

IN THE CHANCERY COURT OF SHELBY COUNTY, TENNESSEE  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

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**M. LA-TROY ALEXANDRIA-WILLIAMS**

**PETITIONER,**

**Docket No. CH-18-0571**

**vs.**

**PART I**

**MARK GOINS, individually and official capacity,  
MARY MANCINI, individually and official capacity,  
LINDA PHILLIPS, and  
SHELBY COUNTY ELECTION COMMISSIONER,**

**RESPONDENTS.**

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**ORDER ISSUING FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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COME NOW the Petitioner and Respondents addressing the Court on the issuance of its Findings of Fact and Conclusions of Law in this proceeding.

The Court having heard from all of the parties, do hereby submit its Findings of Fact and Conclusions of Law pursuant to Rule 65 of the Tennessee Rules of Civil Procedure. The Court hereby issues an injunction ordering the Respondents to immediately place Petitioner's name on the ballot for the August primary election to the extent possible.

IT IS SO ORDERED.

**WALTER L. EVANS**

CHANCELLOR

DATE: 7/12/18

**A TRUE COPY-ATTEST**  
Donna L. Russell, Clerk & Master  
By [Signature] D.C. & M.

**CERTIFICATE OF SERVICE**

I certify that on this \_\_\_\_\_ day of July, 2018, a copy of the foregoing document was served by United States Mail, postage prepaid to the following individuals:

\_\_\_\_\_  
Kathy Stojanovic, D.C.&M

\_\_\_\_\_  
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**PETITIONER,**

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**MARK GOINS, individually and official capacity,  
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**RESPONDENTS.**

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**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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1. Petitioner intended to run for election as a Democratic candidate in the August 2018 primary election for a seat as a Member of the United States House of Representatives (“U.S. Congress”).
2. Petitioner qualified to hold a seat in the U.S. Congress.
3. Petitioner met all other qualifying procedures for House of Representatives as set forth by Tennessee Code Annotated title 2, chapter 5.
4. Petitioner’s nominating petition provided that Petitioner seeks to run as a candidate in the Democratic primary election.
5. Tennessee Code Annotated Section 2-5-101 provides that primary candidates for U.S. Congress “shall qualify by filing all nominating petitions, including any duplicate

6. Petitioner qualified by filing all nominating petitions, including any duplicate nominating petitions, by the applicable deadlines.

7. Petitioner was informed by the Shelby County Election Commission that he qualified by filing all nominating petitions, including any duplicate nominating petitions, by the applicable deadlines.

8. Tennessee Code Annotated Section 2-13-201 sets forth the conditions for names being shown on a ballot and provides as follows:

No person's name may be shown on a ballot as the nominee of a political party for the offices named in § 2-13-202 or for any office to be voted on by the voters of a county, unless the political party:

- (1) Is a statewide political party or a recognized minor party; and
- (2) Has nominated the person substantially in compliance with this chapter.

Tenn. Code Ann. § 2-13-201.

9. Tennessee Code Annotated Section 2-13-202 sets forth the mandatory method for how the statewide political party must nominate its candidates in elections for Governor, members of the general assembly, United States Senator and members of the United States House of Representatives.

10. Tennessee Code Annotated Section 2-13-202 provides:

2-13-202. Offices for which candidates are chosen in primary elections.

Statewide political parties shall nominate their candidates for the following offices by vote of the members of the party in primary elections at the regular August election:

- (1) Governor;
- (2) Members of the general assembly;
- (3) United States senator; and
- (4) Members of the United States house of representatives.

11. Primary candidates who wish to run for any other offices, other than those listed in Tenn. Code Ann. § 2-13-202 may be nominated in other ways, or by “any method authorized under the rules of the party.” See Tenn. Code Ann. § 2-13-203.

12. Tennessee Code Annotated Section 2-13-203 provides in pertinent part:

2-13-203. Methods of nomination for other offices.

(1) Statewide political parties may nominate their candidates for any office other than those listed in § 2-13-202 by any method authorized under the rules of the party or by primary election under this title.

