

# Constitutional Amendment Issues

## How the amendment gets to the ballot

For a Constitutional amendment to appear on the ballot, a resolution must be passed by two consecutive sessions of the general assembly. The first passages must be by a majority in each house. The second passage must be by a two-thirds vote in each house. The question must then appear on the ballot at the next general election where a governor is selected. Article XI, Section 3, Tennessee Constitution.

## The Ballot

Constitutional amendments are placed on the ballot directly after the candidates for governor. T.C.A. §2-5-208(f)(1). If the question exceeds three hundred (300) words, the Attorney General's office may prepare a summary. Neither question on this year's ballot exceeds 300 words. The language reflects the wording of the resolutions, but is put in the form of a question. A "yes" vote is a vote to amend the Constitution while a "no" vote is a vote not to amend the Constitution.

## Counting the votes

In order for the amendment to pass and become part of the Constitution, two things must happen:

- 1) The amendment must get more "yes" votes than "no" votes; and
- 2) The number of "yes" votes must be a majority of the votes cast in the gubernatorial election.

To determine the votes needed, all votes for all candidates for governor are added together. This number is divided by two or halved. The number of "yes" votes must exceed that number. If the number of "yes" votes exceeds the number, the Constitutional amendment passes and becomes part of the Constitution.

## Voting

Despite the fact that the number of votes cast for governor is used to determine the outcome, it is not necessary to vote in the governor's race in order to vote on the Constitutional amendment. Likewise, it is not necessary to vote for an amendment in order to vote in the governor's race.

## Amendment #1 (Lottery)

Passage of the amendment would create an exception to the Constitutional prohibition on lotteries. It would allow, but not require, the legislature to establish a lottery under certain circumstances. Passage of the amendment does not create a lottery, but allows the legislature to do so.

## Amendment #2 (Fines)

Currently, Article VI, Section 14 of the Constitution limits the amount of a fine to fifty dollars (\$50) without a jury trial. This amendment would delete the limit and allow the legislature to set the maximum fine without a jury trial.