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PARTY BYLAWS DID NOT DISQUALIFY TRUMP-BACKED PICK FOR NASHVILLE DISTRICT, DESPITE TENNESSEE GOP CHAIRMAN'S CLAIMS

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by MATTHEW BOYLE | 27 Apr 2022 | Washington, DC | 114

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The chairman of the Tennessee Republican Party and other GOP insiders, who reinterpreted party bylaws to claim they disqualified a candidate for U.S. Congress backed by former President Donald Trump, say the bylaws explicitly disqualified her, but that is not true.

Scott Golden, the Tennessee GOP chairman who oversaw the 17-member panel of state party officials who kicked Trump-backed Morgan Ortagus and two others off the ballot, [told](#) the *New York Times* last week the vote to keep Ortagus and the two other candidates off the ballot “was all about their voting records.” The vote also kept Robby Starbuck and Baxter Lee, two other candidates, off the ballot.

“None of the three had met the party’s requirement of having voted in three of the last four statewide primaries, he said,” the *Times* wrote, citing Golden.

But Golden’s claims are contradicted by [the bylaws themselves](#) and also by public comments from another candidate and from Golden himself just a few weeks earlier. The actual bylaws from the Tennessee GOP define the term “bona fide Republican” in multiple places. In the first such instance in the bylaws, on page three, it says for a candidate to qualify as a “bona fide Republican” he or she “shall have voted in the last three Statewide Republican primaries” in his or her “county of residence during those primary elections.” This particular section is describing that terminology is under the section that describes members of the state executive committee, or SEC, of the Tennessee GOP. A footnote explains that the voting requirement follows people who move from state to state or county to county — and that the so-called “Statewide Republican Primaries” do not need to be in Tennessee.

The footnote in the bylaws explicitly says this language “was approved with the understanding that this would not require one to have voted in three primaries in the same residence. This allows for an individual to have moved from county to county and state to state.”

The section of the bylaws that defines a “bona fide Republican” — the same terminology as used for SEC members — for the purposes of a congressional candidate comes later, in section IX of the bylaws on pages 13 and 14. In this section, a “bona fide Republican” is defined as someone “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” in addition to meeting one of two fellow requirements. The either/or second requirement set requires of candidates that they are either vouched for in writing by other state party officials or that they have “voted in at least three (3) of the four (4) most recent Statewide Republican primary elections.”

This section does not specify that those three of four statewide primary elections need to be in Tennessee or in a particular county — just that someone voted in three of the last four GOP primary statewide primary elections in which they were eligible to vote no matter where they are.

What the panel of 17 party insiders did in this case is ruled — via reinterpretation behind closed doors— that the meaning of that phraseology in this point in the document where it is unspecified is not the same as it was earlier in the same document.

Golden, and other members of that 17-person panel, have not replied to repeated requests for comment and interviews to explain themselves — meaning the chairman of the Tennessee Republican Party thinks it is okay to comment on these matters to the *New York Times* but not to conservative media like Breitbart News. It also means that Golden is either unwilling to or incapable of publicly defending

himself on these very legitimate questions regarding the interpretation and the process. These questions are important because when party insiders decide to undermine the will of the voters by removing candidates from the ballot—especially when one such candidate is supported by former President Trump, whose endorsement is clearly without fail the most sought-after in American politics nationwide today—being able and willing to explain how and why said decisions were made is critical. These 17 people, who are not elected by the voters in Tennessee, decided the voters should not have a chance to weigh in on this matter, and now they refuse to explain themselves—and could be seriously undermining the eventual possible winner, should another Republican win that seat, by attaching a scarlet letter next to them forevermore that this is how they had to win rather than by legitimately campaigning and winning a congressional race.

Golden's refusal to do an interview explaining himself and the state party insiders may also be because he actually contradicted himself when it comes to this development. Previously, Golden [told](#) Just The News — a national conservative publication — that this section regarding defining “bona fide Republican” in Article IX of the party bylaws does indeed mean that someone's voting record travels with them state-to-state if they moved from somewhere else to Tennessee.

“Article IX of the TNGOP Bylaws lays out the standard which essentially is active in the party, voted in 3/4 or be vouched for,” Golden said. “Your voting record does follow you from county to county and state to state. So a registered Georgia Republican who voted in the congressional primary in 2016 would be used to verify his/her Bona Fide status for a Tennessee office in 2022.”

