

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE**

**BARBRA COLLINS, AMY C. DUDLEY,  
and DONALD J. SOBERY,**

**PLAINTIFFS,**

**V.**

**STATE OF TENNESSEE, and TRE HARGETT in  
*his official capacity as Tennessee Secretary of State,***

**DEFENDANTS.**

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**COMPLAINT**

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Plaintiffs Barbra Collins (“Collins”), Amy C. Dudley (“Dudley”), and Donald J. Sobery (“Sobery”) (collectively, “Plaintiffs”), file this Complaint against Defendants State of Tennessee (the “State”) and Tre Hargett (“Hargett”), in his official capacity as Tennessee Secretary of State, (collectively “Defendants”), and allege as follows:

**NATURE OF THE ACTION**

1. This is a civil action seeking damages and declaratory relief arising under the Qualification Clause of the United States Constitution. U.S. Const. Art. 1 § 2; U.S. Const. Art. 1 § 5. This action challenges the constitutionality of Tennessee Senate Bill 2616/House Bill 2764 (the “Provision”) that imposes an impermissible residency requirement on candidates running for United States Congress.<sup>1</sup> Specifically, the Provision requires that a candidate running for United States Congress reside in Tennessee, as well as within the congressional district they seek to represent, for at least three years in order to appear on the primary ballot as a candidate.

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<sup>1</sup> A copy of the legislation is attached hereto as **Exhibit 1**.

2. This Provision will become law unless Governor Bill Lee vetoes the legislation.

3. Under the challenged Provision, an otherwise constitutionally qualified candidate for whom Plaintiffs intend to vote in the Republican primary for the Fifth Congressional District, will be prohibited from running because she has not lived in Tennessee for at least three years. The Provision blatantly violates Article I of the United States Constitution (the “Constitution”) because the Constitution delineates the only qualifications necessary to serve as a member of the U.S. House of Representatives, and vests with the House of Representatives the exclusive authority to judge the qualifications of its own members.

4. Plaintiffs seek damages and a declaration that the Provision is unconstitutional so that all qualified candidates who wish to run for Congress in the August 4, 2022 primary election may do so.

### **PARTIES**

5. Plaintiff, Barbra Collins, is a citizen of the State of Tennessee, residing in the Fifth Congressional District, and has been at all times relevant to this lawsuit a qualified and registered voter in the State of Tennessee. Under the Provision, Collins would not be able to vote for her chosen candidate in the August 4, 2022 primary.

6. Plaintiff, Amy C. Dudley, is a citizen of the State of Tennessee, residing in the Fifth Congressional District, and has been at all times relevant to this lawsuit a qualified and registered voter in the State of Tennessee. Under the Provision, Dudley would not be able to vote for her chosen candidate in the August 4, 2022 primary.

7. Plaintiff, Donald J. Sobery, is a citizen of the State of Tennessee, residing in the Fifth Congressional District, and has been at all times relevant to this lawsuit a qualified and registered voter in the State of Tennessee according to state and federal law. Under the

Provision, Sobery would not be able to vote for his chosen candidate in the August 4, 2022 primary.

8. Defendant State of Tennessee (the “State”), through the Tennessee General Assembly, passed the unconstitutional Senate Bill 2616 on March 28, 2022, which establishes extra-Constitutional qualifications in order for candidates to qualify to run for Congress. Pursuant to Fed. R. Civ. P. 4(j)(2) and Tenn. R. Civ. P. 4.04, the State may be served through the Attorney General or any assistant attorney general at 500 Charlotte Ave, Nashville, TN 37219.

9. Defendant Tre Hargett (“Hargett”) is the Tennessee Secretary of State. As the Tennessee Secretary of State, his powers and duties include, among other things, the administration and enforcement of Tennessee election law. Hargett acts under the color of law and is sued in his official capacity. Pursuant to Fed. R. Civ. P. 4(j)(2) and Tenn. R. Civ. P. 4.04, Hargett may be served through the Attorney General or any assistant attorney general at 500 Charlotte Ave, Nashville, TN 37219.

