

**IN THE STATE PRIMARY BOARD OF THE TENNESSEE REPUBLICAN PARTY**

**IN RE: SABRENA SMEDLEY**

**Republican Primary Candidate In The Hamilton County, Tennessee Mayor's Race**

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**WRITTEN NOTICE OF CONTEST AND TO SHOW CAUSE WHY IN THE INTEREST OF JUSTICE AND FAIRNESS, SABRENA SMEDLEY SHOULD BE DECLARED THE WINNER IN THE HAMILTON COUNTY REPUBLICAN PRIMARY MAYOR'S RACE, OR ALTERNATIVELY WHY THE ELECTION SHOULD BE SET ASIDE COMPLETELY**

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Comes the Candidate, Sabrena Smedley, and would bring the following contest as follows, which is fully supported by Candidate, Matt Hullander, as signified by the attached:

**I. JURISDICTION**

1. On May 3, 2022, Sabrena Smedley ran in the Hamilton County Republican Primary for Mayor.
2. Two (2) other Republican candidates also ran in that race, Weston Wamp and Matt Hullander.
3. Mrs. Smedley lost by only three hundred and eighteen (318) votes, and for the reasons set forth more fully below, contests the election results, which were certified by the Hamilton County Election Commission on May 13, 2022.
4. Mrs. Smedley filed this Contest on or before May 18, 2022, which is within the five (5) days provided for by T.C.A. § 2-17-104 as well as Paragraph J of the Rules and Regulations of the Tennessee Republican Party.
5. The State Primary Board of the Tennessee Republican Party, therefore, has proper jurisdiction to hear this matter.

## II. FACTS

1. The Republican Primary election results from the May 3, 2022, Mayor's race show the following:

Weston Wamp – 14,428 votes  
Sabrena Smedley – 14,110 votes  
Matt Hullander – 12,171 votes  
Total Votes: 40,709

See, Exhibit A attached, Certified Results for the Hamilton County Republican Primary races for Mayor and District 6 School Board.

2. After the polls closed on May 3, 2022, and as the election results started coming in, it became very clear to bona fide Republican voters that something was awry.

3. The question on bona fide voters' minds was what on Earth was happening?

4. In the Mayor's race Sabrena Smedley was leading in the early voting results for several hours until suddenly Weston Wamp started gaining on her and ultimately won by a slim three hundred and eighteen (318) votes.

5. Additionally, in the District 6 School Board race, Cindy Fain was favored by the Chattanooga Times Free Press in its April 14, 2022, endorsement by Editors, Clint Cooper and Pam Sohn. Furthermore, Ms. Fain was leading in the early voting results until Jon Baker started gaining on her and ultimately won by a mere forty-eight (48) votes.

6. Evidence soon came to light that a highly organized campaign by the Democratic Left to adulterate the votes of bona fide Republicans had occurred.

7. Rampant cross-over voting by the Democratic Left in numbers never seen before had taken place.

8. One official at the Hamilton County Election Commission commented usually there would be four Republican ballots to one Democrat ballot, but this time, there were six and one-half Republican ballots to one Democrat Ballot.

9. Articles appeared where Democrats admitted to election interference which caused Weston Wamp to win, through what can only be described as illegitimate and disingenuous voting in the Republican Primary. See, Exhibit B(i) attached, Article from the Chattanooga.com and Exhibit B(ii) attached, tweet by Chris Anderson, member of the Tennessee Democratic Party, State Executive Committee:

“Rachael Campbell, Chair of the Hamilton County Democratic Party, told us a large amount of Democrats in the county picked up a Republican ballot Tuesday.”

“I think the Democrats played a part in getting him [Weston Wamp] elected in his primary. Certainly, I know they did.”  
(added)

“Campbell says the Democratic Party received messages from Wamp encouraging them to vote for him.”

“Campbell expressed that her party still has a great candidate. ‘I’m looking forward to voting for him [the Democratic candidate] in the fall....’” (added)

10. Leading up to the election, a text blast was sent to Democrats instructing them to request a Republican ballot and vote for Weston Wamp. See, Exhibit C attached, Article from Chattanooga.com:

“The text blast targeted church parishioners and key black voter districts.”

