

# The Tennessee Journal

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## Biden dominates when it counts to capture Tennessee primary

As heavyweight Mike Tyson once observed, everyone has a plan until they get punched in the mouth.

Democratic candidate Mike Bloomberg appeared to have a solid plan going into Tennessee's presidential primary, placing in or near the top of the state's largest counties at the conclusion of the 12-day early voting period. But Bloomberg's prospects were KO'd on Super Tuesday itself as voters abandoned the former New York mayor in droves while Joe Biden catapulted from also-ran status to a dominant win.

Bloomberg had visited Tennessee repeatedly before, during, and after early voting and had more than 40 state staffers organizing on his behalf. He also had a nearly \$8 million advertising budget while other candidates made comparatively minuscule state investments in terms of time, effort, or money. But when the dust settled, Biden had won 42% of the vote, followed by Bernie Sanders with 25%. Bloomberg limped into a distant third-place finish, ending up with just 15%.

There are several reasons for Bloomberg's dismal showing on Super Tuesday, including growing unease among Democrats about the former Republican's record as New York mayor, a disastrous initial debate appearance, and a growing chorus of concern that the billionaire was trying to buy the election. But the biggest factor was Biden's reversal in winning the previous weekend's primary in South Carolina.

Biden's resounding victory re-established him as mainstream Democrats' best hope to turn the tide against Sanders' socialist platform and to mount a strong challenge to President Donald Trump in November. That had been a mantle Bloomberg hoped to gain after Biden struggled through the earlier primary contests. But after South Carolina, former Democratic hopefuls Pete Buttigieg and Amy Klobuchar (both of whom had campaigned in Tennessee that day) dropped out of the race and later endorsed Biden's bid.

Bloomberg didn't have a response for that rapid set of developments, and his support went into free fall in Tennessee and other Super Tuesday states. By Wednesday, he had dropped out of the race and endorsed

Biden. Bloomberg is reportedly forming an independent expenditure group to fulfill an earlier pledge to keep paying his campaign team to work on behalf of the eventual Democratic nominee and to continue to attack Trump. Several Tennessee staffers have indicated on social media they plan to support Biden.

**What could have been.** Because of the haphazard way in which election results are reported around the state, there was never a time when observers got a clear snapshot of where the election stood following early and absentee voting, which made up 33% of the more than 515,000 primary ballots cast in Tennessee.

Bloomberg came out of early voting with 29% in Shelby County, essentially tied with Biden. But that strong showing collapsed when in-person voting began on Tuesday. Bloomberg received just 12% at the polls, compared with a whopping 59% for Biden. The more than 50,000 votes Biden picked up in Shelby County were nearly a quarter of his total primary haul in Tennessee. Meanwhile, Bloomberg ended up earning just 18,000 votes in the county.

Bloomberg was never quite as popular in Nashville, but still posted a respectable 20% in early and absentee voting — 3 percentage points more than Biden was able to muster. But the bottom fell out on Tuesday, as Bloomberg gathered a dismal 9% of the vote, compared with 46% for Biden. Sanders' support remained steady in Nashville — 28% in early voting and 27% at the polls — which was enough to keep him in second.

The trend repeated itself around the state. For example, Bloomberg went from 20% of the early vote in Knox County to 10% at the polls, while Biden's share jumped from 16% to 42%. In Williamson County, Bloomberg slipped from 24% in early voting to 13% on Tuesday, while Biden leapfrogged from 17% to 54%.

When all was said and done, Biden's show of force in Tuesday voting provided him with enough of a margin in the state's six largest counties alone to clinch the win over Sanders. He went on to carry 91 of 95 counties. Sanders narrowly lost Knox County, where the University of Tennessee's flagship campus is located, but won

in Putnam and Washington counties, the homes of Tennessee Tech and ETSU, plus Lewis and Unicoi.

**Polls.** With a dearth of public polling available in the weeks before Super Tuesday, there were very few clues on how Tennessee Democrats might vote. When two polls were released on the eve of the primary, they showed Biden leading in Tennessee — but with far smaller projected margins than he ended up winning.

The liberal think tank Data for Progress polled 368 voters between Friday and Monday, finding 34% supported Biden, while 27% backed Sanders, and 20% were behind Bloomberg's bid. Meanwhile, a Swayable poll of 1,527 likely voters in the two days before Super Tuesday found Biden with 28% support and Sanders with 27% — well within the margin of error of  $\pm 4$  percentage points.

**Delegate count.** Chad Blackburn, the son of U.S. Sen. Marsha Blackburn (R-Brentwood), was the top vote-getter among candidates to become at-large delegates for Trump at the Republican National Convention. Also making the cut were state Senate Majority Leader Jack Johnson of Franklin, House Majority Leader William Lamberth of Portland, and former Sen. Mae Beavers of Mt. Juliet. State lawmakers falling outside the top 14 threshold to become statewide delegates included Reps. Robin Smith of Hixson, Mary Littleton of Dickson, and Rick Tillis of Lewisburg.

State Sens. Shane Reeves of Murfreesboro and Paul Bailey of Sparta won the most votes in their respective congressional districts, where each of the top three finishers qualified to become GOP delegates. The ugly publicity surrounding Nashville auto dealer Lee Beaman's recent divorce from his fourth wife didn't appear to dampen his prospects, as he was the top finisher in the 5th District. Ken Meyer, a former Republican state House member who has since lobbied for controversial online school K-12 Inc., fell short in the 3rd District.

