

HOUSE RESOLUTION 352

By Ragan

A RESOLUTION denouncing Chancellor Lyle's ruling regarding absentee voting.

WHEREAS, the Tennessee Constitution Article II, Section 1, explicitly directs "The powers of the Government to be divided into three distinct departments: the Legislative, Executive, and Judicial"; and

WHEREAS, the Tennessee Constitution Article II, Section 3, explicitly directs "The Legislative authority of this State to be vested in a General Assembly"; and

WHEREAS, the Tennessee Constitution Article II, Section 12, further explicates that the General Assembly has all other powers necessary for a branch of the Legislature of a free State; and

WHEREAS, the Tennessee Constitution Article VI, Section 1, states, "The judicial power of this State shall be vested in one Supreme Court and in such Circuit, Chancery and other inferior Courts as the Legislature shall from time to time, ordain and establish"; and

WHEREAS, the Tennessee Constitution Article VI, Section 8, states, "The jurisdiction of the Circuit, Chancery and other Inferior Courts, shall be as now established by law, until changed by the Legislature"; and

WHEREAS, Tennessee Code Annotated, Title 58, Chapter 2, vests no independent authority in the judicial department for emergency response; and

WHEREAS, Tennessee Code Annotated, Title 2, Chapter 6, provides the purpose of absentee voting is to provide a means for qualified voters to cast their votes when they would otherwise be unable to vote; and

WHEREAS, the Tennessee General Assembly enacted statutes containing specific reasons for which absentee or mail-in ballots are authorized, and those statutes contain no specific authorization for absentee ballots because of pandemics caused by COVID-19; and

WHEREAS, Chancellor Ellen Hobbs Lyle of the Davidson County Chancery Court issued a ruling on Demster v. Hargett on June 4, 2020, with a subsequent temporary injunction, authorizing any registered voter who does not wish to vote in-person due to the COVID-19 situation to be eligible to request an absentee ballot by mail; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED ELEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, that we find Chancellor Ellen Hobbs Lyle of the Davidson County Chancery Court exceeded the authority granted to this court pursuant to the Constitution of Tennessee Article VI, Section 1, and other governing statutes.

BE IT FURTHER RESOLVED, that the House of Representatives of the State of Tennessee finds that Chancellor Ellen Hobbs Lyle of the Davidson County Chancery Court has unreasonably infringed upon the authority of the General Assembly to be the sole source of legislation in Tennessee.

BE IT FURTHER RESOLVED, that the House of Representatives of the State of Tennessee denounces the ruling on Demster v. Hargett on June 4, 2020 and subsequent temporary injunction by Chancellor Ellen Hobbs Lyle.

BE IT FURTHER RESOLVED, that the House of Representatives of the State of Tennessee herewith announces that the Davidson County Chancery Court Order issued on June 4, 2020 and the subsequently issued temporary injunction that allowed voters who were concerned about casting ballots in person during the COVID-19 outbreak to vote by mail is an untenable usurpation of legislative powers constitutionally belonging to the General Assembly.

BE IT FURTHER RESOLVED, that the House of Representatives of the State of Tennessee demands Chancellor Ellen Hobbs Lyle of the Davidson County Chancery Court

vacate the order of June 4, 2020, and withdraw the subsequent temporary injunction exceeding the constitutional authority of her office.