

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

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JO ANN JOHNSON, on behalf of herself )  
and all others similarly situated, )  
  
Plaintiff(s), )  
  
v. )  
  
UNITED STATES OF AMERICA, )  
through the Designated Agency, UNITED )  
STATES DEPARTMENT OF JUSTICE, )  
  
Defendant. )

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CASE NO:  
6:16-CV-1929-ORL-40-TBS

COMPLAINT FOR DECLARATORY JUDGMENT  
WITH EMERGENCY INJUNCTIVE RELIEF  
TO STOP THE 2016 FEDERAL PRESIDENTIAL ELECTION FOR  
VIOLATIONS OF THE VOTING RIGHTS LAWS  
THE UNITED STATES CONSTITUTION  
AND THE DECLARATION OF INDEPENDENCE  
AND DEMAND FOR JURY TRIAL

(Emergency Hearing Requested)

Plaintiff, Jo Ann Johnson, on behalf of herself, and all other similarly situated U.S. Citizens and Voters, presents this Complaint against the United States of America, through the Designated Agency, United States Department of Justice, and Respectfully Requests this Court to issue a Declaratory Judgment along with an Order for Emergency Injunctive Relief to Stop the 2016 Federal Presidential Election for Violations of the

Voting Rights Laws, the United States Constitution and the Declaration of Independence, and alleges as follows:

#### **PARTIES, JURISDICTION AND VENUE**

1. Plaintiff, Jo Ann Johnson, (“Plaintiff”) is a Citizen of the United States, is a Resident of Brevard County, Florida and is a registered Voter.

2. Defendant, United States of America, through the United States Department of Justice, is the Government Agency responsible for accepting complaints with regard to possible violations of the Federal Voting Rights Laws. It oversees the Civil Rights Division Voting Section and is responsible for the actions of that agency and its officers.

3. This is an action for monetary, declaratory, pecuniary, equitable, and emergency injunctive relief as a result of the United States Governments' continued Voting Rights Violations that have arisen under the United States Constitution and the Declaration of Independence. This Court has jurisdiction pursuant to 28 U.S.C. §1331.

4. Venue is proper in the Orlando Division of the United States District Court for the Middle District of Florida because the Plaintiff resides within the District pursuant to 28 U.S.C. §1391(c).

5. This Court is authorized to grant Declaratory Judgment pursuant to 28 U.S.C. §2201, as well as the Federal Declaratory Judgment Act.

#### **INTRODUCTION and FACTS**

6. As a child growing up in the United States of America, I was always led to

believe that our Country utilized a Democratic form of Government that is extremely unique and special and that it holds great Freedoms for the People of this nation. However, that isn't entirely true. We are a federal republic that has one federal government, a constitution and over 89,000 self-governing sub-governments that are all competing against each other.

7. According to Merriam-Webster Online Dictionary website<sup>1</sup>, the simple definition of Democracy is defined as follows:

- a form of government in which people choose leaders by voting
- a country ruled by democracy
- an organization or situation in which everyone is treated equally and has equal right

8. Additionally, a portion of the Merriam-Webster Dictionary<sup>2</sup> full definition of Democracy, states as follows:

“1a: government by the people; especially : rule of the majority  
b: a government in which the supreme power is *vested* in the people and exercised by them directly or indirectly through a system of representation usually involving periodically held free elections”

9. The United States of America does have a form of government in which the people do choose leaders by voting. However, the United States of America does *not* have a democratic government where everyone is treated equally and has equal rights;

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<sup>1</sup>Democracy. (n.d.). Retrieved November 02, 2016, from <http://www.merriam-webster.com/dictionary/democracy>

<sup>2</sup>Democracy. (n.d.). Retrieved November 02, 2016, from <http://www.merriam-webster.com/dictionary/democracy>

nor do we have a government wherein the *majority* rules; nor do we have a system whereby the supreme power is *vested* in the people.

10. The Plaintiff, and all of the other similarly situated United States Citizens and Voters, do not get treated equally, nor do they have equal rights with regard to Voting because the Voting Laws with regard to Elections are different and fluctuate within every town, city, and county, and vary additionally, from state to state. There are different voting machines, different ballots, different days that are assigned for voting and there are even different ways to vote. Therefore, the Plaintiff, and all other similarly situated United States Citizens and Voters, are not treated equally and fairly if all of the laws are different and citizens have opposite and/or contrasting rights, responsibilities and liberties with regard to Voting.

11. We do not have a government wherein the majority rules because the Federal Presidential Elections are controlled by the Electoral College and not the majority vote of the people. There are at least four instances wherein the popular vote of the majority of the U.S. Voters was overturned or overruled by the Electoral College and/or Congress<sup>3</sup>;

- 1824: Andrew Jackson had the Popular Vote and the Electoral Vote, yet the House of Representatives elected John Quincy Adams as President.
- 1876: Samuel J. Tilden out-pollled Rutherford B. Hayes in the popular vote, but Hayes negotiated a deal to get the extra electoral votes needed to win the election and became President.
- 1888: Grover Cleveland won the popular vote, yet Benjamin Harrison became President.

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<sup>3</sup>"Presidents Winning Without Popular Vote." *FactCheck.org*. N.p., n.d. Web. 04 Nov. 2016.

- 2000: Al Gore won the popular vote, yet George W. Bush became President by the Electoral College Vote.

12. The supreme power is not vested in the people, but is vested in the corporations that own and control the two-party system within this country. The Republican and Democratic Political Parties control the two-party voting system by casting fear into the Citizens of this Country that if you don't vote Republican or Democratic, something *bad* is going to happen.

13. Since my childhood, I have repeatedly heard the expression: *vote for the lesser of two evils*. Why? Why is the Plaintiff, and the other similarly situated United States Citizens and Voters, forced to continue to support one side or the other, in a system that doesn't work and has destroyed our great nation.