“Traditional Democratic Party voting citizens were told to jump over to the Republican side for this particular race. Many of them did.”

“It is calculated that the gambit produced more than the 314 votes Mr. Wamp needed to edge out Mrs. Smedley in the final tally.”

11. Clergy for Justice, which supports BLM and Defund the Police, also reached out to their constituents to pull a Republican ballot and vote for Weston Wamp. See, Exhibit C attached, Article from Chattanooga.com:

“A clergy group that has been in the news lately helped put Weston Wamp over the top in the tight 3-way GOP county mayor race in Tuesday’s election.”

“Sources in the black community said that they were notified ahead of time that the Chattanooga Clergy for Justice was going to help Mr. Wamp out maneuver political veteran Sabrena Smedley and highly successful businessman, Matt Hullander.”

12. The website for Clergy for Justice clearly advocates for BLM, the riots that occurred by BLM, Defund the Police, and Prosecute the Police. See, Exhibit D, attached, website excerpts to include an article about the riots and photograph of protestors holding BLM, Defund the Police, and Prosecute the Police signs.

13. Students from Brainerd, Tyner, and Howard High Schools were also bused off campus by members of the Delta Sigma Theta Sorority, whose platform includes support of abortion and the appointment of liberal judges per the Sorority’s website.

“Delta Sigma Theta Sorority, Inc. reaffirms its stance on a woman’s fundamental decisions related to her reproductive health. Delta Sigma Theta Sorority, Inc. championing a woman’s right to choose since 1973, following the passage of Roe v. Wade...”

“Congratulations Judge Ketanji Brown Jackson, confirmed as U.S. Supreme Court Associate Justice-Delta Sigma Theta Sorority, Inc.”

See, Exhibit E attached, tweets regarding Tyner and Howard High Schools’ bus trip to the polls.

14. Concerned parents to include Rebecca Day, appearing during the May 12, 2022, Hamilton County School Board meeting, asked questions to which she wanted answers regarding

the Delta Sigma Theta excursion with the students. See, Exhibit F attached, transcript from Rebecca Day's appearance before the Hamilton County School Board.

15. There was additional interference in Red Bank (located in Hamilton County) by Vice Mayor, Stefanie Dalton.

16. In Vice Mayor Dalton's post (as Vice Mayor), she states:

"Two of the contested Republican races -- Circuit Court Div II and Criminal Court Div III -- have NO Democrat opponent -- what does this mean? This means that whoever wins the primary automatically wins the seat (because there is no Democrat opponent running against them for the general election);"  
"All of this is to say that if you don't pull a Republican primary ballot, you don't get any say whatsoever in who two of our next judges are going to be, and they win these seats for EIGHT (🗳️) years; a lot can be accomplished (or obstructed) in that time; judicial seats are very important to community justice, safety, and progress, so take this opportunity to let your voice be heard!" See, Exhibit G attached, post by Vice Mayor Stefanie Dalton.

17. It also became very clear that there was no mechanism in place to vet bona fide Republican voters at the polls, by either the Hamilton County Election Commission or the local Republican Party.

18. In fact, there was absolutely no gate keeping. The voting history record is information which only the Hamilton County Election Commission possesses. See, Paragraph IV, Legal Analysis. According to Hamilton County Election Officials, the record was not available at the poll sites digitally when it could have been. Moreover, the local Republican Party failed to even request that this information be made available digitally at the poll sites.

19. Hamilton County Election Officials also confirmed that although poll workers received training on what to do if there was a challenge to a voter, they received no training on how to challenge and were not given access, as noted, to the voting history records of voters.

20. If a poll watcher or anyone else just happened to guess, out of the thousands of voters that poured into the polls, that a voter was not a bona fide Republican, the poll worker or anyone else had to approach the poll official, have them call the Hamilton County Election Commission on the “emergency line” to request a voting history.

21. According to Hamilton County Election Officials, no such “emergency” call was ever made during this primary (presumably because there was no screening mechanism that had been put into place to begin with). Sadly, as previously noted, Hamilton County Election Officials confirmed such a screening mechanism was possible as the voting history records could have been made accessible on computer at the polls, but it had not been requested by the local Republican Party.

