



## DAVIS STATEMENT ON PRIMARY ELECTION

Johnson City, TN – David Davis, who represents the 1<sup>st</sup> Congressional District of Tennessee, today issued the following statement about the primary election for the First Congressional District of Tennessee:

It is increasingly obvious to the Davis campaign that there was a well-funded and systematic effort by outside parties to pervert the Republican primary process. The party system and the right of political parties to determine nominees goes to the core of the right of association guaranteed by the First Amendment of the United States Constitution, and has been upheld by the Supreme Court of the United States. *California Democratic Party v. Jones*, 530 U.S. 567 (2000). Further, Tennessee law provides that people must be bona fide members of the political party in whose primary they seek to vote. TN Code Ann. 2-7-115(b).

**"I believe that there is clear and overwhelming evidence that the integrity of this primary was violated unlawfully by huge numbers of Democrats voting to change the outcome of the Republican primary,"** said Congressman David Davis.

Jim Holcomb, Co-Campaign Chairman of the Davis Victory Fund, said, **"This organized activity by those who are not affiliated with the Republican party sets a dangerous precedent that guts the integrity of the primary process."** He went on to explain, **"Congressman Davis is seriously considering a contest of the primary election not simply to determine the winner of the Republican Primary election for the House of Representatives for the 1st Congressional District, but also to preserve the two party systems in Tennessee and to preserve the integrity of the electoral process."**

The ability of the Republican Party of Tennessee to preserve itself as a viable political entity depends entirely upon the ability of the party members to control the party nomination process. Non-partisan analysis confirms, contrary to what some are claiming, that Tennessee does not have a true "open" primary. See <http://www.fairvote.org/?page=1801>. Rather, state law is clear that voters obtaining a ballot in a party primary are only eligible for a ballot if one of two things are true: Either "[t]he voter is a bona fide member of and affiliated with the political party in whose primary the voter seeks to vote" or "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." TN Code Ann. 2-7-115(b). In addition, state law provides that the affiliation of voters with a political party can be challenged during primary elections.

**"The evidence obtained to date illustrates that there was a systematic effort by both known and unknown persons to influence the Republican primary election for Congress in the First Congressional District. While our detailed data analysis is not yet complete because voter data will not be available until Thursday afternoon, an initial review of the information provided by witnesses and anecdotal evidence shows that many voters who have never voted in the Republican Primary chose a Republican ballot this time,"** said Congressman David Davis. **"Similarly, many voters who had a history of voting to choose the nominee of the Democrat Primary chose a Republican ballot this time and many of these were in areas in which Dr. Roe saw heavy support. Because of this evidence, we are considering challenging the results of the recent primary through the process allowed under state law,"** he added.

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In addition, there was a campaign to encourage Democratic party members to vote in the Republican primary and to vote against Congressman Davis. Evidence we have obtained includes:

- Robocalls conducted in violation of both federal and state law the night before the primary sent to the homes of Democrats encouraging them to vote in the GOP primary and to vote for anyone but Congressman Davis.
- Emails to Democrats encouraging them to vote in the Republican primary.
- Reports that current and former Democratic party officials voted in the Republican primary.
- Known Democratic activists actively campaigning for Phil Roe.

**"If we decide to go forward with a formal contest of the election results, we will file it with the state party primary board within the five days after certification of the election required by state law,"** said Congressman David Davis.

The Davis Campaign will continue to review the information as it becomes available but, as you know, this can be a laborious process and time is needed for the appropriate personnel to collect and process this and then to have the experts analyze it. As this process continues, we will continue to release additional information to the public.

Anyone having additional information about Democrats voting or being encouraged to vote in last week's Republican Party primary should contact us at 423-773-8861.

Paid for by David Davis Victory Fund  
Kenneth Lewis, Treasurer