

Constitutional Amendments which will be on the November 2014
General Election Ballot in Tennessee

You will be asked to vote Yes or No on each of these:

Proposed Constitutional Amendment No. 1

Shall 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.

Comments: See pages 3 and 4

Proposed Constitutional Amendment No. 2

Shall 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.

Comments: (Note, here are the first and second sentences that will not appear on the ballot that you are being asked to delete.)

The judges of the Supreme Court shall be elected by the qualified voters of the state. The Legislature shall have power to prescribe such rules as may be necessary to carry out the provisions of section two of this article.

And here is Section two referenced above.

The Supreme Court shall consist of five judges, of whom not more than two shall reside in any one of the grand divisions of the state. The judges shall designate one of their own number who shall preside as chief justice. The concurrence of three of the judges shall in every case be necessary to a decision. The jurisdiction of this court shall be appellate only, under such restrictions and regulations as may from time to time be prescribed by law; but it may possess such other jurisdiction as is now conferred by law on the present Supreme Court. Said court shall be held at Knoxville, Nashville and Jackson.

Years ago, Tennessee elected the State Supreme Court and Appellate Court judges as the state constitution currently states. In 1971, the Tennessee legislature replaced the direct election process with a selection method called merit selection, referred to as the Tennessee Plan. Now, when there is a vacancy on the Courts, the Governor is presented a list of names, from which he makes as

appointment for the initial term. Then when the term is to expire, the judges are placed on the ballot in an uncontested retention referendum in which voters are asked whether they wish the judges to be retained or replaced.

This amendment 2 changes the Constitution essentially making the current process legal.

Proposed Constitutional Amendment No. 3

Shall 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.

Comments: The purpose of this amendment is to place a ban on a state income tax in the Tennessee Constitution.

Proposed Constitutional Amendment No. 4

Shall 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.

Comments: This amendment would allow veterans' groups to participate in and receive funds from the state run lottery.

In case you are wondering, other recent votes on amendment to the TN Constitution:

In 1998 voters approved 2 amendments; one was the Victims' Rights Amendment and the other removed the word "comfortable" from the requirements for prisons.

In 2002 voters approved an amendment to repeal the ban on lotteries in Tennessee. Voters disapproved an amendment that would have changed the maximum fine that cities could impose.

In 2006 there were 2 amendments approved; The Marriage Protection Amendment and the other allowed counties and cities to exempt people over age 65 from property tax increases.

In 2010 voters approved an amendment having to do with hunting and fishing rights.

Information Sheet on the Upcoming Vote on Amendment 1 – November 2014

Vote Yes to approve this Pro-Life Amendment, it will be the first of four listed on the ballot this year.

Currently in Tennessee

- Tennessee has become an abortion destination state and ranks 3th in the US for the number of out-of-state abortions (nearly 25 percent of abortions done in this state are for those living out of state). This is because the 8 states bordering Tennessee have laws restricting abortion that Tennessee does not have.
- Abortion facilities in Tennessee are not required to be licensed or inspected.
- On September 15, 2000 four justices on the TN State Supreme Court fundamentally changed our State Constitution without the consent of the people.

Before September 15, 2000 there were common sense laws that protected abortion minded women and girls.

- Informed consent for women considering abortion. (this means that abortion must be fully explained to the woman seeking an abortion, including the process, risks, short and long term side effects, development of the baby, and other options such as adoption)
- 48 hour waiting period (to give the woman time to think about her decision)
- Hospital environment required for second and third trimester abortions (for the safety of the woman)

Those 3 laws were stricken down by the TN Supreme Court as a result of a lawsuit by Planned Parenthood and the ACLU. By a decision of 4 to 1 the Court declared that the TN State Constitution included a right to abortion (even though the word abortion is not in the Constitution). Later another lawsuit resulted in a ruling that abortion facilities did not have to be regulated, inspected or licensed by the Health Department.

What can we do now? The people of Tennessee can restore our state constitution by passing Amendment 1 which will be on the ballot in November.