22. Another problem was, there were no allegiance forms available at the polls to be filled out by a non-bona fide and/or challenged voter. It should be noted that the Tennessee Republican Party has such a form under Rules and Regulations of the Tennessee Republican Party, Rule D, Part II, Number 2(B), which says,

“Any bona fide Republican citizen whose loyalty to the Republican Party is questioned may be challenged by any other bona fide Republican citizen present and qualified participate. The challenged citizen shall be entitled to vote and participate in the Convention upon his public and written affirmation of his allegiance to the Republican Party on the form duly furnished by the County Chairman or the Contest and Credentials Committee as set forth on Exhibit A attached hereto.”

Note, the form in question was not attached to the Rules, but there must be one, or it would not have been referred to.

23. It seems that if it would be that important for the Tennessee Republican Party to provide an allegiance form for a Precinct Convention that it would be just as important to ensure that an allegiance form was available at the polls for a Republican Primary election.

24. The Hamilton County Election Commission's position is if a voter asks for a Republican ballot, they are defacto swearing allegiance to the Republican party, when there are not postings to this effect nor warning voters to fraudulently declare same violates T.C.A. § 2-19-109, which is a Class E Felony, "A person who knowingly makes or consents to any false entry on any permanent registration, poll list, election tally sheet, or any other official registration or election document commits a Class E Felony.

25. The glaring gap between the information the Hamilton County Election Commission had access to (voting history record) and the local Republican Party's failure to utilize or even request same to meaningfully vet and ensure that only bona fide Republicans were voting in the Republican Primary, was appalling and allowed the Democratic Left to make a mockery of this Republican Primary election process through adulteration of the legitimate votes placed by bona fide Republicans.

26. The confluence of all these factors resulted in 1,698 unchecked crossover votes from bona fide Democrats in the Mayor's race and 328 unchecked crossover votes from bona fide Democrats in the District 6 School Board race. As such, 31.4% of the 5,407 bona fide Democrats who voted in the Mayor's race crossed over to adulterate the Republican Primary through illegitimate votes and 54.22% of the 605 bona fide Democrats who voted in the District 6 School Board race crossed over to accomplish the same thing, adulteration of that Republican Primary race through the casting of illegitimate votes. See, Exhibit H link, excel spreadsheets by Chris Matthews, an enterprise technical architect whose duties include data analysis (The link to Exhibit H can be provided electronically).

27. Based on the facts set forth, it is submitted the Hamilton County Election Commission and local Republican Party woefully let the bona fide Republican voters down in

this Republican Primary. As cited below in Paragraph IV, Legal Analysis, T.C.A. § 2-7-115(b) clearly states only bona fide Republicans are allowed to vote in a Republican Primary or otherwise a voter must declare allegiance to the Republican Party.

28. No one protected the power of the vote of the bona fide Republican voters during this election. No one.

29. The “don’t ask, don’t tell” policy that was utilized where no voter’s voting history record was accessible at the check in post at the polls to be cross referenced with the ballot requested, was a travesty for the candidates who should have won.

30. Arch Trimble, IV with the local Republican Party, made several troubling comments recently after the Hamilton County Republican Primary, though not about that election. See, Exhibit I attached, article in the Chattanooga.com:

“We have to look at broadening our base... We’ve spent the last four years allowing ourselves to be pushed too far to the right, and quite frankly I don’t think anyone in this room can agree that has done a lot for our party.”

“The 40th President of the United States has long defined America’s more conservative party, with Reagan’s grip on conservative politics still ironclad over a decade after his passing and 30 years since his presidency. However, Mr. Trimble said it may be time for the party to move on from Reagan, saying reverence for the former president is not gaining any new supporters for Republicans.”

“As far as if this election [referring to the Presidential election] was stolen or not, I don’t know and I don’t have access to that data, nor do I care to.” (added)

31. Broadening the base without insuring only bona fide Republicans vote in a Republican Party, will continue to render the primaries a mockery, and since when is standing against BLM, Riots, Defund the Police, Prosecute the Police, abortion, liberal judges, illegal immigration, and illegitimate crossover voting “too far right?” If President Reagan’s



conservative beliefs are passé, does the Republican Party plan to go from red to purple? If not caring whether election integrity was compromised, is that why the Republican Primary was allowed to be contaminated in Hamilton County by illegitimate, bona fide Democrat crossover votes?