14. The Republican and Democratic parties have established acts and laws that have prevented talented and qualified candidates, from other political parties to be included in the Presidential Race and Debates. The other political parties are not given fair attention and media coverage and are forced out of the race to the demise and detriment of the People of this Country.

15. The creation of the two-party system and the development of the Republican and Democratic parties has created a stranglehold on the Plaintiff, and the other similarly situated United States Citizens and Voters, and has violated their civil rights, freedoms and liberties with regard to Voting.

16. The Republican and Democratic Parties are the ones that Elect and Appoint the Electoral College Members through their own individual party lines. The

Plaintiff, as well as other similarly situated United States Citizens and Voters, are not privy to the Electoral College election process. The Electoral College election of members is held within the individual Republican and Democratic parties and the Plaintiff, and all of the others similarly situated, do not have any voice, say, opinion, or influence as to the Electoral College election process or with regard to the qualifications of its members. The members of the Electoral College do not get nominated and elected by the People, but are groomed and planted members by the Republican and Democratic Parties that control the outcome of the Presidential Elections.

17. The Office of the Federal Register, U.S. National Archives and Records Administration website<sup>4</sup> states the following:

***Are there restrictions on who the Electors can vote for?***

There is no Constitutional provision or Federal law that requires Electors to vote according to the results of the popular vote in their states. Some states, however, require Electors to cast their votes according to the popular vote. These pledges fall into two categories—Electors bound by state law and those bound by pledges to political parties.

The U.S. Supreme Court has held that the Constitution does not require that Electors be completely free to act as they choose and therefore, political parties may extract pledges from electors to vote for the parties' nominees. Some state laws provide that so-called "faithless Electors" may be subject to fines or may be disqualified for casting an invalid vote and be replaced by a substitute elector. The Supreme Court has not specifically ruled on the question of whether pledges and penalties for failure to vote as pledged may be enforced under the Constitution. No Elector has ever been prosecuted for failing to vote as pledged.

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<sup>4</sup>U. S. Electoral College: Who Are the Electors? How Do They Vote?" *National Archives and Records Administration*. National Archives and Records Administration, n.d. Web. 04 Nov. 2016.

Today, it is rare for Electors to disregard the popular vote by casting their electoral vote for someone other than their party's candidate. Electors generally hold a leadership position in their party or were chosen to recognize years of loyal service to the party. Throughout our history as a nation, more than 99 percent of Electors have voted as pledged.

18. Under the first indented paragraph above it shows that “These pledges fall into two categories – Electors bound by state Law and those bound by pledges to political parties.” Therefore, Electoral College votes are being controlled by State Laws and Political Parties and not by the People of this nation.

19. The Electoral College members are controlled by a wide variety of state laws, they are bound by the Republican and Democratic Parties and are forced into voting party line or they may face fines and penalties for being a “faithless Elector”.

20. As the second paragraph states, “The United States Supreme Court has held that the Constitution does not require that Electors be completely free to act as they choose and therefore, political parties may extract pledges from electors to vote for the parties nominees.” The Supreme Court's ruling is a violation of the individual civil liberties, rights and freedoms of each individual Electoral College Member, as their vote is not their own individual vote, but is a controlled vote owned by the political parties and in some cases is pledged under fear of penalties and fines.

21. We are not one nation united together. We are a nation divided! We are divided into 50 states, we are divided by over 89,000 individual governments, we are divided by a two-party system, and we are divided even further by the Electoral College.

22. There are so many laws in the United States of America, that no one is able to even tell you what all of them are, or produce all of them, because so many of them have been written as laws, acts, treaties, administrative codes, statutes, the list goes one and on. So how are the Citizens of the Country supposed to follow the laws, if the Leaders of the Country don't know the laws themselves?

23. The two-party system causes the People of this great nation to disagree, argue and fight as they continue to pick a side against each other.

24. The Republic and Democratic parties control the mainstream media and use fear as a tactic to scare The People of this country.

25. The Plaintiff, and other similarly situated United States Citizens and Voters, have been forced to choose a side like its a sports game while choosing between the lesser of two evils, in a predetermined rigged match.

26. The Presidential Campaigns are a complete waste of time, energy, and billions of dollars in money, as the outcome is already controlled by the Republican and Democratic Parties; who own and control the Electoral College. All while there are millions of United States Citizens and Voters in this country that go homeless; veterans on almost every street corner begging for help; children that are suffering through human trafficking; families going hungry at night as billions of dollars are being wasted away as the Plaintiff, and all others similarly situated, watch in horror as Our People, Our Nation, Our Environment and Our Home The Earth suffer needlessly at the hands of Our Leaders.

27. The two-party system and the Presidential Election process of the



Electoral College has created despair, agony, anxiety, frustration, depression and hopelessness in the Plaintiff, and other similarly situated United States Citizens and Voters, who feel that voting is useless, our vote doesn't count and we don't make a difference. That no matter what we vote, those that currently control the Electoral College, have domination over We the People of this Country.

28. The Plaintiff does acknowledge and understand that Article II, Section 1, Clause 2, of the United States Constitution does infer to substantiate the existence of the Electors as declared by the founding fathers of our nation. However, it does not clearly define the need for an Electoral College. It was the legislators of this Country that adopted the 12<sup>th</sup> Amendment to the Constitution in 1804 that gave themselves the right to form the Electoral College and determine its establishment and course of action.

29. The Electoral College was developed at the foundation of our country in order to stronghold, corral, and keep a tight rein of control over The People; while keeping a set plan and agenda in place to put into office a specific preordained and a choice few leaders being selected to be in control of our Country.

