

SENATE BILL 2838

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 2,
relative to elections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act is known and may be cited as the "Tennessee Ballot Access Act."

SECTION 2. Tennessee Code Annotated, Title 2, is amended by adding Sections 3 – 5
as a new chapter.

SECTION 3. This chapter must be implemented notwithstanding another provision of
law.

SECTION 4.

(a) **State offices.** A person who has not demonstrated beyond any doubt that
the person is constitutionally eligible in compliance with all lawful requirements for the
office the person seeks within this state must not be granted ballot access within this
state. All candidates seeking any official office within this state shall provide authentic,
documented proof of eligibility for the office the person seeks, and certify that such
information is true, complete, and accurate, as verified by the secretary of state, the
state election commission, and each county election board, before being placed upon a
ballot. All such information must be provided by the candidate within the deadline
periods existing in this title.

(b)

(1) **Federal offices.** A person who has not provided authentic,
documented proof, beyond any doubt, that the person is constitutionally eligible

in compliance with all lawful requirements for the office the person seeks must not be granted ballot access within this state.

(2) **Congressional office.** In accordance with and in furtherance of all requirements for a congressional seat in either the house of representatives or senate prescribed in the United States Constitution, Article I, all candidates must provide authentic, documented proof of eligibility for the office the person seeks, verified by the secretary of state, the state election commission, and each county election board, before being placed upon a ballot within this state, including proof of the following:

(A) The person is of the requisite age;

(B) The person is a citizen of the United States for the requisite period of time; and

(C) The person is a lawful resident of this state upon election.

(3) **President and vice president.** In accordance with and in furtherance of the requirements under the United States Constitution, Article II, each candidate must provide authentic, documented proof of meeting the requirements of these offices before the person can be placed on a ballot within this state, including proof of the following:

(A) The person is of the requisite age;

(B) The person is a natural born citizen of the United States; and

(C) The person has been a lawful resident of the United States for the requisite period.

(4) **Presidential electors.**

(A) In accordance with and in furtherance of the United States Constitution, Article II, this state shall appoint, in such manner as the general assembly may direct, a number of electors, equal to the whole number of senators and representatives to which this state may be entitled in the United States congress. A senator or representative, or person holding an office of trust or profit under the United States, must not be appointed an elector.

(B) Effective immediately upon the adoption of this act, presidential electors for this state are prohibited from casting a vote for any presidential or vice presidential candidate whose eligibility for office is in question or doubt at the time of the vote, and until such time as the candidate has been properly investigated and cleared of any reasonable doubt.

(C) Candidates or electors who knowingly attempt to secure these offices by providing false or misleading information in order to appear on the ballot, must be immediately disqualified from the election, prohibited from seeking any political office in the future, and investigated for an act of sedition or subversion against the people of the United States.

(c) **Political parties.** It is the duty of each political party to properly vet their candidates before certifying to this state that the candidate is truthfully eligible for the office the person seeks, in accordance with all requirements pertaining to the office sought. It is therefore necessary that each political party provide authentic, documented proof that any candidate put forth from the party is eligible for the office being sought. The party of the candidate shall be held accountable for presenting a candidate for ballot

access who does not meet the necessary requirements. If a party presents a candidate for ballot access, whom they knew, or should have reasonably known, was not eligible for the office, or presents false information in an effort to certify the candidate for ballot access, the political party may be prevented from seeking ballot access for any candidates for any office for the election cycle involved. Further, the party involved in failing in their duty to only present qualified candidates for ballot access may be disqualified from presenting candidates in future elections.

(d) A person or candidate who violates this chapter is subject to penalties.

SECTION 5. As used in this chapter, unless the context otherwise requires:

(1) "Candidate" means a person seeking elective or appointed office;

(2) "Citizen" means a legal member of society under the laws of the United States, and each state, in contrast to those who reside within the United States but remain a legal citizen of a foreign country. This is limited to natural born citizens and naturalized citizens in accordance with standing United States constitutional laws governing legal citizenship in the United States. Under United States law, there are only two (2) types of legal citizens in the United States: natural born and naturalized under United States immigration and naturalization laws and the Fourteenth Amendment of the United States Constitution;

(3) "Election laws" mean statutes passed by the general assembly governing all elections within this state that are not in violation of the United States Constitution or federal election laws;

(4) "Eligible" means a person seeking a political, elective, or appointed office and meets all of the required conditions for the office the person seeks;

(5) "Federal office" means an elective or appointed governmental office in any of the three (3) branches of the federal government under the United States Constitution, Articles I-III, including all executive branch agencies and agency employees;