### **JURISDICTION AND VENUE**

10. This action arises under 42 U.S.C. § 1983, 28 U.S.C. § 2201, and Article I of the Constitution.

11. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a).

12. Venue is proper in this Court under 28 U.S.C. § 1391(b) because Plaintiffs all reside within this Judicial District, and Plaintiffs’ constitutional rights will be and will continue to be violated by Defendants in this Judicial District.

## APPLICABLE LAW

13. Article 1 § 2 of the Constitution states: “No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.” Const., Art. 1 § 2.

14. Article 1 § 5 of the U.S. Constitution reads, “Each House shall be the Judge of the Elections . . . and Qualifications of its own Members.” Const., Art. 1 § 5.

15. The Provision provides: “In order to qualify as a candidate in a primary election for the United States senate [sic] or for member of the United States house of representatives [sic], a person shall meet the residency requirements for state senators and representatives contained in the Tennessee constitution.” See **Exhibit 1**.

16. Under the Tennessee Constitution: “No person shall be a representative unless he shall be a citizen of the United States, of the age of twenty-one years, and shall have been a citizen of this state for three years, and resident in the county he represents one year, [sic] immediately preceding the election.” Tenn. Const. Art. 2, § 9.

17. Regarding State Senators, “No person shall be a senator unless he shall be a citizen of the United States, of the age of thirty years, and shall have resided three years in this state, and one year in the county or district, immediately preceding the election.” Tenn. Const. Art. 2, § 10.

18. Statewide political parties shall nominate their candidates for the offices of Members of the United States House of Representatives in primary elections “at the regular August election.” Tenn. Code Ann. § 2-13-202. In 2022, the regular August election will be August 4, 2022. Elections for Representatives in the United States Congress shall be held at the

regular November election. *See* Tenn. Code Ann. § 2-3-203. In 2022, the regular November election shall be held on November 8, 2022.

19. “Independent and primary candidates for any office to be filled at the regular November election for which a primary is required to be held at the regular August election shall qualify by filing such candidates’ nominating petitions no later than twelve o’clock (12:00) noon, prevailing time, on the first Thursday in April.” Tenn. Code Ann. §2-5-101(b). In 2022, the qualifying deadline for primary candidates running for Congress to file their petitions is April 7, 2022.

20. “The general assembly shall establish the composition of districts for the election of members of the house of representatives in congress after each enumeration and apportionment of representation by the congress of the United States.” Tenn. Code Ann. §2-16-102. After the 2020 census, Tennessee was apportioned nine congressional districts. On February 6, 2022, Governor Bill Lee signed into law the new congressional districts as approved by the Tennessee General Assembly.

## **FACTUAL ALLEGATIONS**

### **Background**

21. Plaintiffs are citizens of the State of Tennessee who reside in the Fifth Congressional District, are registered and eligible to vote, and intend to vote in the August 4, 2022 Republican primary to select their party’s nominee to represent their district in the United States House of Representatives (the “House of Representatives”).

22. On February 6, 2022 Governor Bill Lee signed into law a set of new Senate, House, and congressional maps. Adam Friedman and Melissa Brown. *Gov. Bill Lee Signs Redistricting Bills Dividing Davidson County into Three Congressional Districts. The*

*Tennessean*. (Mar. 30, 2022). <https://cm.tennessean.com/offers-reg/?return=https%3A%2F%2Fwww.tennessean.com%2Fstory%2Fnews%2Fpolitics%2F2022%2F02%2F07%2Flee-signs-redistricting-bills-dividing-davidson-county%2F9245380002%2F>.

The plan split Davidson County into three separate congressional districts. *Id.* The Fifth Congressional District now runs through downtown Nashville and into largely rural areas which were previously Tennessee's Sixth and Seventh Congressional Districts. *Id.* Accordingly, the Fifth Congressional District is completely new to a lot of citizens that have been lifelong Tennesseans.