30. The Office of the Federal Register, U.S. National Archives and Records Administration website<sup>5</sup> indicates that there are 538 Electors in the Electoral College and a "Majority of 270 Electoral Votes is required to Elect the President."

31. According to the United States Census Bureau, U.S. and World Population Clock, there's estimated to be almost 325,000,000 People in the United States. Of those,

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<sup>5</sup>U. S. Electoral College, Official - What Is the Electoral College?" *National Archives and Records Administration*. National Archives and Records Administration, n.d. Web. 04 Nov. 2016.

there were at least 235,000,000 United States Citizens eligible to vote in 2012, yet only a little over 129,000,000 People did vote. And yet, after all of that, just a mere 270 Electoral Votes are required to elect the President.

32. So why do we spend billions of dollars each Presidential Election on setting up and holding the Elections, along with creating the ballots, mailing the ballots, mailing voter registration materials, the workers, the extensive inundation of road signs and billboards, Republican and Democrat National Conventions, on advertising through radio, television, printed mail, signs, banners, posters and the world-wide web and spend months and weeks of voting that takes place through absentee ballots and various early polling locations just to have 270 People that have already been selected by the political parties be responsible for the voting?

33. All the while the majority of the Republican and Democratic politicians blame the poor and the needy for the demise of the Country, when it's the Leaders of this Nation that know they are driving The People to destruction and despair through a completely controlled and therefore, corrupt election process.

34. The Office of the Federal Register, U.S. National Archives and Records Administration website<sup>6</sup> further indicates:

“Each candidate running for President in your state has his or her own group of electors. The electors are generally chosen by the candidate’s political party, but state laws vary on how the electors are selected and what their responsibilities are.”

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<sup>6</sup>U. S. Electoral College, Official - What Is the Electoral College?" *National Archives and Records Administration*. National Archives and Records Administration, n.d. Web. 04 Nov. 2016.

35. Once again, even the laws on how to elect the electors and what their responsibilities are, varies from state to state. Therefore, the Plaintiff, and all others similarly situated, do not have fair and equal voting rights since all of the laws are all different throughout the entire country; and everyone is controlled by the two-party system and the Electoral College.

36. We are now living in an age of super advanced technology and the ability of instant communication through the use of the world-wide web, cell phones and other technological advancements that keep everyone connected together at the ease of a button. It's time that we have a uniform system of voting for all 50 states that's fair and equal for all of the Citizens of the United States of America.

37. The Electoral College system as it is currently established, maintained and exists, violates the civil liberties, rights and freedoms of the Plaintiff, and all others similarly situated, with regard to Voting Rights and our overall Citizenship in the United States of America. Plaintiff, and all others similarly situated, are suing for damages, declaratory, pecuniary, equitable and Emergency Injunctive Relief to Stop the 2016 Presidential Election for Violations of the Voting Rights Laws, the United States Constitution and the Declaration of Independence.

**THE PREAMBLE TO THE UNITED STATES CONSTITUTION  
SHOULD BE DECLARED TO HOLD INTENTION  
VALUE AND MEANING AND DECLARED WHOLLY  
SUBSTANTIVE TO THE UNITED STATES CONSTITUTION**

38. Plaintiff, and all others similarly situated, find “We the People”, to be recognized as one of the most famous and powerful phrases known to man, and is immediately connected with the United States Constitution, and the rights, liberties and freedoms of the People of the United States of America.

39. The word we, as defined by Oxford Living Dictionaries website, states as follows: “used by a speaker to refer to himself or herself and one or more other people considered together”. Therefore, one could ascertain that “we” and “together” would be synonymous in meaning.

40. The words We the People are the heart, soul, intention and foundation of the entire Constitution and the formation of the United States of America. These words represent the People of this nation and our unity together as a Country.

41. In *Jacobson v. Mass*, 197 U.S. 11 (1904)<sup>7</sup> the Supreme Court held in part that: “Although the Preamble indicates the general purposes for which the people ordained and established the Constitution, it has never been regarded as the source of any substantive power conferred on the Government of the United States or any of its Departments. Such powers embrace only those expressly granted in the body of the Constitution and such implied from those so granted.”

42. By the Court issuing this ruling that the Preamble wasn't substantive to the Constitution, it laid the groundwork for the rights, liberties and Freedoms of We the People to be replaced by The Corporations. Specifically, the Republican and Democratic

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<sup>7</sup>*Jacobson v. Massachusetts* 197 U.S. 11 (1905).” *Justia Law*. N.p., n.d. Web. 04 Nov. 2016.

Corporations, that stronghold the Electoral College and control We the People.

43. In an earlier Supreme Court ruling in *Holmes v. Jennison*, 39 U.S. 14 Pet. 540, (1840) 570-571<sup>8</sup>, The Supreme Court held in part that:

“In expounding the Constitution of the United States, every word must have its due force and appropriate meaning, for it is evident from the whole instrument that no word was unnecessarily used or needlessly added. The many discussions which have taken place with upon the construction of the Constitution have proved the correctness of this proposition and shown high talent, the caution, and the foresight of the illustrious men who framed it. Every word appears to have been weighed with the utmost deliberation, and its force and effect have been fully understood. No word in the instrument, therefore, can be rejected as superfluous or unmeaning...”

44. Plaintiff, and all others similarly situated, concur with the Supreme Court's ruling in *Holmes v. Jennison*, and see the need for the Preamble to be designated to be wholly substantive to the foundation of the United States Constitution and the rights, liberties and freedoms of We the People.

45. The Republican and Democratic Parties are corporations that have been able to establish themselves as non-profit organizations so that they can utilize tax exemptions under the IRS as a 527 organization. Specifically, U.S.C. §527 Political Organizations.

46. The Republican and Democratic parties wrote and established the laws that created their organizations; they created the IRS; and they created the tax shelters that protect them as Political Organizations.

