



Hamilton County Board of Commissioners

RESOLUTION

No. 419-28

A RESOLUTION CALLING UPON THE TENNESSEE DEMOCRATIC PARTY ("DEMOCRAT PARTY") TO PAY THE ATTORNEY FEES AND LEGAL EXPENSES INCURRED BY THE HAMILTON COUNTY ELECTION COMMISSION ("HCEC") RELATED TO THE FRIVOLOUSLY POLITICAL LITIGATION.

- WHEREAS,** on July 2, 2018, the Democrat Party filed a lawsuit in Nashville against the HCEC and others requesting that the court determine the Democrat Party's nominee, a non-resident, to be the winner of race for the House District 26;
- WHEREAS,** said lawsuit was dismissed in short order by a Nashville judge and appealed by the Democrat Party, only to be dismissed again;
- WHEREAS,** on July 19, 2018, said same Democrat Party re-filed the exact same lawsuit in Chattanooga against the HCEC and others seeking the same relief;
- WHEREAS,** on August 31, 2018, said second lawsuit was also dismissed by a Chattanooga judge;
- WHEREAS,** said Democrat Party was asked not to appeal this second dismissal because it would force the HCEC, taxpayers of Hamilton County, and other parties to incur additional attorney fees and expenses;
- WHEREAS,** said Democrat Party refused to even respond to these requests and instead filed a second appeal;
- WHEREAS,** the Republican nominee for said House District 26 seat was elected by the voters in Hamilton County in not one, but two elections, and in accordance with the Tennessee Constitution; therefore, the candidate's successful and successive victories in said legal challenges and her receiving the most votes in the general election should not be further challenged in the courts of this State in an effort to divest said successful nominee of membership in the Tennessee General Assembly; and,



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-continued-

WHEREAS, the HCEC and Hamilton County taxpayers have spent tens of thousands of dollars related to this lawsuit, which has been filed twice, dismissed twice, and appealed twice by the Democrat Party; and if this lawsuit continues, it is possible that the total legal costs will eclipse \$100,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THIS COUNTY LEGISLATIVE BODY IN SESSION ASSEMBLED:

That in the event this most current attempt by the Tennessee Democrat Party to thwart the decision of the voters of the 26th Legislative District in their selection of their Representative to the Tennessee General Assembly be unsuccessful, then Hamilton County shall forward to said Tennessee Democrat Party an invoice demanding that they (the Democrat Party) repay HCEC and the Hamilton County taxpayers all expenses incurred by the HCEC in obtaining legal representation and related expenses as caused by this waste of public funds on what is nothing more than a partisan prosecution which is frivolous and lacks any factual or legal merit whatsoever.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION TAKE EFFECT FROM AND AFTER ITS PASSAGE, THE PUBLIC WELFARE REQUIRING IT.

Approved: **CERTIFICATION OF ACTION**

Rejected: _____
County Clerk

Approved: _____
County Mayor

Vetoed: _____
Date