III. ISSUE

1. Whether or not Sabrena Smedley should be declared the winner in the Mayor’s race or alternatively whether the election should be set aside? Yes.

IV. LEGAL ANALYSIS

Statutes

1. T.C.A. § 2-2-102 provides that a citizen of the United States who is eighteen (18) years of age or older and is a resident of this state is a qualified voter unless the citizen is disqualified under the provisions of this Title. Note, bona fide Democrats are not qualified to vote in a Republican Primary as provided for in T.C.A. § 2-7-115.

2. T.C.A. § 2-2-117 provides that there shall be printed a ten (10) year voting record form which substantially appears as follows:

VOTING RECORD				
YEAR	PARTY	Name of Voter	Primary	Other Elections
		General	Election Ballot	Ballot No. or
		Election Ballot	No. or Ballot	Ballot
		No. or Ballot	Application	Application
		Application	Number	Application
		Number		Number
1971				
1972				
Continued for remainder of ten (10) years				

3. T.C.A. § 2-2-136 provides that the coordinator of elections, at the expense of the state, shall provide the county election commissions with all forms necessary to carry out this chapter. The Commissions shall be the custodians of the forms. Note, allegiance forms are necessary.

4. T.C.A. § 2-7-107 provides the officer of elections shall deliver to the polling place on the day of the election the duplicate permanent registration records, paper ballots, sample ballots, voting machine keys, ballot boxes and keys, and **all other supplies needed for the conduct of the election** (emphasis added). Note, voting history records are necessary.

5. T.C.A. § 2-7-115 provides:

(b) A registered voter is entitled to vote in a primary election for offices for which the voter is qualified to vote at the polling place where the voter is registered if: (1) the voter is a bona fide member of and affiliated with the political party in whose primary the voter seeks to vote; or (2) at the time the voter seeks to vote, the voter declares allegiance to the political party in whose primary the voter seeks to vote and states that the voter intends to affiliate with that party.

As noted, there was no gatekeeping taking place during this Republican Primary. No voting history records were available, there were no allegiance forms to be signed, and there was no posting or warning that fraudulent voting was illegal.

6. T.C.A. § 2-7-126 states a person offering to vote in a primary may also be challenged on the ground that the person is not qualified under § 2-7-115(b). Note, this pertains to a voter who is not a bona fide Republican.

7. T.C.A. § 2-13-102 provides each political party shall have a state executive committee which shall be the state primary board for the party.

8. T.C.A. § 2-13-113 provides the state and county election commissions shall furnish to the state and county primary boards such information and such access to records as

may be required to enable the boards to carry out their duties under this title. Note, this section would mandate access to voting history records if the Republican Party asks for them.

9. T.C.A. § 2-19-102 provides that knowingly violating the prohibited practices set out in the elections law is a Class C Misdemeanor.

10. T.C.A. § 2-19-105 provides that a person to whom an oath is legally administered commits perjury if the person knowingly and willfully swears or affirms falsely touching a matter material to the point in question. Note, this would include a primary ballot.

11. T.C.A. § 2-19-107 provides that a person commits a Class E Felony who intentionally and knowing that such person is not entitled to, registers or votes in any manner or attempts to register or vote in any manner where or when such person is not entitled to under this Title; or votes in the primary elections of more than one political party on the same day. Note, this applies to bona fide Democrats who are obviously not entitled to vote in a Republican Primary because they are already bona fide Democrats (this really is not rocket science).

12. T.C.A. § 2-19-109 previously cited that it is a Class E Felony to knowingly make a false entry on election documents. Note, this would include voting in a Republican Primary, when the voter knows they are a bona fide Democrat.

13. T.C.A. § 2-19-117 provides it is a Class E Felony for any person to procure, aid, assist, counsel, or advise another to vote in any convention, primary, or final election, knowing such person is disqualified. Note, a Republican Candidate arguably violates this statute by asking Democrats to vote for them in the Republican Primary knowing bona fide Democrats cannot also be bona fide Republicans at the same time.