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<sup>8</sup>"*Holmes v. Jennison* 39 U.S. 540 (1840)." *Justia Law*. N.p., n.d. Web. 04 Nov. 2016.

47. The Republican and Democratic parties have developed, established and currently control the Electoral College.

48. The Republican and Democratic corporations have taken over the United States of America and have burdened, stifled and enslaved the People of this country.

49. By having a two-party system of the Republican and Democratic corporations, there is no longer a "We". We means together. The Republican and Democratic parties, split us in half and divided us. Therefore, the Republican and Democratic Corporations are in violation of We the People, and the Constitution of the United States of America.

50. We the People, are the heart and soul, and foundation of this government. It's Our Country, we are the People, that work together for a common goal. But our goals have been shut down and held in place by the Republican and Democratic Parties that have forced the two-party system upon us and taken away our rights, liberties and freedoms by their dominating control over the Electoral College and the voting and election process.

51. It's time that We the People come together and regain our position in this country. It's time that the power be truly vested in the people, and not in the corporations. Time to Younite Humanity together as one. Unity in Oneness, Oneness in Unity.

52. Plaintiff, and all others similarly situated, are suing for damages, declaratory, pecuniary, equitable and Emergency Injunctive Relief to Stop the 2016 Presidential Election for Violations of the Voting Rights Laws, the United States

Constitution and the Declaration of Independence.

53. Plaintiff, and all others similarly situate, are suing for the Preamble to be declared to hold intention, value and meaning and to be declared wholly substantive to the Constitution of the United States of America.

#### VIOLATIONS OF THE DECLARATION OF INDEPENDENCE

54. On July 4, 1776, by unanimous decision, the thirteen colonies enacted the Declaration of Independence, granting the United Colonies the Right to be Free and Independent States from the British Crown.

55. In part the Declaration of Independence<sup>9</sup> states the following:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

56. Plaintiff, and all others similarly situated, address the following of the Declaration of Independence,

“- That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed..”

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<sup>9</sup>"The Declaration of Independence: Full Text." *Ushistory.org*. Independence Hall Association, n.d. Web. 04 Nov. 2016.

Plaintiff, and all others similarly situated, do not consent to the two-party system and the Electoral College as currently governed and feel that the just powers of the People are being abused, encroached, infringed and violated by this system.

57. Plaintiff, and all others similarly situated, additionally address the following of the Declaration of Independence,

“ — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government..”

Plaintiff, and all others similarly situated, have determined that the current Government, with the two-party system and the Electoral College, has become destructive, damaging, harmful, unhealthy and unsafe for We the People.

58. Plaintiff, and all others similarly situated, choose to exercise our Right of We the People, to alter or to abolish our current system, and to institute a new Government.

59. Plaintiff, and all others similarly situated, continue to address the Declaration of Independence as follows:

But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. -

Plaintiff, and all others similarly situated, have determined that We the People have been oppressed by this system, there are extensive abuses occurring within our Country, and we are under absolute Despotism, by being controlled by the Republican and Democratic



Parties and the Electoral College. As per our Declaration of Independence, Plaintiff, and all others similarly situated United States Citizens and Voters have determined the following "... history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world."

- Wars: that We the People of this Country do Not affirm, encourage or support
- A History of Homeless Veterans that live in poverty and lay starving in the streets like animals without assistance from the Wars that were created by the Defendant
- A lack of care and concern for the overall well being of our Military Soldiers and their families;
- A complete disregard for the fact that as many as 22 military soldiers commit suicide every day because they are unable to live with the Horrors of War and they are being discarded like trash
- Wars that have taken the United States Military out of the United States without the valid consent of the People of this Nation
- The Defendant has allowed Toxic and Poisonous Genetic Engineering of the Food Supply to the detriment of the Health and Wellness of the Citizens of the United States of America and to the People of the World
- Violations of the Declaration of Independence
- Violations of the United States Constitution
- History of Governmental frauds, scams and abuses

- **Violations of the Laws of Nature and Nature's God**
- **Nuclear power dangers to All People of the United States of America and the world**
- **The Defendant's continued expenditures of Billions of dollars for Artificial Intelligence against We the People**
- **Off-Shore Drilling Disasters and Wastelands: Our Oceans have become a garbage dump from the Petroleum Corporations waste and debris as Defendant does nothing**
- **The Dakota Access Pipeline is a destruction against the Lands of Our Nation and violates the welfare of the Indigenous People and the Citizens of this Country**
- **Tar Sands that destroy our Natural Law of God and God's Nature**
- **Hydraulic Fracturing or Fracking that is pounding our Earth Mother and destroying our Lands and our homes**
- **National Banking Scandals**
- **The allowing of Corporations to dominate over We the People**
- **Obamacare and the illegal direction of money flowing into the hands of a select few instead of in a large pot for the whole health and wellness of We the People**
- **Geoengineering and Chemtrails that utilize poisonous chemicals being sprayed into the air that is effecting the health and wellness of the People of this Nation**
- **Natural Gas Disasters, Explosions and polluting of the Water Supply**

- **Global warming and the lack of attention and concern for same**
- **Pollution of our rivers, lakes, streams**
- **Natural resource depletion**
- **College Education and Capitalized Interest Scam that buries the People of this great nation into financial debt to get an education; Colleges that are set up illegally and are allowed to file bankruptcy, while students suffer and are unable to receive the same equal treatment.**
- **Deforestation of our Lands against the Natural Law and God's Nature**
- **Failure of the Defendant to utilize Environmental Safe energy alternatives such as Wind, Solar and Hemp**
- **Failure of the Defendant to allow Marijuana and Hemp to be utilized in this Country for medicine, consumer textiles, industrial textiles, agricultural benefits, foods, building materials, personal hygiene products, food, paper, oils, seeds, etc.**
- **Ocean Acidification and failure to address concerns**
- **Ozone Layer Depletion and not enforcing changes to protect the Earth**
- **Acid Rain caused by the extensive use of fossil fuels**
- **The destruction of our lands by the Petroleum corporations and the extensive detrimental use of fossil fuels is not being addressed**
- **Failure to properly address health and social issues in this Nation**
- **People of this Nation go without homes; as many as a million people a night**

