

NOTICE of ELECTION
Constitutional Amendments
Montgomery County
November 4, 2014

TO THE VOTERS OF MONTGOMERY COUNTY, TENNESSEE: You are hereby notified that by call of Senate Joint Resolution No. 127, Senate Joint Resolution No. 2, Senate Joint Resolution No. 1, and Senate Joint Resolution No. 60, the proposed amendments must be submitted to a vote of the people on November 4, 2014. In the same order as the proposed constitutional amendments will be placed on the ballot, the following contains the text of Senate Joint Resolution No. 127, Senate Joint Resolution No. 2, Senate Joint Resolution No. 1, and Senate Joint Resolution No. 60:

Senate Joint Resolution No. 127

A RESOLUTION to propose an amendment to Article I, of the Constitution of Tennessee, relative to abortion.

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that a two-thirds majority of all the members of each House concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article I, of the Constitution of Tennessee be amended by adding the following language as a new, appropriately designated section:

Nothing in this Constitution secures or protects a right to abortion or requires the funding of an abortion. The people retain the right through their elected state representatives and state senators to enact, amend, or repeal statutes regarding abortion, including, but not limited to, circumstances of pregnancy resulting from rape or incest or when necessary to save the life of the mother.

BE IT FURTHER RESOLVED, that in accordance with Article XI, Section 3 of the Constitution of the State of Tennessee, the foregoing proposed amendment shall be submitted to the people at the next general election in which a Governor is to be chosen, the same being the 2014 November general election, and the Secretary of State is directed to place such proposed amendment on the ballot for that election.

ADOPTED: May 20, 2011

Senate Joint Resolution No. 2

A RESOLUTION proposing amendment of Article VI, Section 3 of the Constitution of Tennessee, relative to judges of the appellate courts.

WHEREAS, Senate Joint Resolution No. 710 of the One Hundred Seventh General Assembly, which proposed amendment of Article VI, Section 3 of the Constitution of Tennessee, relative to judges of the appellate courts, was considered and agreed to by a majority of all the members elected to each of the two houses, as shown by the yeas and nays entered on their journals; and

WHEREAS, on Sunday, May 6, 2012, such resolution proposing such amendment was published in compliance with Article XI, Section 3 of the Constitution of Tennessee; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED EIGHTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that a two-thirds majority of all the members elected to each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article VI, Section 3 of the Constitution of Tennessee be amended by deleting the first and second sentences and by substituting instead the following:

Judges of the Supreme Court or any intermediate appellate court shall be appointed for a full term or to fill a vacancy by and at the discretion of the governor; shall be confirmed by the Legislature; and thereafter, shall be elected in a retention election by the qualified voters of the state. Confirmation by default occurs if the Legislature fails to reject an appointee within sixty calendar days of either the date of appointment, if made during the annual legislative session, or the convening date of the next annual legislative session, if made out of session. The Legislature is authorized to prescribe such provisions as may be necessary to carry out Sections two and three of this article.

BE IT FURTHER RESOLVED, that in accordance with Article XI, Section 3 of the Constitution of Tennessee, the foregoing proposed amendment shall be submitted to the people at the next general election in which a governor is to be chosen, the same being the 2014 November general election, and the secretary of state is directed to place such proposed amendment on the ballot for that election.

BE IT FURTHER RESOLVED, that the Clerk of the Senate is directed to deliver copies of this resolution to the secretary of state, with this final resolving clause being deleted from such copies.

ADOPTED: March 11, 2013

Senate Joint Resolution No. 1

A RESOLUTION to amend Article II, Section 28 of the Constitution of Tennessee, to prohibit taxation upon payroll or earned personal income.

WHEREAS, this resolution shall be known as the "No State Income Tax" Amendment; and

WHEREAS, not having a state income tax has brought jobs to Tennessee, and clarifying this prohibition will help Tennessee become the number one state in the southeast for high quality jobs; and

WHEREAS, Article II, Section 28 of the Constitution of Tennessee currently prohibits the levying of a tax on any class of income other than income derived from stocks and bonds; and

WHEREAS, in 1932, in the case of Evans v. McCabe, 52 S.W.2d 159; once again in 1960, in the case of Jack Cole Co. v. MacFarland, 337 S.W.2d 453; and still again in 1964, in the case of Gallagher v. Butler, 378 S.W.2d 161; the Tennessee supreme court unanimously ruled that the General Assembly lacks constitutional authority to levy a state tax on any class of income other than income derived from stocks and bonds; and

WHEREAS, the aforementioned decisions of the Tennessee supreme court have never been overruled; and

WHEREAS, clearly, the General Assembly can neither exercise nor delegate authority it lacks; and

WHEREAS, any tax measured by an individual's earned income, an employee's salary, or an employer's payroll would be harmful to Tennesseans and is contrary to the longstanding public policy of this state and its political subdivisions; and

WHEREAS, by this proposed amendment, the General Assembly seeks to clarify the language by which the Constitution of Tennessee currently prohibits the levying of a tax on any class of income other than income derived from stocks and bonds; and

WHEREAS, Senate Joint Resolution No. 221 of the One Hundred Seventh General Assembly, which proposed amendment of Article II, Section 28 of the Constitution of Tennessee, to prohibit taxation upon payroll or earned personal income, was considered and agreed to by a majority of all the members elected to each of the two houses, as shown by the yeas and nays entered on their journals; and

WHEREAS, on Sunday, May 6, 2012, such resolution proposing such amendment was published in compliance with Article XI, Section 3 of the Constitution of Tennessee; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED EIGHTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that a two-thirds majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article II, Section 28 of the Constitution of Tennessee be amended by adding the following sentence at the end of the final substantive paragraph within the section:

Notwithstanding the authority to tax privileges or any other authority set forth in this Constitution, the Legislature shall not levy, authorize or otherwise permit any state or local tax upon payroll or earned personal income or any state or local tax measured by payroll or earned personal income; however, nothing contained herein shall be construed as prohibiting any tax in effect on January 1, 2011, or adjustment of the rate of such tax.

BE IT FURTHER RESOLVED, that in accordance with Article XI, Section 3 of the Constitution of Tennessee, the foregoing proposed amendment shall be submitted to the people at the next general election in which a governor is to be chosen, the same being the 2014 November general election, and the secretary of state is directed to place such proposed amendment on the ballot for that election.

BE IT FURTHER RESOLVED, that the clerk of the senate is directed to deliver copies of this resolution to the secretary of state, with this final resolving clause being deleted from such copies.

ADOPTED: April 8, 2013

Senate Joint Resolution No. 60

A RESOLUTION proposing amendment of Article XI, Section 5 of the Constitution of Tennessee, relative to lotteries.

WHEREAS, Senate Joint Resolution No. 222 of the One Hundred Seventh General Assembly, which proposed amendment of Article XI, Section 5 of the Constitution of Tennessee, relative to lotteries, was considered and agreed to by a majority of all the members elected to each of the two houses, as shown by the yeas and nays entered on their journals; and

WHEREAS, on Sunday, May 6, 2012, such resolution proposing such amendment was published in compliance with Article XI, Section 3 of the Constitution of Tennessee; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED EIGHTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that a two-thirds majority of all the members elected to each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article XI, Section 5 of the Constitution of Tennessee be amended by deleting the following language:

All other forms of lottery not authorized herein are expressly prohibited unless authorized by a two-thirds vote of all members elected to each house of the general assembly for an annual event operated for the benefit of a 501(c)(3) organization located in this state, as defined by the 2000 United States Tax Code or as may be amended from time to time.

and by substituting instead the following language:

All other forms of lottery not authorized herein are expressly prohibited unless authorized by a two-thirds vote of all members elected to each house of the general assembly for an annual event operated for the benefit of a 501(c)(3) or a 501(c)(19) organization, as defined by the 2000 United States Tax Code, located in this state.

BE IT FURTHER RESOLVED, that in accordance with Article XI, Section 3 of the Constitution of Tennessee, the foregoing proposed amendment shall be submitted to the people at the next general election in which a governor is to be chosen, the same being the 2014 November general election, and the secretary of state is directed to place such proposed amendment on the ballot for that election.

BE IT FURTHER RESOLVED, that the clerk of the senate is directed to deliver copies of this resolution to the secretary of state, with this final resolving clause being deleted from such copies.

ADOPTED: March 24, 2014

Montgomery County Election Commission

350 Pageant Lane, Suite 404, Veterans Plaza
Clarksville, TN 37040
931-648-5707
vote@mcgtn.net
www.mcgtn.org/election
8:00 a.m. to 4:30 p.m., Monday through Friday

MONTGOMERY COUNTY ELECTION COMMISSION

Rita Wilson, Chair
Hyburnia Williams, Secretary
Charles Boehms, Member
Walter Head, Member
Don Beck, Member
Vickie Koelman, Administrator of Elections

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