

FOR IMMEDIATE RELEASE

August 15, 2008



DAVIS STATEMENT ON PRIMARY ELECTION

Johnson City, TN – Congressman David Davis today issued the following statement in response Tennessee’s First Congressional District Republican primary:

“We live in a blessed nation. God has given me the great honor to serve the people of East Tennessee in the state legislature for eight years and in Washington as the Congressman from the 1st Congressional District for the past two years. For that I will be forever grateful!

“The people of East Tennessee, both democrats and republicans, are some of the best people on earth. They are hard working, liberty loving and self reliant. Over the past week I have attempted to point out the harmful nature of crossover voting during Party specific elections, commonly known as “primaries”.

“This crossover voting is not only illegal under Tennessee state law -- it is harmful to our very system of government.

“The right of political parties to determine their own nominees goes to the core of the associational rights guaranteed by the First Amendment of the United States Constitution and it has been upheld by the Supreme Court of the United States.

“In no area is the political association’s right to exclude more important than in the process of selecting its nominees. Referring specifically to “malicious crossover voting, or raiding,” the Supreme Court recognized that “a single election in which the party nominee is selected by nonparty members could be enough to destroy the party.”

“Tennessee law recognizes the important associational rights of political parties, and it makes clear that people must be bona fide members of the political party in whose primary they seek to vote. While some people have asserted that Tennessee has an “open” primary system, this is simply not the case.

“Rather, state law is clear that voters seeking to cast a ballot in a party primary are only eligible if one of two conditions are met: (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.”

“This law not only protects the rights of republican voters in their primary elections, it also protects the rights of democratic voters in their primary elections.

“For instance, it is unfortunate but it appears that some members of my own party used this same crossover voting technique in West Tennessee to subvert the will of democratic voters in a very close State Senate race.

“When members of the opposing party participate in the other party’s primary unlawfully they are weakening the two party system that is central to our very form of government.

“There is clear and overwhelming evidence that the integrity of the August 7, 2008 Republican primary was violated by large numbers of crossover voters who voted to change the outcome of the Republican primary.

“Both candidates and political parties should think twice before they violate the letter or intent of this law. If this law is violated we are setting a very dangerous precedence for the future.

“We can not hope to maintain our rights as a free nation if we are willing to infringe one of our precious liberties – the right to vote. Elections do matter!

“It is my sworn Constitutional duty as an elected representative to fight for the rights of all citizens without regard to their political party affiliation. I hope that I have made the point that the rule of law matters in America and that the voting rights of both parties should be protected. That has been my goal since my very first election and since the republican primary election last Thursday.

“I am announcing today that even though I have the law on my side, I have decided not to pursue an election contest with the Republican Primary Board. I love East Tennessee and I love America, therefore it is in the best interest of everyone concerned that I concede the election to my primary opponent. I have contacted Mr. Roe and made him aware of my decision.

“May God Bless the First Congressional District and may God Bless America.”



Paid for by David Davis Victory Fund
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