- People of this Nation go Hungry at night
- People of this Nation go without clothing and the basic necessities of life
- The Violations of the Voting Rights Laws
- The Tyranny of the Electoral College and the Two-Party System
- Plaintiff, and all others similarly situated, have determined that it is just a partial list of the violations, and crimes against We the People of this great nation and reserve the right to amend this list

60. Plaintiff, and all others similarly situated, have determined that it is our right, and it is our duty, to throw off such Government, and to provide new Guards for our future security.

61. Plaintiff, and all others similarly situated, are suing for damages, declaratory, pecuniary, equitable and Emergency Injunctive Relief to Stop the 2016 Presidential Election for Violations of the Voting Rights Laws, the United States Constitution and the Declaration of Independence.

#### CLASS ACTION ALLEGATIONS

62. Pursuant to Federal Rules of Civil Procedure, Rule 23, Plaintiff brings this action on behalf of herself, and a nationwide class (the "Nationwide Class") of similarly situated persons defined as: All Citizens of the United States of America.

63. Plaintiff also brings this action on behalf of herself, and any and all other United States Citizens who are similarly situated, in addition to being members of the Nationwide Class, feel they have sustained a Violation of Voting Rights due to the current

Two-Party System, current Electoral College election process and the current established Voting System (the “Subclass”).

64. The Nationwide Class and Subclass seek certification of claims for Declaratory Relief, Emergency Injunctive Relief and Damages pursuant to 28 U.S.C. §1491.

65. This action is brought as a class action and may be so maintained pursuant to the Provisions of the Federal Rules of Civil Procedure, Rule 23. Plaintiff(s) reserves the right to modify the Nationwide Class and Subclass definitions and the class period based on the results of the discovery.

66. Numerosity of the Nationwide Class: The National Class and the Subclass (collectively referred to as the “Class”) are so numerous that the individual joinder of all members, in this or any action is impracticable. The specific identification or the exact number of Class members is presently unknown to the Plaintiff, but it is believed that the Class numbers in the hundreds of millions. The identity of Class members and their addresses may be ascertained from the United States Voter Registration Records. Class members may be informed on the pendency of this action through public notice, or other means, including through the mainstream and social media outlets.

67. Commonality: There is a well-defined community of interest in the questions of law and fact involved affecting the members of the Class. These common legal and factual questions include:

- a. Whether Defendant has violated the Declaration of Independence, the

United States Constitution and Voting Rights Laws, or are currently doing so;

b. Whether Plaintiff and Class members are entitled to recover compensatory, statutory and punitive damages, whether as a result of Defendant's illegal conduct, and/or otherwise;

c. Whether Plaintiff and Class members are entitled to declaratory, injunctive and/or equitable relief; and

d. Whether Plaintiff and Class members are entitled to an award of reasonable attorney's fees, prejudgment interest, and costs of this suit.

68. Typicality: Plaintiff's claims are typical of the claims of the members of the Class because Plaintiff and the Class members are or were United States Citizens and/or United States Citizens with the legal right to vote, who have felt in a stranglehold by the two-party political system and their Voting Rights have been violated under the United States Constitution and/or Voting Rights Laws. Plaintiff and all members of the Class have similarly suffered harm arising from Defendant's violations of law, as alleged herein.

69. Adequacy: Plaintiff is an adequate representative of the Class because her interests do not conflict with the interests of the members of the Class she seeks to represent. Plaintiff will fairly and adequately protect the interest of the members of the Class.

70. This suit may also be maintained as a class action pursuant to Federal Rule of Civil Procedure 23(b)(2) because Plaintiff and the Class seek Declaratory and

Emergency Injunctive Relief, and all of the above factors of numerosity, common questions of fact and law, typicality and adequacy are present. Defendant has acted on grounds generally applicable to Plaintiff and the Class as a whole, thereby making declaratory and/or injunctive relief proper.

71. Predominance and Superiority: This suit may also be maintained as a class action under Federal Rule of Civil Procedure 23(b)(3) because questions of law and fact common to the Class predominate over the questions affecting only individual members of the Class and a class action is superior to other valuable means for the fair and efficient adjudication of this dispute. The damages suffered by each individual Class member, depending upon the circumstances, may be relatively small or modest, especially given the burden and expense of individual prosecution of the complex and extensive litigation necessitated by Defendant's conduct. Furthermore, it would be virtually impossible for the Class members, on an individual basis, to obtain effective redress for the wrongs done to them. Moreover, even if Class members themselves could afford such individual litigation, the court system could not. Individual litigation presents a potential for inconsistent or contradictory judgments. Individualized litigation increases the delay and expenses to all parties and the court system presented by the complex legal issues of the case. By contrast, the class action device presents for fewer management difficulties and provides the benefits of a single adjudication, economy of scale, and comprehensive supervision by a single court.

**FIRST CLAIM FOR RELIEF  
VOTING RIGHTS VIOLATIONS**

VOTING RIGHTS ACT OF 1965  
15<sup>th</sup> AMENDMENT, 19<sup>th</sup> AMENDMENT  
and the 26<sup>th</sup> AMENDMENT OF THE  
UNITED STATES CONSTITUTION

72. Plaintiff, and the members of the Class, repeat and reallege all of the previous allegations in paragraphs 1 through 71 of this Complaint with the same force and affect, as if fully set forth herein again at length.