14. T.C.A. § 2-19-126 prohibits bribery of voters. Note, did the Delta Sigma Theta provide lunch?

15. T.C.A. § 2-19-142 provides it is a class C Misdemeanor for any person to publish or distribute or cause to be distributed any campaign literature in opposition to any candidate in any election if such person knows that any such statement, charge, allegation, or other matter contained therein with respect to such candidate is false. Note, this would pertain to the false attack ads against Sabrena Smedley.

16. T.C.A. § 2-19-202 says,

(a) It is unlawful for any public officer or employee to use such person's official position, authority or influence to interfere with an election...

Note, this arguably applies to the Red Bank Vice Mayor.

17. Sadly, many of the statutes referred to above, based on the facts presented, were not complied with or totally ignored.

#### Case Law

18. Case law in Tennessee provides two bases to address an election contest, but first it is worth noting that political parties or private organizations enjoy an unquestioned First Amendment right to decide their own membership criteria and to exclude or include anyone they see fit. Washington State Grange v. Washington State Republican Party, 128 S.Ct. 1184, 1188 (2008), ("a party's right to exclude is central to its freedom of association.")

19. The case of Democratic Party of U.S. v. Wisconsin ex rel. La Follette, 450 U.S. 107, 122 (1981), provides:

"...the freedom to associate for the common advancement of political beliefs necessarily presupposes the freedom to identify the people who constitute the association, and to limit the association to those people only."

20. As noted, the Supreme Court has recognized that the First Amendment’s right to freedom of association affords political parties to exclude voters from voting in their primaries as well. See, La Follette, at page 122:

“...the inclusion of persons unaffiliated with a political party may seriously distort its collective decisions—thus impairing the party's essential functions—and political parties may accordingly protect themselves from intrusion by those with adverse political principles.”

Accordingly, any political party is well within its rights to exclude a voter from its membership, thus rendering the voter ineligible to participate in the party’s primary.

21. It is also worth noting Democrats do not adhere to Republican beliefs. The Republican Platform 2016 provides:

#### **The Judiciary**

“Only a Republican president will appoint judges who respect the rule of law expressed within the Constitution and Declaration of Independence, including the inalienable right to life and the laws of nature and nature’s God, as did the late Justice Antonin Scalia.” Id at page 10.

“We encourage Congress to use the check of impeachment for judges who unconstitutionally usurp Article I powers. In tandem with a Republican Senate, a new Republican president will restore to the Court a strong conservative majority that will follow the text and original meaning of the Constitution and our laws.” Id at page 10.

“The legitimate powers of government are rooted in the consent of the American people. Judicial activism that includes reliance on foreign law or unratified treaties undermines American sovereignty.” Id at page 10.

#### **The Fifth Amendment: Protecting Human Life**

“The Constitution’s guarantee that no one can ‘be deprived of life, liberty or property’ deliberately echoes the Declaration of Independence’s proclamation that ‘all’ are ‘endowed by their Creator’ with the inalienable right to life. Accordingly, we assert

the sanctity of human life and affirm that the unborn child has a fundamental right to life which cannot be infringed. We support a human life amendment to the Constitution and legislation to make clear that the Fourteenth Amendment's protections apply to children before birth." Id at page 13.

"We support the appointment of judges who respect traditional family values and the sanctity of innocent human life." Id at page 13.

### **Honest Elections and the Right to Vote**

"Honest elections are the foundation of representative government." Id at page 16.

"We are concerned, however, that some voting procedures may be open to abuse." Id at page 16.

### **Ensuring Safe Neighborhoods: Criminal Justice and Prison Reform**

"The men and women of law enforcement — whether patrolling our neighborhoods or our borders, fighting organized crime or guarding against domestic terror — deserve our gratitude and support. Their jobs are never easy, especially in crisis situations, and should not be made more difficult by politicized second-guessing from federal officials. The current Administration's lack of respect for them, from White House intervention in local arrests to the Attorney General's present campaign of harassment against police forces around the country, has been unprecedented. With all Americans, we mourn those whom we have lost to violence and hatred. To honor their sacrifice, we recommit ourselves, as individuals and as a party, to the rule of law and the pursuit of justice." Id at page 39.

