

HOUSE RESOLUTION 365

By Weaver

A RESOLUTION honoring Secretary of State Tre Hargett.

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, Secretary of State Tre Hargett has developed a detailed and comprehensive plan to safely conduct elections during this pandemic; and

WHEREAS, 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 honor Secretary of State Tre Hargett for his efforts in jealously guarding the General Assembly's legislative prerogative by actively and substantially assisting the Attorney General's appeal of the ruling by the Davidson County Chancery Court and for proactively developing a detailed and comprehensive plan that will allow all Tennesseans to vote in the upcoming elections in safety.

BE IT FURTHER RESOLVED, that the House of Representatives of the State of Tennessee honors Secretary Hargett for insisting that the judicial branch not unreasonably infringe 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 thanks Secretary Hargett for opposing 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 as an untenable usurpation of legislative powers constitutionally belonging to the General Assembly.