.

And, this line of questions can be taken even more broadly. If the Indiana Republican Party really thinks that it is a problem that people are making financial contributions to non-Republican candidates, then the Indiana Republican Party should be collecting all of the publicly available campaign finance reports for all non-Republican candidates throughout the state each year and issuing summary convictions against all of those people. But they are not doing that. Instead, they are using this as a false justification to ban only certain individuals (Mr. Stanley and Mr. Clark) who they have a grudge against for other reasons unrelated to any financial contribution to a non-Republican.

It is clear that the Indiana Republican Party's enforcement of Indiana GOP Rule 1-25 against Mr. Stanley and Mr. Clark is highly selective and vindictive in nature. And, this is the exact type of disparate treatment under the law that the Equal Protection Clause of the U.S. Constitution was designed to prevent.

C. *The Decision of the Indiana Republican Party Against Mr. Stanley and Mr. Clark Violated the U.S. Constitutional Protection of Freedom of Speech*

There is really no doubt at this point that the real reason that the Indiana Republican Party convicted Mr. Stanley and Mr. Clark is because of the complaint they filed with the Indiana Republican Party against the local Republican Chairman. Although the Indiana GOP Rules do not prohibit this, unbeknownst to Mr. Stanley and Mr. Clark, the Indiana Republican Party apparently has an unwritten rule that this is not allowed. What this means is that the convictions of Mr. Stanley and Mr. Clark by the Indiana Republican Party were really based on retribution, not Indiana GOP Rule 1-25. However, the Brown County Election Board and this Court cannot uphold decisions like this by the Indiana Republican Party when the basis of the decision is clearly retribution, not a violation of a legitimate viewpoint-based membership rule.

Take, for example, Mr. Stanley's conviction. It has been well-established above that Mr. Stanley did nothing that could be considered to be a violation of Indiana GOP Rule 1-25, and the Indiana Republican Party knew that. But, in the eyes of the Indiana Republican Party, what Mr. Stanley is really guilty of is having written two public letters critical of the local Republican Chairman. (Plaintiffs' Exhibit 1 at Exhibits 1 and 3). Additionally, Mr. Stanley had the gall, in their eyes, of representing Mr. Clark in his complaint against the local Republican Chairman. Thus, what the Indiana Republican Party is really doing is punishing Mr. Stanley for using his free speech rights to criticize party leadership, and they are trying to use the Brown County Election Board to carry out their illicit scheme.

The same is the case with Mr. Clark's conviction. The local Republican Chairman was hostile to Mr. Clark throughout his entire campaign because Mr. Clark

saw the local Republican Chairman as part of the problem in Brown County. If the Indiana Republican Party was really punishing Mr. Clark because of specific conduct that violated Indiana GOP Rule 1-25, then they would have clearly specified what that conduct was in their decision against Mr. Clark. But instead, the decision against Mr. Clark recites overly vague reasons that even Mr. Clark himself cannot fully understand.

Indeed, even though the reasons that the Indiana Republican Party cited against Mr. Clark are extremely vague, several of the cited reasons appear to clearly be trying to trample on Mr. Clark's free speech rights. For example, the first reason says that Mr. Clark is guilty because of his "history of opposition to Republican candidates". To be clear, this does not violate Indiana GOP Rule 1-25 because that written rule prevents Republicans from supporting non-Republicans against other Republicans. Rule 1-25 does not prohibit one Republican from opposing another Republican. And by the way, how would one Republican typically oppose another Republican anyway? They would do it by using their free speech rights to criticize each other. So, the first reason cited by the Indiana Republican Party against Mr. Clark is facially a restriction on Mr. Clark's freedom of speech.

Another example is the third reason cited against Mr. Clark, which says that he has made "frequent public self-declarations of being an independent". Apart from the vagueness problem of this reason, it is on its face a restriction on Mr. Clark's freedom of speech. Literally, what the Indiana Republican Party is saying is that Mr. Clark is not allowed to utter the word "independent" from his mouth, at least in public anyway.

And yet, despite all of this, there is nothing in the Indiana GOP Rules that prevents one Republican from criticizing another Republican. If there were such a rule

(which there is not), there would be huge practical problems with such a rule because it would be impossible to have any sort of debates within the party about who should be the next candidates, who should be the next leaders, etc. Free speech goes to the heart of a democracy, and there is no real democracy without free speech. Although private groups are not bound by the U.S. Constitution and can internally within the confines of their private group stifle individual's free speech, the government is not allowed to participate in or endorse such restrictions on free speech. Thus, in this particular case, the decision of the Indiana Republican Party against Mr. Stanley and Mr. Clark must be confined within the Indiana Republican Party. That is, the Brown County Election Board cannot take part in the Indiana Republican Party's decision against Mr. Stanley and Mr. Clark by using governmental power to enforce this decision against Mr. Stanley and Mr. Clark. For to do so, would be to convert what is otherwise a misguided and immoral internal private decision into an unlawful governmental restriction on Mr. Stanley's and Mr. Clark's Constitutional rights.

**X. RELIEF SOUGHT**

Plaintiffs request that the Court issue a decision enjoining the Brown County Election Board from enforcing the Indiana Republican Party's May 14, 2025 (Plaintiffs' Exhibit 7) decision against Mr. Stanley and Mr. Clark by preventing Mr. Stanley and Mr. Clark from running for any elected position in Indiana as Republicans.

Dated: August 13, 2025

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**CERTIFICATE OF SERVICE**

I certify that on August 13, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. A copy of this filing will be sent to counsel of record by operation of the Court's electronic filing system.

By: Rich Stanley  
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