73. Plaintiff, and the members of the Class, enjoy a liberty of the right to vote under the Voting Rights Act of 1965, the 15<sup>th</sup> Amendment, the 19<sup>th</sup> Amendment and the 26<sup>th</sup> Amendment of the United States Constitution.

74. The current Two-Party System and the Electoral College, as established and structured, violate the Civil Liberties, Rights and Freedoms of Plaintiff, and all similarly situated Citizens and Voters of the United States of America. The current system controls the voters and does not give the voter true liberty and freedom. Our freedom and liberties are being forcibly coerced into a system that causes us to fight among ourselves and destroy our own nation. Therefore two-party system violates the Voting Rights Act of 1965, the 15<sup>th</sup> Amendment, the 19<sup>th</sup> Amendment and the 26<sup>th</sup> Amendment in that our votes are being led, steered and controlled by the Republican and Democratic Parties, under their control of the Electoral College. As President Abraham Lincoln said: "A house divided against itself cannot stand."

75. Republican Presidential Candidate, Donald Trump, has made dangerous statements about how he will handle negotiations with other diplomats and handle other social and economic problems within this country.



76. Republican Presidential Candidate, Donald Trump, has made atrocious statements against women and persons with disabilities.

77. Democratic Presidential Candidate, Hillary Clinton, has been under investigation by the Federal Bureau of Investigation with regard to abuse of her powers and her administrative use of emails.

78. Democratic Presidential Candidate, Hillary Clinton, has been under investigation for her role, or lack thereof, in the Benghazi Attacks.

79. Plaintiff, and other similarly situated United States Citizens and Voters, do not want to continue to vote for the lesser of two evils.

80. Plaintiff, and other similarly situated United States Citizens and Voters, no longer want to be forced to vote for leaders that we do not want.

81. Plaintiff, and other similarly situated United States Citizens and Voters, no longer want the two-party system to divide our people and our nation.

82. Plaintiff, and similarly situated United States Citizens and Voters, no longer want to have the Electoral College to control our voting.

83. Plaintiff, and other similarly situated United States Citizens and Voters, are embarrassed, humiliated and degraded by the current Presidential Candidates. We are being forced to choose between an extremely dangerous man with no experience and a hot temper; and a woman that has been buried into the system for years and has been under investigation for her emails, crimes against the People of this Country, and the Benghazi Attacks.

84. Plaintiff, and other similarly situated United States Citizens and Voters, hereby respectfully request that this Honorable Court no longer force us to vote for the lesser of two evils.

85. Plaintiff, and other similarly situated United States Citizens and Voters, are in fear for our future, as we see either of these Presidential candidates as a threat to the safety and welfare of the Citizens of the United States of America, and the world, if either of them become President.

86. Every election year, the Republicans blame the Democrats for all of the economic and social problems in this country. Then the Democrats blame the Republicans for all for the economic and social problems in this country. When the truth is, they both work together to keep the two-party system and the Electoral College in control, to keep We the People oppressed, repressed and suppressed.

87. The Defendant has knowledge and is fully aware that the Electoral College is responsible for the electing the President and Vice-President.

88. The Defendant knows that the Republican and Democratic Parties own the Electoral College and control the outcome of the presidential elections regardless of the majority vote of the People.

89. The Defendant has knowledge of the State of the Union and that the People of this great nation are suffering in poverty, homelessness and hunger. All while supporting an election process that depletes hundreds of millions and even billions from We the People.

90. By reason of the wrongful conduct of the Defendant, Plaintiff, and members of the Class, have suffered and continue to suffer, from severe emotional distress and physical harm, pecuniary and economic damage and loss of enjoyment of life.

WHEREFORE, Plaintiff, and members of the Class, demand judgment be entered against the Defendant, including a declaratory judgment, emergency injunctive relief to Stop the 2016 Presidential Election based upon Violations of the Voting Rights Law, the Constitution of the United States of America and the Declaration of Independence, compensatory damages and punitive damages in a sum to be determined by this Honorable Court, equitable relief, reasonable attorney's fees, prejudgment interest, post-interest and costs, and for such other and further relief as the Court may deem just and proper.

**SECOND CLAIM FOR RELIEF  
VIOLATIONS OF THE UNITED STATES CONSTITUTION  
12<sup>th</sup> AMENDMENT**

91. Plaintiff, and the members of the Class, repeat and reallege all of the previous allegations in paragraphs 1 through 90 of this Complaint with the same force and affect, as if fully set forth herein again at length.

92. The Constitution of the United States of America is recognized as one of the most power Constitutions ever written, and is the Supreme Law of the Land.

93. Plaintiff, and all other similarly situated United States Citizens and Voters, have determined that the 12<sup>th</sup> Amendment is in violation of the founding Constitution.

The 12<sup>th</sup> Amendment established the Electoral College and in doing so, it took away our power to vote for the President and Vice-President, and took away our rights, liberties and freedoms with regard to voting.

94. Plaintiff, and all other similarly situated United States Citizens and Voters, have determined that the 12<sup>th</sup> Amendment directs, steers and controls the People into a forced two-party system that pits the People of our country against each other and is detrimental to the overall safety, health and wellness of the nation as a whole.

95. Defendant has knowledge and is aware that the Republican and Democratic parties own the two-party system and are controlling the Plaintiff, and all other similarly situated United States Citizens and Voters, against their Constitutional rights, liberties and freedoms.

96. Defendant has knowledge and information with regard to the voting violations and control the Electoral College has over the People of this country, and that it violates the rights, liberties and freedoms of the Plaintiff, and all other similarly situated United States Citizens and Voters.

97. By reason of the wrongful conduct of the Defendant, Plaintiff, and members of the Class, have suffered and continue to suffer, from severe emotional distress and physical harm, pecuniary and economic damage and loss of enjoyment of life.