(6) "Natural born citizen" means a person who did not acquire legal citizenship by way of any United States immigration and naturalization laws, or the Fourteenth Amendment to the United States Constitution. Due to efforts to make a simple term ambiguous, opening the door for non-American citizens to seek and occupy the oval office, the general assembly must apply the term accordingly in order to enforce this act as it relates to those seeking the oval office specifically. The general assembly establishes that the proper interpretation for the term "natural born citizen" is according to the law of nations treatise as referenced in the United States Constitution, Article I, § 8, Paragraph 10, and the known source of our founders use of the term as a constitutional requirement for the offices of president and vice president. The term specifically encompasses the following:

(A) "Born" means the date and time of birth;

(B) "Citizen" means a legal member of society at birth due to the forces of nature alone. According to the law of nations' source of the term, the term "natural born citizen" is a natural law term synonymous with the terms "birthright citizen," and "true citizen." It is defined throughout history as a citizen at birth, as a result of the forces of nature alone. The definition and understanding of the term at the moment it was placed into the United States Constitution, Article II, purposefully distinguishing citizens by statute from citizens by birthright, is the definition and understanding which must be applied today, unless and until the United States Constitution, Article II, is altered by the constitutional amendment process. History has recorded that the term placed in the United States

Constitution, Article II, was borrowed by our founders from scholarly writings available at the time, and acknowledged all over the world, specifically the law of nations treatise, all of which agreed upon the following:

(i) As the society cannot exist and perpetuate itself otherwise than by the children of the citizens, those children naturally follow the condition of their fathers, and succeed to all their rights;

(ii) The country of the fathers is therefore that of the children; and these become true citizens merely by their tacit consent;

(iii) In order to be of the country, it is necessary that a person be born of a father who is a citizen; for, if he is born there of a foreigner, it will be only the place of his birth, and not his country;

(iv) By the law of nature alone, children follow the condition of their fathers, and enter into all their rights; the place of birth produces no change in this particular;

(v) The natural, or original settlement, is that which we acquire by birth, in the place where our father has his;

(vi) By the laws of nature alone, children have a right to enter into the society of which their fathers were members;

(vii) The phrase "The natives, or natural-born citizens, are those born in the country, of parents who are citizens" also appears in the law of nations treatise used by our founders. While it is a true statement, it is not the true meaning of natural born citizen, as demonstrated in subdivisions (6)(C)(i)–(vi), connecting true birthright citizenship to the natural birth father alone;

(viii) Because the United States supreme court has never heard arguments or issued an opinion on the true meaning of the term natural born citizen, there is no specific or direct case precedence on the matter. Because the Fourteenth Amendment of the United States Constitution is a naturalization amendment and does not mention "natural born citizen," or amend the United States Constitution, Article II requirements for office to include naturalized citizens under the Fourteenth Amendment of the United States Constitution, the meaning of the term at the time the term was entered into the United States Constitution remains the proper interpretation of the term today;

(ix) Because the Fourteenth Amendment of the United States Constitution is a naturalization amendment, all who acquire legal citizenship via the Fourteenth Amendment of the United States Constitution or United States immigration and naturalization statutes, are hereby declared a naturalized citizen of the United States and not a natural born citizen of the United States; and

(x) The right of every child to become a member of the country to which the natural birth father is a legal member, is a time-honored right of inheritance recognized all over the world for many centuries. It is, therefore, the definition and meaning of the term "natural born citizen" as it pertains to this act and will be the basis for enforcement on the matter of eligibility for ballot access in this state for the offices of president and vice president of the United States; and

(C) "Natural" means a condition produced by and existing as a result of nature alone;

(7) "Penalties" means one (1) or more of the following:

- (A) Immediate removal from office;
- (B) Being prohibited from seeking any office of public trust in the future;
- (C) A fine of up to twenty thousand dollars (\$20,000) per incident;
- (D) Imprisonment for up to twenty (20) years per incident; and
- (E) Criminal investigation and prosecution for attempts to subvert the rule

of law under:

- (i) 18 U.S.C., Chapter 115;
- (ii) 18 U.S.C. § 242; and
- (iii) The laws of this state;

(8) "Political party" means any official legal entity which exists for the sole purpose of recruiting, financing, and advancing candidates for political, elective, or appointed office;

(9) "Requisite age" means the age requirement for any state or federal office as a minimum age requirement for eligibility, as related to the office being sought; and

(10) "State office" means an elective or appointed governmental office at the local and state level.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.