23. On February 7, 2022, Morgan Ortagus ("Ortagus") announced that she would run for Congress to represent Tennessee's Fifth Congressional District in the House of Representatives and filed her Statement of Candidacy with the Federal Election Commission that same day. Melissa Brown, *Morgan Ortagus Announces Trump-Backed Run for Tennessee's new 5<sup>th</sup> Congressional District*. *The Ledger* (Feb. 7, 2022), <https://www.theledger.com/story/news/2022/02/07/morgan-ortagus-run-nashville-tennessees-5th-congressional-district/6688920001/>; *see also* [https://www.fec.gov/data/candidate/H2TN05362/?cycle=2022&election\\_full=false&tab=about-candidate](https://www.fec.gov/data/candidate/H2TN05362/?cycle=2022&election_full=false&tab=about-candidate).

24. Ortagus lives in Tennessee's Fifth Congressional District, relocating here after working with distinction as a member of President Donald J. Trump's administration. Gary White, *Endorsed By Trump, Polk Native Morgan Ortagus At Center Of Tennessee Congressional Fight*, *The Ledger*. (Mar. 25, 2022), <https://www.theledger.com/story/news/local/2022/03/25/polk-county-native-morgan-ortagus-run-congress-prompts-election-debate-tennessee/7118735001/>.

25. Ortagus is an active U.S. Navy Reserve Officer and a business executive. *Meet Morgan Ortagus*, Morgan Ortagus for Congress, <https://morganortagus.com/meet-morgan/> (last visited Mar. 23, 2022). Ortagus served as Spokeswoman for Secretary of State Mike Pompeo in the Administration of President Donald J. Trump (“Trump Administration”) from 2019 to 2021.

26. While serving in the Trump Administration, Ortagus helped with high-profile foreign policy actions, including hostage negotiations and the United States’ campaign against Huawei’s 5G expansion in the West. *Id.* While at the Department of State, Ortagus worked on the Abraham Accords which helped bring peace between Israel, and the UAE, Bahrain, and Sudan. *Id.* Ortagus also worked her way through public high school and college, and was once an Applebee’s waitress. *Id.* In short, she is a dedicated public servant as well as a conservative leader who the citizens of Tennessee’s Fifth District deserve to have the option of supporting in the August 4, 2022 primary.

27. Because of her dedication to conservative policies that put America first, President Donald J. Trump has strongly endorsed Ortagus’ candidacy to be the Republican nominee to represent Tennessee’s Fifth Congressional District.

28. Upon learning about Ortagus’ candidacy, Plaintiffs decided to support Ortagus and want to vote for her in the August 4, 2022 Republican primary.

***The Tennessee General Assembly Passed An Unconstitutional Law Targeting Plaintiffs’ Preferred Candidate***

29. On March 28, 2022, the Tennessee General Assembly passed the Provision, which will codify into law unconstitutional qualifications a candidate must meet in order to run for United States Senate (the “Senate”) or the House of Representatives. This law forbids all primary candidates that have not been a resident in the congressional district they seek to represent for the past three years, from qualifying to appear on the ballot for the August primary.

30. Upon information and belief this bill will become law on or about April 9, 2022 unless Governor Bill Lee vetoes the legislation.

31. Despite all of Ortagus' public service, accolades, and the endorsement of President Trump, she would no longer be eligible to represent the Fifth Congressional District if this provision is enforced to prevent her from appearing on the ballot as a candidate during the August primary. Adam Friedmand and Melissa Brown, *Redrawn 5<sup>th</sup> Congressional District Opens Door to High-Profile, Competitive GOP Primary*, The Tennessean (Jan. 26, 2022), <https://www.tennessean.com/story/news/2022/01/27/morgan-ortagus-nabs-trump-endorsement-tennessee-5th-others-mull-candidacy/9224486002/>. Accordingly, if Defendants are allowed to enforce the Provision against Ortagus, Plaintiffs will not be able to vote for the candidate of their choice to represent them in Congress.