WHEREFORE, Plaintiff, and members of the Class, demand judgment be entered against the Defendant, including a declaratory judgment, emergency injunctive relief to

Stop the 2016 Presidential Election based upon Violations of the Voting Rights Law, the Constitution of the United States of America and the Declaration of Independence, compensatory damages and punitive damages in a sum to be determined by this Honorable Court, equitable relief, reasonable attorney's fees, prejudgment interest, post-interest and costs, and for such other and further relief as the Court may deem just and proper.

**THIRD CLAIM FOR RELIEF  
VIOLATIONS OF THE  
DECLARATION OF INDEPENDENCE**

98. Plaintiff, and the members of the Class, repeat and reallege all of the previous allegations in paragraphs 1 through 97 of this Complaint with the same force and affect, as if fully set forth herein again at length.

99. Plaintiff, and all other similarly situated United States Citizens and Voters, have determined that the current two-party system is a violation of the Declaration of Independence in that it fails to allow us Life, Liberty and the Pursuit of Happiness. And, as such, has deprived We the People of our voting rights, liberties and freedoms.

100. Plaintiff, and all other similarly situated United States Citizens and Voters, have determined that the current Electoral College that was developed under the 12<sup>th</sup> Amendment is a violation of the Declaration of Independence.

101. Plaintiff, and all other similarly situated United States Citizens and Voters, have determined that the current two-party system and Electoral College have created a situation of absolute despotism over We the People and our election and voting process.

102. Defendant has knowledge and information that the two-party system, controlled by the Republican and Democratic Corporations, is a violation of the Declaration of Independence.

103. Defendant has knowledge and information that the Electoral College, also controlled by the Republican and Democratic Corporations, has created a situation of absolute Despotism over the Plaintiff, and all other similarly situated United States Citizens and Voters and is in direct violation of the Declaration of Independence.

104. By reason of the wrongful conduct of the Defendant, Plaintiff, and members of the Class, have suffered and continue to suffer, from severe emotional distress and physical harm, pecuniary and economic damage and loss of enjoyment of life.

WHEREFORE, Plaintiff, and members of the Class, demand judgment be entered against the Defendant, including a declaratory judgment, emergency injunctive relief to Stop the 2016 Presidential Election based upon Violations of the Voting Rights Law, the Constitution of the United States of America and the Declaration of Independence, compensatory damages and punitive damages in a sum to be determined by this Honorable Court, equitable relief, reasonable attorney's fees, prejudgment interest, post-interest and costs, and for such other and further relief as the Court may deem just and proper.

**FOURTH CLAIM FOR RELIEF  
THE PREAMBLE TO THE UNITED STATES CONSTITUTION**

**SHOULD BE DECLARED WHOLLY SUBSTANTIVE  
TO THE UNITED STATES CONSTITUTION**

105. Plaintiff, and the members of the Class, repeat and reallege all of the previous allegations in paragraphs 1 through 104 of this Complaint with the same force and affect, as if fully set forth herein again at length.

106. Plaintiff, and all other similarly situated United States Citizens and Voters, have determined that the Preamble to the Constitution of the United States of America is a fundamental, elemental and instrumental part to the intention, meaning and purpose of the founding fathers of our nation, and should be declared wholly substantive and vital to the entire Constitution.

107. Plaintiff, and all other similarly situated United States Citizens and Voters, have determined that the value and meaning of the Preamble as described by Mr. Chief Justice Taney, in *Holmes v. Jennison*, 39 U.S. 14 Pet. 540, (1840) 570-571<sup>10</sup>, substantive and wholly vital value to the entire Constitution.

108. Defendant has knowledge and information that the Preamble was determined by case law in *Jacobson v. Mass*, 197 U.S. 11 (1904)<sup>11</sup> to not have any substantive power in the Constitution and prevented United States Citizens from using it within legal proceedings. As such, this took away the power of We the People and replaced it with the power of the Republican and Democratic Corporations.

109. Defendant has knowledge and information that the Preamble was fully

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<sup>10</sup> *Holmes v. Jennison* 39 U.S. 540 (1840)." *Justia Law*. N.p., n.d. Web. 04 Nov. 2016.

<sup>11</sup> "Jacobson v. Massachusetts 197 U.S. 11 (1905)." *Justia Law*. N.p., n.d. Web. 04 Nov. 2016.

intended to be part of the Constitution, and has absolute value, merit and meaning especially to We the People of the United States of America and should be declared substantive and wholly to the Constitution of the United States of America.

110. By reason of the wrongful conduct of the Defendant, Plaintiff, and members of the Class, have suffered and continue to suffer, from severe emotional distress and physical harm, pecuniary and economic damage and loss of enjoyment of life.

WHEREFORE, Plaintiff, and members of the Class, demand judgment be entered against the Defendant, including a declaratory judgment, emergency injunctive relief to Stop the 2016 Presidential Election based upon Violations of the Voting Rights Law, the Constitution of the United States of America and the Declaration of Independence, compensatory damages and punitive damages in a sum to be determined by this Honorable Court, equitable relief, reasonable attorney's fees, prejudgment interest, post-interest and costs, and for such other and further relief as the Court may deem just and proper.

**FIFTH CLAIM FOR RELIEF  
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

111. Plaintiff, and the members of the Class, repeat and reallege all of the previous allegations in paragraphs 1 through 110 of this Complaint with the same force and affect, as if fully set forth herein again at length.



112. Defendant's willful acts to oppress, repress and suppress through the two-party and Electoral College system constitutes outrageous conduct insofar as they violated Plaintiff's and Class members' basic democratic rights, constitutional rights and exposed them to absolute despotism.

113. Defendant intended to cause Plaintiff and members of the Class emotional distress and physical harm and acted in reckless disregard causing Plaintiff, and members of the Class emotional distress by committing these acts.

114. The only purpose of this outrageous and illegal conduct is to intimidate, control and dominate Plaintiff, and all other similarly situated United States Citizens and Voters, and keep them from challenging the tyrannical administration and government presently controlled by the Defendant.

115. Defendant knows that the two-party system violates the Voting Rights Laws, the United States Constitution and the Declaration of Independence and that it has been intentionally maintained to inflict emotional distress and physical harm and that the Defendant acted in reckless disregard for the Plaintiff, and all others similarly situated United States Citizens and Voters.

116. As a direct and proximate result of Defendant's acts, Plaintiff, and members of the Class, suffered; and Plaintiff's and members of the Class continue to suffer mental anguish, and severe emotional distress and physical harm.

117. By reason of the wrongful conduct of the Defendant, Plaintiff, and members of the Class, have suffered and continue to suffer, from severe emotional

distress and physical harm, pecuniary and economic damage and loss of enjoyment of life.

WHEREFORE, Plaintiff, and members of the Class, demand judgment be entered against the Defendant, including a declaratory judgment, emergency injunctive relief to Stop the 2016 Presidential Election based upon Violations of the Voting Rights Law, the Constitution of the United States of America and the Declaration of Independence, compensatory damages and punitive damages in a sum to be determined by this Honorable Court, equitable relief, reasonable attorney's fees, prejudgment interest, post-interest and costs, and for such other and further relief as the Court may deem just and proper.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff(s) pray for relief and judgment against Defendant as follows:

118. Plaintiff and Class members demand that judgment be entered against the Defendant, for compensatory and actual damages because of Defendant's illegal actions causing demonstrable injury to Plaintiff and Class members, punitive damages because of Defendant's callous, reckless indifference and malicious acts, and attorney's fees and costs in an amount to be determined by this Honorable Court, and for such other and further relief as this Court may deem just and proper.

119. Plaintiff and Class members demand that judgment be entered for general (non-economic), special (economic), actual, compensatory and punitive damages to be

determined by a jury.

120. Plaintiff and Class members demand declaratory, equitable and emergency injunctive relief for their injuries in the following ways:

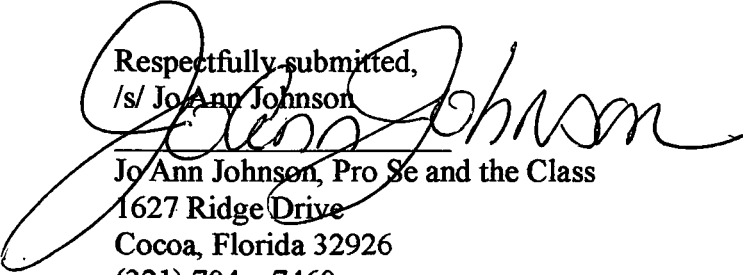
- (1) A cease and desist order to Stop the 2016 Presidential Election to prohibit any further illegal and criminal activities and violations of the Voting Rights Laws, the Constitution of the United States of America and the Declaration of Independence;
- (2) A cease and desist order to Stop the 2016 Presidential Election for violations of the United States Constitution and the Declaration of Independence and to instead uphold the Constitution of the United States of America and the Declaration of Independence and the Rights, Liberties and Freedoms of We the People.

**DEMAND FOR JURY TRIAL**

Plaintiff(s) demand a trial by jury on all counts as to all issues so triable.

Dated: November 4, 2016

Respectfully submitted,  
/s/ Jo Ann Johnson

  
Jo Ann Johnson, Pro Se and the Class  
1627 Ridge Drive  
Cocoa, Florida 32926  
(321) 704 – 7460  
Email: [joannahjohnson@yahoo.com](mailto:joannahjohnson@yahoo.com)

**CERTIFICATE OF SERVICE**

Plaintiff, hereby certifies that today is Friday, November 4, 2016, and that upon proper filing of the Civil Cover Sheet, Summons and Complaint with the Federal Middle District Court of Orlando, and receiving a case number; Plaintiff will be Hand Delivering a copy of these documents to:

Defendant: United States of America  
c/o United States Department of Justice  
400 W. Washington Street  
Suite 3100  
Orlando, FL 32801  
407 – 648 – 7500

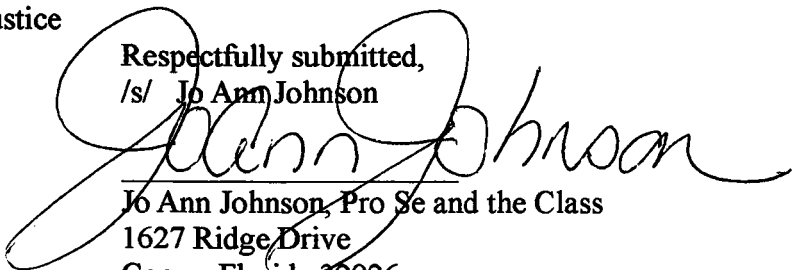
United States Attorney General's Office  
c/o United States Department of Justice  
400 W. Washington Street  
Suite 3100  
Orlando, FL 32801  
407 – 648 – 7500

Plaintiff, hereby further certifies that today is Friday, November 4, 2016, and that upon proper filing of the Civil Cover, Summons and Complaint with the Federal Middle District Court of Orlando, and receiving a case number; Plaintiff will be mailing by Certified Mail Return Receipt Requested a copy of these documents to:

Defendant: United States of America  
c/o United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-001  
202 – 514 – 2000

Office of the Attorney General  
c/o United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-001  
202 – 514 – 2000

Respectfully submitted,  
/s/ Jo Ann Johnson



Jo Ann Johnson, Pro Se and the Class  
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(321) 704 – 7460  
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# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Looks to Stop 2016 Presidential Election](#)

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