



# SMITH COUNTY ELECTION COMMISSION

122 TURNER HIGH CIRCLE SUITE 105  
CARTHAGE, TN 37030  
615.735.8241

## CONSTITUTIONAL AMENDMENTS ON THE NOVEMBER 8, 2022 BALLOT

Four Constitutional Amendments will appear on the November ballot.

The amendments deal with issues ranging from employment rights to a process for the temporary exercise of power of the governor to forever prohibiting slavery to deleting a section which prohibits ministers from holding a seat in the legislature.

A summary of each amendment is listed below for voters to read and review before casting their vote. A copy of the sample ballot will be posted to this website in middle to late September.

Amendments will be presented as yes or no questions. A “yes” vote is a vote to amend the Constitution and adopt the new proposed language. A “no” vote is a vote to NOT amend the Constitution and keep the current language in the Constitution unchanged.

For any amendment to pass, it must get more “yes” votes than “no” votes; and the number of “yes” votes must be a majority of the total votes in the gubernatorial election.

### SENATE JOINT RESOLUTION NO. 2

A RESOLUTION to propose an amendment to Article XI, of the Constitution of Tennessee, relative to the right to work.

WHEREAS, Senate Joint Resolution No. 648 of the One Hundred Eleventh General Assembly, known as the "Right to Work Amendment", which proposed amendment of Article XI of the Constitution of Tennessee, relative to the right to work, was considered and agreed upon 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, such resolution proposing such amendment was published in accordance with Article XI, Section 3 of the Constitution of Tennessee; and

WHEREAS, protecting the right of Tennesseans to join or refuse to join a labor union or employee organization is a fundamental civil right; and

WHEREAS, this right to work has played a crucial role in Tennessee’s thriving economy; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED TWELFTH 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 XI of the Constitution of Tennessee be amended by adding the following language as a new section:

It is unlawful for any person, corporation, association, or this state or its political subdivisions to deny or attempt to deny employment to any person by reason of the person’s membership in, affiliation with, resignation from, or refusal to join or affiliate with any labor union or employee organization.

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 2022 November general election, and the Secretary of State is directed to place such proposed amendment on the ballot for that election.

ADOPTED: April 29, 2021

## **SUMMARY OF SENATE JOINT RESOLUTION NO. 2**

This amendment would add a new section to article XI of the Tennessee Constitution to make it illegal for any person, corporation, association, or the State of Tennessee or its political subdivisions to deny or attempt to deny employment to any person because of the person's membership in, affiliation with, resignation from, or refusal to join or affiliate with any labor union or employee organization.

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## **SENATE JOINT RESOLUTION NO.10**

A RESOLUTION proposing an amendment to Article II and Article III of the Constitution of Tennessee, relative to the exercise of the powers and duties of the Governor during disability.

WHEREAS, the welfare and stability of the State are best served if a qualified person with governmental experience is immediately available to assume the powers and duties of the office of Governor when the Governor is unable to do so; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED TWELFTH 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 III, Section 12 of the Constitution of Tennessee be amended by adding the following language immediately following the current language in the Section:

Whenever the Governor transmits to the Secretary of State, the Speaker of the Senate, and the Speaker of the House of Representatives, a written, signed declaration that the Governor is unable to discharge the powers and duties of the office, the powers and duties of the office of Governor shall be temporarily discharged by the Speaker of the Senate as Acting Governor, or if that office is unoccupied, then by the Speaker of the House of Representatives as Acting Governor, until the Governor transmits to the same officials a written, signed declaration that the Governor is able to discharge the powers and duties of the office.

Whenever a majority of the commissioners of administrative departments of the Executive Department transmits to the Secretary of State, the Speaker of the Senate, and the Speaker of the House of Representatives their written, signed declaration that the Governor is unable to discharge the powers and duties of the office, the Speaker of the Senate shall immediately assume the powers and duties of the office as Acting Governor, or if that office is unoccupied, then the Speaker of the House of Representatives shall immediately assume the powers and duties of the office as Acting Governor, until the Governor transmits to the same officials a written, signed declaration that the Governor is able to discharge the powers and duties of the office.

Whenever a Speaker is temporarily discharging the powers and duties of the office of Governor as Acting Governor, such Speaker shall not be required to resign the Speaker's position as the Speaker or to resign as a member of the general assembly and shall retain the Speaker's salary and not receive the Governor's salary, but such Speaker shall not preside as Speaker or vote as a member of the general assembly during the time the Speaker is Acting Governor.