32. Members of the Tennessee General Assembly who passed the Provision **know** it is unconstitutional. Jon Styf, *Constitutional Questions Surround Attempt To Add Residency Rule For Tennessee Congressional Primaries*, The Center Square (Feb. 15, 2022), [https://www.thecentersquare.com/tennessee/constitutional-questions-surround-attempt-to-add-residency-rule-for-tennessee-congressional-primaries/article\\_7be8fa50-8e92-11ec-8084-b7c4645a1d7a.html](https://www.thecentersquare.com/tennessee/constitutional-questions-surround-attempt-to-add-residency-rule-for-tennessee-congressional-primaries/article_7be8fa50-8e92-11ec-8084-b7c4645a1d7a.html). Counsel for the Tennessee State Senate's Local Government Committee, Josh Houston, said there had been several attempts by other states to enact similar requirements, all of which were declared unconstitutional. *Id.* ("There have been cases like this before and they have all been ruled unconstitutional.").

33. Ken Yager, Chairman of the Republican Caucus in the Tennessee Senate said, "I have some real serious considerations about the Constitutionality of the bill." Vivian Jones, *Residence Bill Would Block 2 GOP Candidates from District 5 Primary*, Main Street Nashville

(Feb. 16, 2022), [https://www.mainstreet-nashville.com/news/residency-bill-would-block-2-gop-candidates-from-district-5-primary/article\\_3be79124-8ebe-11ec-baf9-c3ed66482ebe.html](https://www.mainstreet-nashville.com/news/residency-bill-would-block-2-gop-candidates-from-district-5-primary/article_3be79124-8ebe-11ec-baf9-c3ed66482ebe.html).

34. The Tennessee General Assembly has acknowledged the unconstitutionality of the Provision, yet passed it anyway, thereby necessitating the present litigation.

35. Worse, it is clear that the Provision is specifically designed to target Ortagus and prevent her running for Congress. Melissa Brown, *Legislator Takes Aim at Tennessee Transplant Congressional Candidates with New Bill*, *The Tennessean* (Feb. 16, 2022). <https://www.tennessean.com/story/news/politics/2022/02/15/tennessee-bill-would-place-residency-requirements-candidates/6800035001/>.

36. The Provision's residency requirement runs afoul of Supreme Court precedent as established in *U.S. Term Limits, Inc. v. Thornton*, holding that states cannot impose additional requirements on candidates that want to run for Congress. 514 U.S. 779, 816 (1995) ("The Framers intended the Elections Clause to grant States the authority to create procedural regulations, not to provide States with license to exclude classes of candidates from federal office.").

37. Moreover, the Constitution vests each house of Congress with the "sole authority . . . to judge the elections, returns and qualifications of its members." *Barry v. U.S. ex rel. Cunningham*, 279 U.S. 597, 619 (1929) (emphasis added); *see also* U.S. Const. Art. I, § 5.

38. The Constitution does not empower state legislatures to infringe upon Congress' exclusive authority to judge the qualifications of its members. *Roudebush v. Hartke*, 405 U.S. 15, 19 (1972). In *U.S. Term Limits*, the United States Supreme Court held that states "have no authority to change, add to, or diminish, the requirements for congressional service enumerated in the Qualifications Clauses." *U.S. Term Limits*, 514 U.S. at 816 (citations omitted); *see also*

*Cox v. McCrery*, No. CIV.A.06-2191, 2007 WL 97142, at \*3 (W.D. La. Jan. 5, 2007) (“The Qualifications Clause is exclusive and cannot be enlarged by the states.”).

39. In the wake of *U.S. Term Limits*, federal appellate courts across the country have held that state legislatures cannot impose residency requirements for their congressional districts. *Schaefer v. Townsend*, 215 F.3d 1031 (9th Cir. 2000) (“We therefore hold that California’s requirement that candidates to the House of Representatives reside within the state *before* election, violates the Constitution by handicapping the class of nonresident candidates who otherwise satisfy the Qualifications Clause.”); *Tex. Democratic Party v. Benkiser*, 459 F.3d 582 (5th Cir. 2006); *Campbell v. Davidson*, 233 F.3d 1229, 1235 (10th Cir. 2000) (ruling that a Colorado law that required candidates to be a resident of the state for at least 30 days prior to an election was unconstitutional).

40. If this Provision is enforced and allowed to proceed, Ortagus would no longer be eligible to represent the Fifth Congressional District and would be required to suspend her campaign, thereby robbing Plaintiffs of the opportunity to vote for their candidate of choice in the August 4, 2022 Republican primary.

#### **HARM TO PLAINTIFFS**

41. Plaintiffs are ready, willing, and eager to vote for Ortagus in the Republican primary to be the party’s nominee for Congress in the Fifth Congressional District.

42. Plaintiffs have a right to vote for their desired candidate. *Anderson v. Celebrezze*, 460 U.S. 780, 787 (1983); *U.S. Term Limits*, 514 U.S. at 819 (“fundamental principle of our representative democracy is that . . . the people should choose whom they please to govern them.”).

43. Yet, if enacted and enforced against Ortagus, Plaintiffs would be unable to vote for their desired candidate since she has not resided in Tennessee's Fifth Congressional District for more than three years.

44. The Provision impermissibly limits who Plaintiffs can vote for based upon an unconstitutional requirement to serve as a Member of Congress. Based on the plain language of the Constitution, as interpreted by federal courts throughout the country, states do "not possess the power to supplement the exclusive qualifications set forth in the text of the Constitution." *U.S. Term Limits*, 514 U.S. at 816; *Schaefer*, 215 F.3d at 1035. The Supreme Court has held that a state provision creating an absolute bar to candidates, who otherwise meet the requirements of the Qualifications Clause, is unconstitutional. *U.S. Term Limits*, 514 U.S. at 835 (ruling that the only qualifications provisions that are constitutional are when the provisions "regulated election *procedures* and did not even arguably impose any substantive qualification rendering a class of potential candidates ineligible for ballot position").

45. The Provision is not procedural, but rather creates substantive qualifications for candidates above those which appear in Article I of the Constitution.

46. If the Provision is enforced, Plaintiffs and other voters will be unable to vote for their preferred qualified candidates in the Republican Primary to represent the Fifth Congressional District.

47. The residency requirement imposed by the Provision severely burdens Plaintiffs' right to vote for qualified candidates under the Qualifications Clause of the Constitution.

48. Plaintiffs face imminent and irreparable injury in the near future if the Provision becomes law, is enforced, and not declared unconstitutional, because the qualifying deadline for the upcoming primary election is April 7, 2022. Thus, if the Provision is enforced, and Ortagus

is removed from the ballot, Plaintiffs will not be able to vote for her in the August 4, 2022 primary.

### **CLAIMS FOR RELIEF**

#### **First Claim Of Relief—Declaratory Judgment Act (28 U.S.C. §2201, et seq.)**

49. Plaintiffs restate and incorporate by reference the allegations of paragraphs 1-47 above as though fully set forth herein.

50. Plaintiffs ask the Court to declare that this provision may not be used to prevent Ortagus from remaining on the ballot to run in the Republican primary to represent the Fifth Congressional District in Congress.

#### **Second Claim Of Relief—42 U.S.C. § 1983**

51. Plaintiffs restate and incorporate by reference the allegations of paragraphs 1-49 above as though fully set forth herein.

52. 42 U.S.C. § 1983 reads:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

53. Upon information and belief, Defendants intend to enforce the Provision if it becomes law.

54. Upon information and belief this bill will become law on April 9, 2022 unless Governor Bill Lee vetoes the legislation.

55. As the parties responsible for interpretation and enforcement of the Provision, Defendants are liable for any action taken pursuant to the Provision that violates Plaintiffs' constitutional rights.

56. Defendants would be acting under color of law and in their official capacity if they deny Ortagus access from the primary ballot.

57. The Provision specifically runs afoul of Article 1 of the Constitution. The Provision requires candidates running for Congress to reside in the Congressional district they seek to represent for at least three years prior to running for office, and impermissibly expands the requirements otherwise necessary for a candidate for Congress.

58. Multiple courts have already ruled that states cannot impose residency requirements on congressional office prior to the election. *Schaefer*, 215 F.3d at 1031; *Tex. Democratic Party v. Benkiser*, 459 F.3d 582 (5th Cir. 2006); *Campbell v. Davidson*, 233 F.3d 1229, 1235 (10th Cir. 2000).

59. In light of the Provision's requirements, Plaintiffs would not be able to vote for their preferred Congressional candidate. Plaintiffs' injuries will continue into the future unless the challenged provision is declared unconstitutional.

**Third Claim Of Relief—Declaratory Judgment Act (28 U.S.C. §2201, et seq.)**

60. Plaintiffs restate and incorporate by reference the allegations of paragraphs 1-58 above as though fully set forth herein.

61. Plaintiffs ask the Court to declare that (1) Ortagus is eligible to run in the Republican Primary for representative of the Fifth Congressional District, and that (2) that Senate Bill 2616 is unconstitutional because Article I, § 2 of the Constitution sets forth the *exclusive* list of qualifications for serving as a member of the House of Representatives: the candidate must be

(a) at least twenty-five years old, (b) a U.S. citizen for at least seven years and (c) an inhabitant of the state he or she will represent when elected. Ortagus satisfies all three criteria.

62. Plaintiffs also ask that the Court declare Senate Bill 2616 unconstitutional as it runs afoul of Article 1, § 5 of the Constitution, which vests the House of Representatives with exclusive authority to determine the eligibility of its members. *See* U.S. Const. Art. 1 § 5.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that this Court grant the following relief:

- A. Declare Ortagus can remain on ballot for the August 7, 2022 Republican primary as a candidate to represent the Fifth Congressional District;
- B. Preclude Defendants from enforcing the Provision by removing Ortagus from the ballot in the August 7, 2022 primary;
- C. Declare the Provision unconstitutional because U.S. Const. Art. 1 § 2 of the U.S. Constitution sets forth the exclusive list of qualifications for serving as a member of the House of Representatives;
- D. Declare the Provision unconstitutional because U.S. Const. Art. 1 § 5 provides that only the House of Representatives can set forth a representative's qualifications;
- E. Costs and attorneys' fees pursuant to 42 U.S.C. § 1983 or any applicable statute or authority; and,
- F. Such other or further relief the Court deems to be just and appropriate.

Respectfully submitted,

**DICKINSON WRIGHT PLLC**

*s/ Autumn L. Gentry*

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*Attorneys for Plaintiffs*

# EXHIBIT 1

Amendment No. 1 to SB2616

Briggs  
Signature of Sponsor

**AMEND Senate Bill No. 2616**

**House Bill No. 2764\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 13, Part 2, is amended by adding the following as a new section:

In order to qualify as a candidate in a primary election for United States senate or for member of the United States house of representatives, a person shall meet the residency requirements for state senators and representatives contained in the Tennessee constitution.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

### I. (a) PLAINTIFFS

Barbra Collins, Amy C. Dudley, and Donald J. Sobery

(b) County of Residence of First Listed Plaintiff Davidson  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Dickinson Wright PLLC/Autumn L. Gentry, 424 Church St, Ste 800, Nashville, TN, 37219, 615-620-1755

### DEFENDANTS

State of Tennessee, and Tre Hargett, in his official capacity as Tennessee Secretary of State

County of Residence of First Listed Defendant Davidson  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

### II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

### III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

### IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>INTELLECTUAL PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

### V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

### VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. § 1983, 28 U.S.C. § 2201, and Article I of the Constitution

Brief description of cause:  
Constitutionality of Tenn. SB 2616/HB 2764 that imposes impermissible residency requirements on candidates running for United States Congress.

### VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ \_\_\_\_\_ CHECK YES only if demanded in complaint:  
atty fees & decl judgm JURY DEMAND:  Yes  No

### VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE SIGNATURE OF ATTORNEY OF RECORD

3/31/2022 /s/ Autumn L. Gentry

FOR OFFICE USE ONLY

RECEIPT #

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.