"It [the Department of Justice] has urged leniency for rioters while turning a blind eye to mob attacks on peaceful citizens exercising their political rights." (added) Id at page 39.

### **America: The Indispensable Nation**

"This bipartisan commitment has tragically changed. The leadership of the Democratic Party, both those in office and those who seek it, no longer see America as a force for good in the world. They do not stand by allies or stand strong against our foes." Id at page 46.

“They cannot be trusted to advance either the cause of liberty or our national security in the dangerous years in which we live.” Id at page 46.

22. Clearly, Democrats, Clergy for Justice, and the Delta Sigma Theta Sorority, Inc., do not adhere as noted to these core beliefs. Therefore, how is that they were allowed to crossover and vote in the Republican Primary, as they certainly were not qualified to do so. The adulteration by their votes contaminated and skewed the true election results and were in violation of the intent as noted in the Supreme Court cases cited, i.e. inclusions of persons unaffiliated with a political party may seriously distort its collective decisions—thus impairing the party’s essential functions. See, La Follette, at page 122.

23. The term bona fide Republican is recited in the Bylaws and Rules of the Tennessee Republican Party no less than sixteen (16) times.

24. The term bona fide Republican is also defined in Article IX under the Bylaws of the Tennessee Republican Party as:

A. Any individual who is actively involved in the Tennessee Republican Party, his County Republican Party, or any recognized auxiliary organization of either; and resides and is registered to vote in said county; and either

B. Any individual who has voted in at least three (3) of the four (4) most recent Statewide Republican primary elections; or

C. Any individual who is vouched for in writing (to the satisfaction of the decision makers defined herein) as a bona fide Republican by an officer of the TRP or a member of the CEC, excluding SEC members, of the County and/or District where said individual resides. The decision makers defined herein may require additional verification that said individual is indeed a bona fide Republican.

25. The Data Results collected (Exhibit H) shows that the crossover voters of 1,168 occurred in the Mayor’s race and 328 in the District 6 School Board race of bona fide

Democrats. These voters most certainly did not qualify as bona fide Republicans because of their party designation and voting histories as bona fide Democrats pursuant to T.C.A. § 2-7-115.

26. Under Tennessee law, therefore, there are two (2) grounds upon which an election contest may be predicated. See, generally Southall v. Billings, 213 Tenn. 280, 375 S.W. 2d 844, 848 (1963). The contestant may assert that the election is valid and that if the outcome is properly determined by the Court, it will be apparent that the contestant rather than the contestee actually won the election. The proper relief in this event is a judgment declaring the contestant to be the winner. Alternatively, the contestant may claim that the election was null and void for some valid reason or reasons. The proper relief in that case is to order a new election. Forbes v. Bell, 816 S.W.2d 716 (Tenn. 1991).

27. Under the first option in a suit to be declared the true winner, a contestant must show that illegal votes were cast and when this is done, they should be thrown out, Forbes at page 719, and the votes he received were greater than his opponents, relying on Shoaf v. Bringle, 192 Tenn. 695, 241 S.W.2d 832 (1951).

“...to sustain a claim of this sort, ‘the contestant must specifically point out the alleged illegal votes cast for the contestee.’” Forbes at page 719.

28. In the matter before this Board, Sabrena Smedley can show that 1,698 illegitimate crossover votes by bona fide Democrats should be cast out because the voters could not also be bona fide Republicans at the same time. The problem, however, is the Hamilton County Election Commission claims it cannot or will not provide the information necessary to see which candidate received the crossover votes. See, Exhibit J attached, email request from Cindy Fain and response from the Hamilton County Election Commission.



29. The other alternative to an election contest is to have the entire election itself declared invalid upon a sufficient quantum of proof that fraud or illegality so permeated the election as to render it incurably uncertain, even though it cannot be shown to a mathematical certainty that the result might have been different. Forbes at pages 719-720 citing Emery v. Robertson County Election Commission, 586 S.W.2d 103, 109 (Tenn. 1979); see also, State ex rel Davis v. Kivett, 180 Tenn. 598, 177 S.W.2d 551 (1944); Ingram v. Burnette, 204 Tenn. 149, 316 S.W.2d 31 (1958). The allegations must be specific enough to establish that absent the allegedly illegal votes, the result of the election would have been different. Forbes at page 720.

The prescribed methodology using this approach is for the Court to consider all of the illegal votes as having been voted one way (against the contestee) and then to ascertain whether the results of the election would thereby have been changed (by deducting those votes from the contestee's total). Forbes at page 720 (added).

Considering Weston Wamp received 14,428 votes, but there were 1,698 illegitimate crossover votes by bona fide Democrats, in subtracting same from his total, he would have 12,730 as compared to Sabrena Smedley's total of 14,112.

Case law also provides that statutory violations alone may be sufficient to render an election void. Forbes at page 720:

“...whatever statutory provisions are essential to the attainment of this end, are obviously indispensable; and whatever precautions prescribed by statute against mistake or fraud are of such a nature that their omission in the particular instance has resulted in a fraud upon the electors, or has rendered the result of the election incurably uncertain, or the future omission of which, in the future, if permitted, must necessarily prove avenues of fraud, tend to prevent a fair exercise of the franchise, or to render elections insecure and uncertain, must be held to be a matter of substance, and essential to the validity of the proceeding.” Forbes at 720-721 citing Browning v. Gray, 137 Tenn. 70, 191 S.W. 525 (Tenn. 1916), citing Barry v. Luack, supra, 45 Tenn. at 593.

Because the statutory requirement that only bona fide Republican voters may vote in a Republican Primary is clear and because it is a proven fact that illegitimate crossover votes occurred by bona fide Democrats, T.C.A. § 2-7-115 was violated and provides sufficient reason to render the election in the Hamilton County Mayor's race and the in the District 6 School Board race void.

Another argument to be made based on the claim that the election should be invalidated is because it was so permeated with fraud and illegality that it cannot be said to fairly reflect the will of the voters. Forbes at page 720.

30. In the case of Stuart v. Anderson, 237 S.W.3d 297 (Tenn. Ct. App. 2007), the Court reiterates the two (2) ways an election contest may be approached:

“In *Forbes v. Bell*, 816 S.W.2d 716 (Tenn.1991), our Supreme Court discussed at length the procedures for having an election set aside pursuant to Tenn. Code Ann. § 2-17-101, *et seq.* The *Forbes* Court began by observing that there are two grounds upon which an election contest can be based. The first ground involves a claim that the election was valid, but that the contestant, rather than the contestee, would be the winner if the outcome was properly determined. *Id.* at 719. If the contestant is successful in court, the proper relief in this type of case is a judgment declaring the contestant the winner. The second ground is a claim that the election was null and void. *Id.* The proper remedy in this second situation, if the contestant is successful in court, is to order a new election.” Id at page 303.

31. In the case of Whalum v. Shelby County Election Commission, No. W2013-02076-COA-R3-CV (September 30, 2014), the two grounds for election contests were discussed again. This time the Emery v. Robertson Election Commission case was heavily cited, 586 S.W.2d 103 (Tenn. 1979):

“The *Emery* Court established a two-prong test. *Emery* Prong I is a challenge to the individual, specific races conducted during the election. Under Prong I, the plaintiff has the burden to prove that ‘the number of illegal ballots cast equals or exceeds the difference

between the two candidates receiving the most votes.” *Id* at page 22.

“In contrast, *Emery* Prong II allows a plaintiff to challenge an election contest by proving that ‘fraud or illegality so permeated the conduct of the election as to render it incurably uncertain.’ ... Under *Emery* Prong II, the party contesting the election must show that ‘the election should be invalidated because it was so permeated with fraud and illegality that it cannot be said to fairly reflect the will of the voters.’ ... Thus, whether there is proof of actual fraud only, or violations of statutory safeguards only, or a combination of the two, the issue is whether or not those acts, viewed cumulatively, compel the conclusion that the election did not express the free and fair will of the qualified voters.’ ... Consequently, a plaintiff must show a causal connection between the illegalities asserted and the uncertainty of the election results.” (omitted) *Id* at pages 22-23.

