

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**TRACEY E. GEORGE, ELLEN WRIGHT )  
CLAYTON, DEBORAH WEBSTER-CLAIR, )  
KENNETH T. WHALUM Jr., MERYL RICE, )  
JAN LIFF, TERESA M. HALLORAN, and )  
MARY HOWARD HAYES, )**

**Plaintiffs,**

**v.**

**No. 3:14-02182  
Judge Sharp**

**WILLIAM EDWARD “BILL” HASLAM, )  
as Governor of the State of Tennessee, )  
in his official capacity, TRE HARGETT, as )  
Secretary of State, in his official capacity, )  
MARK GOINS, as Coordinator of Elections, )  
in his official capacity; HERBERT H. )  
SLATERY III, as Attorney General & )  
Reporter of the State of Tennessee, in his )  
official capacity; STATE ELECTION )  
COMMITTEE OF TENNESSEE; JUDY )  
BLACKBURN, as a member of the State )  
Election Commission, in her official capacity; )  
DONNA BARRETT, as a member of the State )  
Election Commission, in her official capacity; )  
GREG DUCKETT, as a member of the State )  
Election Commission, in his official capacity; )  
TOMMY HEAD, as a member of the State )  
Election Commission, in his official capacity; )  
JIMMY WALLACE, as a member of the State )  
Election Commission, in his official capacity; )  
TOM WHEELER, as a member of the State )  
Election Commission, in his official capacity; )  
and KENT YOUNCE, as a member of the State )  
Election Commission, in his official capacity; )**

**Defendants.**

## ORDER

In accordance with the Findings of Fact and Conclusions of Law entered contemporaneously herewith, the Court FINDS that the method used to tabulate the votes on proposed Amendment 1 in the November 4, 2014 state and federal general elections was fundamentally unfair and violated (1) Plaintiffs' due process rights under the Fourteenth Amendment to the United States Constitution because it was not done in accordance with the plain language of Article XI, Section 3 of the Tennessee Constitution; and (2) Plaintiffs' due process and equal protection rights under the Fourteenth Amendment because Plaintiffs' votes were not accorded the same weight as those who casts against proposed Amendment 1.

The Court further rules as follows:

(1) Plaintiffs' request that Article XI, Section 3 be declared unconstitutional on its face is DENIED;

(2) The Court DEFERS ruling on Plaintiffs' request that the vote on Amendment 1 in the 2014 election be declared void;

(3) Plaintiffs' original request that Defendants be required to correlate the votes in the governor's race with those votes on Amendment 1 is GRANTED, and Defendants are hereby ORDERED to conduct a recount of the votes to determine whether Amendment 1 passed by a majority of those who voted in the governor's race. Within twenty (20) days from the date of entry of this Order, Defendants shall file a proposed time line for the recount for the Court's approval; and

(4) A ruling on Plaintiffs' request for attorney's fees is hereby DEFERRED pending the conclusion of any appeal, or the expiration time within which to take an appeal, at which point Plaintiffs' request will be referred to a Magistrate Judge for a Report and Recommendation.

It is SO ORDERED.

*Kevin H. Sharp*

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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE