

## Attachment 2 to Election Contest Letter dated 15 August 2024

*The allegations and requests in the letter to which this is an attachment are based upon the Tennessee Code Annotated (T.C.A.) citations, facts and rationale cited in the following paragraphs:*

T.C.A. § 2-13-202 specifically notes when addressing members of the general assembly, “Statewide political parties shall nominate their candidates for the following offices by vote the members of the party in primary elections at the regular August Election.”

And T.C.A. § 2-1-104 specifically notes that “Primary election” means an election held for a political party for the purpose of allowing members of that party to select a nominee or nominees to appear on the general election ballot.

And T.C.A. § 2-7-115 notes that a registered voter is entitled to vote in a primary election for offices for which the voter is qualified to vote at a polling place, if “the voter is a bona fide member of and affiliated with the political party in whose primary the voter seeks to vote; or “At the time the voter seeks to vote, the voter declares allegiance to the political party in whose primary the voter seeks to vote and states that the voter intends to affiliate with that party.”

And additionally, T.C.A. § 2-7-115 notes a posting that reads in part, “It is a violation of Tennessee Code Annotated, Section 2-7-115(b), and punishable as a crime under Tennessee Code Annotated, Section 2-19-102 or Section 2-19-107, if a person votes in a political party’s primary without being a bona fide member of or affiliated with that political party, or to declare allegiance to that party without the intent to affiliate with that party.”

All of these references to statute make clear that primary elections are for the bona fide members of our Republican Party, and no other. These provisions, all upholding the duty, right, and expectations regarding primary elections are supported by T.C.A. § 2-17-104 that was passed in 1972. Drawing excerpts from the October 14, 2008 Memorandum Kurita v. State Primary Bd. Of Tn. Democratic Party, “The Tennessee General Assembly adopted Tenn. Code Ann. § 2-17-104 in 1972. The ‘legislative intent was that intra-party squabbles over the nominating procedures are to be considered a political matter which are to be resolved by the party itself without judicial intervention.’ Taylor v. State Democrat Exec. Comm., 574 S.W.2d 716, 717-718 (Tenn. 1978).

The statute designates the executive committees of the state political parties as ‘state primary boards’ to hear primary election contests. In a primary election contest the statute allows the political party, not the legislature or any other governmental body, to determine which candidate the party deems “best suited to represent the party in the general election for a specific public office.”

**T.C.A. § 2-1-104(19)** *“Primary election” means an election held for a political party for the purpose of allowing **members of that party** [emphasis added] to select a nominee or nominees to appear on the general election ballot;*

**T.C.A. § 2-7-115 (b)** *A registered voter is entitled to vote in a primary election for offices for which the voter is qualified to vote at the polling place where the voter is registered if:*

- (1) **The voter is a bona fide member of and affiliated with the political party** [emphasis added] in whose primary the voter seeks to vote; or*

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(2) *At the time the voter seeks to vote, the voter declares allegiance to the political party in whose primary the voter seeks to vote and states that the **voter intends to affiliate with that party** [emphasis added].*

**T.C.A. § 2-7-115 (c)(1)** *On primary election days, a sign that is a minimum of eight and one-half inches by eleven inches (8.5"x11") with a yellow background and bold, black text containing the following language must be posted in each polling place:*

*It's the Law!  
Please Read...*

*It is a violation of Tennessee Code Annotated, Section 2-7-115(b), and punishable as a crime under Tennessee Code Annotated, Section 2-19-102 or Section 2-19-107, **if a person votes in a political party's primary without being a bona fide member of or affiliated with that political party, or to declare allegiance to that party without the intent to affiliate with that party** [emphasis added].*

**T.C.A. § 2-17-104(b)** *To institute a contest, the candidate shall, within five (5) days after the certification of results by the county election commission, file a written notice of contest with the state primary board of the candidate's party and with all other candidates who might be adversely affected by the contest. In the notice the candidate shall state fully the grounds of the contest.*

### **BYLAWS OF THE TENNESSEE REPUBLICAN PARTY**

#### Article IX Miscellaneous

Section 1. The following shall be Party Membership requirements for candidacy to public office, and appointment to positions such as Election Commissions. **The TRP hereby defines the term "bona fide Republican," or the like, as:** *[emphasis added]*

A. Any individual who is actively involved in the Tennessee Republican Party, his County Republican Party, or any recognized auxiliary organization of either; and resides and is registered to vote in said county; or

**B. Any individual who has voted in at least two (2) of the four (4) most recent state and/or local Republican primary elections;** or *[emphasis added]*

C. Any individual who is vouched for in writing to the satisfaction of the State Chairman as a bona fide Republican, such as by an officer of the TRP, a member of the State Executive Committee, County Executive Committee of the County where the individual resides, or a Republican Election Official. The State Chairman may require additional verification that the individual in question is indeed a bona fide Republican, and shall have final authority to make the determination.