Another candidate for the office, Maury County's mayor Andy Ogles, also confirmed in an interview with Just The News that the state party bylaws allow an out-of-state voter to import their voting record with them upon moving into the state. Bashing it as the “Carpetbaggers' Rights Act,” Ogles said that a candidate “can import your voting record.”

“So let's say you've lived in Georgia and you just moved here and you've always voted in Republican primaries, you can import that record as part of your record here,” Ogles said. “So it's not excluding someone who just moved here as far as becoming ‘bona fide.’”

While the cases of Starbuck and Lee are less clear, the case of Ortagus in particular is crystal: The former Trump administration State Department spokeswoman voted in the last three GOP primaries in which she was eligible to vote, not even having to go four back to prove her eligibility.

A two-page memorandum that Ortagus's campaign prepared and released shows that she did in fact vote in the last three eligible GOP primaries where she lived in both New York and Washington, DC. She voted most recently in the 2020 Washington, DC, GOP primary, when she worked in the Trump administration as now former Secretary of State Mike Pompeo's spokeswoman. She also voted in the 2016 GOP primary in New York, and in the 2012 primary in Washington, DC.



The primaries in 2014 and 2018 — the two election years in between those last two elections — she lived in New York and there was no primary in the district in which she lived. As such, it is not just impossible but unlawful for someone to pull a ballot when there is not a primary for them to vote in in New York.

All of this evidence was available to the committee members when the 17-member panel of GOP party insiders voted to not allow Ortagus on the ballot under the justification that—according to Golden's comments to the New York Times—she somehow did not meet the standard of voting in three out of four past statewide GOP primary elections. So the committee did some creative interpretation of its own


bylaws to keep Ortagus off the ballot—and at this stage it remains unclear if there is a pathway for this wrong to be righted.

Despite the lack of a clear way to fix this mistake, one extra thing that has become clear in the ensuing days since last week's actions is that at least some of the people driving this process were motivated by genuine antisemitism. State Sen. Frank Niceley, a GOP state senator who devised a similar strategy to pass legislation through the statehouse barring candidates for Congress from the ballot without meeting similar residency qualifications, was quoted claiming that former President Trump himself would not be upset by this but that only the members of his family who are Jewish — daughter Ivanka and son-in-law Jared Kushner — would be upset, because Ortagus is also Jewish.


Beth Harwell, the former Speaker of the state House and one of the leading candidates in the wake of Ortagus's removal from the ballot, has been scarred by the antisemitism that Niceley has displayed. Donald Trump Jr., the former president's eldest son, blasted her about it last week:




Donald Trump Jr.  
@DonaldJTrumpJr

This Tennessee swamp creature was endorsed by a guy who spent the last week praising Hitler and making anti-Semitic comments about my sister. She hasn't condemned his comments. I'm thinking maybe she shouldn't be teaching kids about history or serving in congress. #TN05

Beth Harwell  @BethHarwellTN

I loved teaching Stewarts Creek High School AP History class about our Tennessee Government and Constitution. Bright students with great questions!

12:22 PM · Apr 22, 2022 

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The state's senior senator, Sen. Marsha Blackburn (R-TN), also called out the antisemitism, as did Lt. Gov. Randy McNally:

Sen. Marsha Blackburn  
 @MarshaBlackburn

It is incumbent on each of us to call out and condemn anti-Semitism wherever we find it. Senator Frank Niceley's anti-Semitic comments are repulsive and are not representative of Tennessee conservative values.

1:25 PM · Apr 22, 2022 

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Times Free Press  
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Lt. Gov. Randy McNally is calling on Sen. Frank Niceley, R-Strawberry Plains, to be more cautious with his verbiage after sidelined congressional candidate Morgan Ortagus lashed out at Nicely, saying he made an antisemitic comment.

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This anchor around the neck of other candidates — from Harwell to Ogles and everyone else still allowed by the insiders to be candidates in the race — could severely damage GOP chances to take this congressional district, a major pickup opportunity for Republicans. The state legislature created the new district in redistricting this year, a major opportunity for the Republican Party that might now be squandered moving forward. Even if a Republican eventually wins it, whoever that person is if they had to do this to win will forever be branded as someone who had to rely on a rigged system to beat Trump’s pick — rather than winning at the ballot box.

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