13. Tennessee Code Annotated Section 2-13-203 does not apply to Petitioner’s bid to run for U.S. Congress because he is running for one (1) of the four (4) offices listed in Tennessee Code Annotated Section 2-13-202.

14. The Tennessee Democratic Party’s own bylaws recognize that it lacks the powers to establish any procedures for selecting a Party nominee for U.S. Congress. Article III, Section 2(b) of the bylaws provides that “the powers and responsibilities of the Executive Committee include (b) Establishing the procedure for selecting Party nominees for the offices for which the procedure is not established by statute (see TCA §§2-13-202, 203).”

15. Because the procedure for nominating candidates for U.S. Congress is established by statute, the Tennessee Democratic Party lacks the powers and responsibilities to establish any procedure for selecting its nominee, as the nominee is selected through the primary election process.

16. The Shelby County Election Commission notified Petitioner that Petitioner’s nominating petitions were properly filed, and that Petitioner’s name would appear on the primary ballot.

17. The Tennessee Democratic Party notified Petitioner that it deemed him disqualified to run as a candidate for the democratic party in the August primary election for a member of the

U.S. Congress, and demanded that the Shelby County Election Commission remove Petitioner's name from the ballot.

18. The Shelby County Election Commission removed Petitioner's name from the ballot.

19. The Tennessee Democratic Party relied upon Tennessee Code Annotated Section 2-13-104, which provides:

All candidates for state executive committee membership and for membership in the general assembly shall be bona fide members of the political party whose election they seek. A party may rule that candidates for its nominations be bona fide members of the party.

Tenn. Code Ann. § 2-13-104.

20. Tennessee Code Annotated Section 2-13-104 has no application to candidates seeking election to U.S. Congress because the party is not making "its nominations" for that office but instead, by statute, the candidates are nominated through the primary election.

21. The bylaws of the Tennessee Democratic Party provide in pertinent part:

(1) To the maximum extent allowed by law, the Tennessee Democratic Executive Committee shall insure that Party nominees for elected offices are bona fide Democrats. In the event that a county party, in compliance with its Bylaws, challenges a candidate for any office be it local, county, state or federal, against appearing on the ballot as a Democrat for failing to vote in at least three of the immediate prior five Democratic primaries, the challenge shall be referred to the County Party Development Committee which shall by a simple majority vote of the members make a recommendation to the State Party Chair. The Chair shall decide whether or not the candidate may appear on the ballot as a Democrat. The county party or the candidate has the right to appeal the Chair's decision to the full Executive Committee which may overturn the Chair's decision by a two-thirds vote of those present. The county party, Party Chair or the Executive Committee shall have the right to waive the foregoing prohibition against a candidate appearing on a ballot as a Democrat for good cause and when justice so requires.

22. Thus, even in the event that the Tennessee Democratic Executive Committee was entitled to determine whether Petitioner is a bona fide Democrat, the only lawful basis on which it

could legally deny Petitioner is a bona fide Democrat is if Petitioner failed to vote in at least three (3) of the immediate prior five (5) Democratic primaries, at which point the challenge **shall** be referred to the County Party Development Committee.

23. The Bylaws of the Tennessee Democratic Committee do not contain any other rules by which it could disqualify Petitioner or challenge his standing as a bona fide Democrat.

24. Petitioner asserts that he is a Democrat.

25. There are no facts or law supporting the Shelby County Election Commission's decision to omit Petitioner's name from the ballot, or the Tennessee Democratic Party's demand that it do so.

26. If Petitioner's name does not appear on the ballot, he will suffer immediate and irreparable injury, loss, or damage.

**WALTER L. EVANS**

Chancellor

**JUL 12 2018**

Date

**A TRUE COPY-ATTEST**

Donna L. Russell, Clerk & Master

By 

D.C. & M.

**CERTIFICATE OF SERVICE**

I certify that on this \_\_\_\_\_ day of July, 2018, a copy of the foregoing document was served by United States Mail, postage prepaid to the following individuals:

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