32. It is asserted that the State Primary Board must treat the unchecked crossover voting by bona fide Democratic voters in the Hamilton County Republican Primary as illegitimate and even technically illegal for violations of T.C.A. §§ 2-2-102, 2-7-115, 2-19-102, 2-19-105, 2-19-107, 2-19-109, 2-19-117, 2-19-126, and 2-19-202. It should be noted that T.C.A. § 2-17-104 requires that the State Primary Board make the disposition of the contest **which justice and fairness require**, including setting aside the election if necessary (emphasis added).

33. Because the Data Results collected (Exhibit H) shows significant numbers of illegitimate crossover votes by bona fide Democrats in Ms. Smedley’s as well as Cindy Fain’s race in violation of the statutes cited, these votes must be deducted from that respective winning opponent’s total, which in turn proves the results of the true elections would have been changed, thus warranting setting aside the elections in these two (2) contested races. Further, it is necessary to do this as the results did not express the free and fair will of the qualified voters who were bona fide Republicans.

## V. SUMMARY

Based on the foregoing, it is submitted that the election of Weston Wamp in the Republican Primary Mayor's race must be remedied, in the interest of Justice, Fairness, and in order to preserve as well as to protect the integrity of the Republican Party in its elections, from intentional election interference by the Democratic Left.

If this election is allowed to stand, the Democratic Left will have won. Surely, no one believes the Democratic Left suddenly had a permanent change of heart in their core beliefs (which as noted go directly against the Republican core values) and crossed over to permanently become an alleged Republican. Catch phrases such as "reaching across the aisle," "broadening the base," and "bipartisanship" are just an attempt to repackage and mask the terrible truth of what really occurred in this election, i.e. vote raiding. Please do not be fooled.

The Tennessee Republican Party through its State Primary Board has a unique opportunity to send a strong message in no uncertain terms to the Democratic Left and candidates who consort with the enemy so to speak, that the Republican Party will not tolerate such interference in their elections.

The Tennessee Republican Party also has an opportunity to stop illegitimate crossover voting by implementing rules and policies, which include making it mandatory that all polls must have a digital voter history record available digitally at the check point, to cross reference when a voter asks for a Republican ballot.

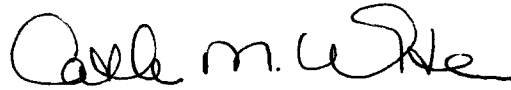
Additionally, written oaths of allegiance to the Republican Party need to be provided and actually filled out by a person who otherwise is not a bona fide Republican. Afterward, these oaths should be archived for future verification and fraud checks.

Further, visible signs should be posted that warn it is illegal to cast a fraudulent vote pursuant to T.C.A. §§ 2-19-102, 2-19-105, 2-19-107, and 2-19-109.

Otherwise, open primaries must be done away with in the State of Tennessee because of the recent abuses that occurred in not only Hamilton County, but across the State of Tennessee rendering Republican Primaries a tragic mockery, waste of time, and money.

In closing, cancel culture, BLM, rioting, Defund the Police, Prosecute the Police, abortion, appointment of liberal judges, dishonest elections, contaminating the will of bona fide Republican voters with illegitimate bona fide Democrat crossover votes, and open primaries flooded by illegitimate bona fide Democrat crossover voters is not what we stand for as the Republican Party. Please stand up against this and declare that what happened in the Hamilton County Republican Primary in the Mayor's race will not be tolerated by either declaring Sabrena Smedley the winner or otherwise setting the election aside.

RESPECTFULLY SUBMITTED



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**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing document has been sent to all parties listed below via U.S. Mail, postage prepaid, and/or electronic mail pursuant to T.C.A. § 2-17-104:

Weston Wamp  
4616 Cummings Cove Drive  
Chattanooga, TN 37419

Matt Hullander  
3072 Rivermont Road  
Chattanooga, TN 37415

On this the 18 day of may, 2022.

  
\_\_\_\_\_  
Catherine M. White

I, Matt Hullander, do hereby support the Contest submitted by Sabrena Smedley.

*Matt Hullander*

MATT HULLANDER

*May 18<sup>th</sup>, 2022*

DATE