BE IT FURTHER RESOLVED, that it is proposed that Article III, Section 13 of the Constitution of Tennessee be amended by adding the following language immediately before the period at the end of the Section:

except as provided in Article III, Section 12 with regard to the Speaker of the Senate or the Speaker of the House of Representatives temporarily discharging the powers and duties of the office of Governor as Acting Governor

BE IT FURTHER RESOLVED, that it is proposed that Article II, Section 26 of the Constitution of Tennessee be amended by adding the following language at the end of the Section:

This section shall not apply with regard to the Speaker of the Senate or the Speaker of the House of Representatives temporarily discharging the powers and duties of the office of Governor as Acting Governor under Article III, Section 12.

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 2022 November general election, and the Secretary of State is directed to place such proposed amendment on the ballot for that election.

ADOPTED: May 4, 2021

### **SUMMARY OF SENATE JOINT RESOLUTION NO. 10**

This amendment would add to article III, section 12 of the Tennessee Constitution a process for the temporary exercise of the powers and duties of the governor by the Speaker of the Senate—or the Speaker of the House if there is no Speaker of the Senate in office—when the governor is unable to discharge the powers and duties of the office of governor. While a Speaker is temporarily discharging the powers and duties of the governor, the Speaker would not be required to resign as Speaker or to resign as a member of the legislature; but the Speaker would not be able to preside as Speaker or vote as a member of the legislature. A Speaker who is temporarily discharging the powers and duties of the governor would not get the governor's salary but would get the Speaker's salary. The amendment would also exempt a Speaker who is temporarily discharging the powers and duties of the governor from provisions in the Constitution that would otherwise prohibit the Speaker from exercising the powers of the governor and from simultaneously holding more than one state office.

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### **SENATE JOINT RESOLUTION NO. 80**

A RESOLUTION to propose an amendment to Article I, Section 33 of the Constitution of Tennessee, to prohibit slavery and involuntary servitude.

WHEREAS, Senate Joint Resolution No. 159 of the One Hundred Eleventh General Assembly, which proposed amendment of Article I of the Constitution of Tennessee, relative to prohibiting slavery and involuntary servitude, was considered and agreed upon 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, such resolution proposing such amendment was published in accordance with Article XI, Section 3 of the Constitution of Tennessee; and

WHEREAS, freedom from slavery and involuntary servitude is a right of every individual within the United States and any place subject to its jurisdiction, which right is secured by the Thirteenth Amendment to the Constitution of the United States; and

WHEREAS, the Tennessee General Assembly ratified the Thirteenth Amendment in April 1865; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED TWELFTH 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, Section 33 of the Constitution of Tennessee be amended by deleting the section and substituting instead the following:

Section 33. Slavery and involuntary servitude are forever prohibited. Nothing in this section shall prohibit an inmate from working when the inmate has been duly convicted of a crime.

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 2022 November general election, and the Secretary of State is directed to place such proposed amendment on the ballot for that election.

ADOPTED: May 4, 2021

### **SUMMARY OF SENATE JOINT RESOLUTION NO. 80**

This amendment would change the current language in article I, section 33 of the Tennessee Constitution, which says that slavery and involuntary servitude, except as punishment for a person who has been duly convicted of crime, are forever prohibited in this State. The amendment would delete this current language and replace it with the following language: "Slavery and involuntary servitude are forever prohibited. Nothing in this section shall prohibit an inmate from working when the inmate has been duly convicted of a crime."

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### **SENATE JOINT RESOLUTION NO. 55**

A RESOLUTION to propose an amendment to Article IX, of the Constitution of Tennessee, relative to disqualifications.

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED TWELFTH 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 IX, Section 1 of the Constitution of Tennessee be amended by deleting the section.

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 2022 November general election, and the Secretary of State is directed to place such proposed amendment on the ballot for that election.

ADOPTED: April 27, 2022

### **SUMMARY OF SENATE JOINT RESOLUTION NO. 55**

This amendment would delete article IX, section 1 of the Tennessee Constitution, which prohibits ministers of the gospel and priests of any denomination from holding a seat in either House of the legislature.

#### **Election Commission Meetings**

**Dates:** October 13, 2022  
November 15, 2022  
November 21, 2022

**When:** 5:00 pm

**Where:** 122 Turner High Circle, Suite 105  
Carthage, TN 37030