On the ballot, you will see: Shall 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 circumstances of pregnancy resulting from rape or incest or when necessary to save the life of the mother

Let's look at that in 3 parts.

Part 1 –“**Nothing in this Constitution secures or protects a right to abortion...**” This restores the TN Constitution to where it was prior to the 2000 TN Supreme Court decision by making our constitution neutral on the question of abortion.

Part 2 –“**Nothing in this Constitution ... requires the funding of an abortion**”. This would make the TN Constitution neutral on the question of tax payer funding of an abortion and prevent those who favor abortion from claiming that tax payer funding is included in the Constitution.

Part 3 –“...**The people retain the right through their elected state representatives and state senators to enact, amend, or repeal statutes regarding abortion, including circumstances of pregnancy resulting from rape or incest or when necessary to save the life of the mother**”.

This restores the TN Constitution to where it was prior to the 2000 TN Supreme Court decision by putting regulation of abortion back into the hands of the people through their elected representatives. It also highlights that there can be exceptions as elected representatives deliberate and pass legislation going forward.

What is needed to pass this Amendment?

- The amendment passes if it garners 50% plus 1 of the total number of votes cast in the Governor's race.
- For instance, if 1 million total votes are cast in the 2014 Governor's Race, then for Amendment 1 to pass, it must receive at least 500,001 YES votes.
- **Bottom line: For people voting in the governor's race, skipping the Amendment is the same as voting no on the Amendment.**

What if Amendment 1 Passes?

- Existing common sense regulations will be protected. (Parental Consent for minors, Partial Birth Abortion Ban in Tennessee)
- We, through our elected representatives could pass regulations so that Tennessee would no longer be a destination state for out-of-state abortions
- Regulations could be passed for the health and safety of mothers and protection of innocent lives in Tennessee.
- Tax payer funding of abortion cannot be constitutionally required.

It is important to note that even if Amendment 1 passes, it will not outlaw abortion in Tennessee. Women will still be able to choose abortion if they are so minded. Abortion is protected in every state based on the US Supreme Court ruling, Roe v. Wade in 1973.

Some things that you can do if you want to help

- Be sure that you understand Amendment 1
- Explain Amendment 1 to at least 3 friends or family members and ask them to vote YES on Amendment 1. Ask them to do the same to help spread the word.
- Ask your church to promote Amendment 1
- Sign the petition to pledge to vote YES on Amendment 1, and join the email list to stay informed. Online petition available www.yeson1.org/pledge
- Volunteer with the Yes on 1 campaign and donate to the campaign. You can do this online www.yeson1.org
- **Vote YES on Amendment 1 on November 4, 2014 or during early voting. Be sure that you are registered to vote.**



An abortion destination?

Nearly 25% of abortions in Tennessee are sought by out-of-state women and girls.

Tennessee has the fewest abortion restrictions of any state in the southeast.

“FEWEST RESTRICTIONS”
“MORE OUT-OF-STATE ABORTION PATIENTS”

The Tennessean, Sunday, May 20th, 2012

Women considering abortion in Tennessee are currently provided **none** of the following safeguards:

Informed consent to provide accurate information based on health history

24 hour waiting period to avoid abortion-on-demand and coercion

Inspection and regulation of abortion facilities

Hospitalization requirement for riskier late-term abortions

Vote YES on 1

Approval of **Amendment 1** on Nov. 4th, 2014, will allow enforcement of the same common sense policies enforced in the eight states surrounding Tennessee.

Do you support common sense protections in Tennessee?

Do women and girls have a right to the facts? **Vote YES on 1**

Should a 24-hour waiting period be required? **Vote YES on 1**

Should abortion facilities be licensed and inspected? **Vote YES on 1**

Should taxpayers be protected from funding abortions? **Vote YES on 1**

YES on 1 is a community-based outreach to raise awareness of the proposed constitutional **Amendment 1** slated for public vote, Nov. 4th, 2014. Local committees are being developed across the state, and your help is vital to our success.

For volunteer and donor opportunities, please visit yeson1.org.



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