**Judges.** Kyle Hixson, whom Gov. Bill Lee appointed to the Knoxville Criminal Court bench in December, beat Wesley Stone 67% to 33% in the GOP primary to serve out the remaining two years of retired Judge Bob McGee's term. No Democrat is running.

General Sessions Judge Michael Collins of Carthage gained 42% in a three-way GOP primary to succeed retired Circuit Judge John D. Wootten Jr. He will face independent Branden Bellar in August.

Patricia Moskal, whom then-Gov. Bill Haslam named to the bench last year after the retirement of Nashville Chancellor Claudia Bonnyman, was unopposed in the primary. Jennifer Smith, who was named to the bench after the retirement of Circuit Judge Seth Norman in 2018, won the Democratic primary with 60% over Tillman Payne. Neither winner faces GOP opposition.

Others facing neither primary nor general election opponents were Criminal Court Judge Wesley Bray of Cookeville, Circuit Judge Kathryn Wall Olita of Clarksville, Circuit Judge Christopher Sockwell of Lawrenceburg, and Circuit Judge Michael Spitzer of Hohenwald.

**Local sales tax.** Wilson County voters approved a referendum to increase the local-option sales tax from

2.25% to 2.75% to fund higher salaries for public school teachers. Supporters say the tax hike will result in teacher raises of between \$1,000 and \$5,000 per year, depending on experience. The vote to approve the tax increase was 58% to 42%. A similar proposal last year had been defeated by 52% of voters.

### Legislative roundup

## **Senate advances gun, abortion bills on day of deadly tornado strikes**

It came as little wonder when legislative leaders declared Tuesday that morning committee meetings would be canceled after a night of severe weather and tornadoes left at least 24 dead across Middle Tennessee. Homes and businesses just a few blocks north of the state Capitol were severely damaged, and many staffers, lobbyists, lawmakers, and reporters joined other residents of the affected counties in trying to cope with the wreckage and human toll in their communities.

But then Senate Speaker Randy McNally (R-Oak Ridge) and House Speaker Cameron Sexton (R-Crossville) made the unexpected announcement that the legislature would resume regularly scheduled activities that afternoon, pressing forward with Gov. Bill Lee's legislation to eliminate requirements to obtain state-issued permits to carry handguns in public and seeking to enact sweeping restrictions on abortion in Tennessee.

Sexton, Rep. Ryan Williams (R-Cookeville), and Sen. Paul Bailey (R-Sparta) joined Lee — who had urged the public to stay off the streets and told nonessential state employees not to come to work — on a helicopter tour of the heavy damage on the Cumberland Plateau. Others like Rep. Susan Lynn (R-Mt. Juliet) made the trek from Wilson County, where three people died, to the Cordell Hull Building to vote on less-than-pressing items like a bill seeking to declare the Bible the state's official book.

Sexton told an Associated Press reporter along for the tour of the storm damage that it was OK for the legislature to meet even if interested parties weren't able to attend because "there's still access to the live-stream." Other legislative leaders made the dubious claim that it was important to show government was still working after the state suffered a devastating storm. Hallway chatter was less charitable, as speculation centered on whether leaders had been overly concerned that forgoing a busy committee day might delay the plan to adjourn the session by the week after Easter.

**The last of the shiny objects?** Lee's introduction of the permitless handgun carry and abortion bills allowed him to burnish his conservative credentials among fellow Republicans concerned about his positions on refugee resettlement and family leave. Both the gun and abortion bills are expected to pass this year (though the latter measure is virtually guaranteed to become the subject of a heated court battle). The problem for Lee is that if both measures are enacted this session, that will be two fewer hot-button items he will be able to reach back to in order to deflect criticism during inevitable disagreements over future policy decisions.

# Tennessee News Digest

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- President Donald Trump flew to Tennessee on Friday to tour tornado damage. Pop superstar Taylor Swift and the Tennessee Titans each donated \$1 million toward storm relief.
- Under a restructuring plan for the scandal-plagued United Auto Workers, the union's Lebanon-based Region 8 is adding nine states, including Arizona, California, and Texas, to the 13 southern states it previously comprised.

- Viking Cruises has been in talks with the operators of Beale Street Landing to make Memphis a featured stop on a planned Mississippi River cruise route. The *Daily Memphian* reports the city is considering a \$3.5 million upgrade to the dock to handle more overnight traffic.
- Volkswagen is hiring 600 workers to bring total employment to more than 4,000 at its Chattanooga plant as the German automaker is preparing to ramp

- up production of crossovers. The factory is also being prepared to start making electric vehicles by 2022.
  - Nashville-based CraftWorks Holdings, the parent of the Logan's Roadhouse and Rock Bottom restaurant chains, has filed for Chapter 11 bankruptcy protection to reorganize its debts.
  - The Sports Wagering Advisory Council is meeting Wednesday to finalize rules for the state's new online gambling law.
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And even while placating the right flank of his party on guns and abortion this year, Lee appears not to be finding much buy-in for his proposal to extend 12 weeks of paid leave to state employees caring for a new child or a sick relative. Senate leaders initially hoped to send the measure to the dreaded purgatory of "summer study," but ultimately agreed to negotiate with the governor's office on what will likely become a less generous policy.

The initial offer is four weeks of paid leave on top of the two weeks of sick time employees already qualify for. But it would apply only to parental leave, and not to care for adult family members. And even that might be a hard sell among dubious Senate Republicans, some of whom have noted they could give workers a significant pay raise instead of changing the leave policy.

On the other side of the equation, the Lee administration will have to engage in some serious spin to try to save face from any deal that could cut the governor's initial promise by more than half, while also removing the family care element altogether. Any more pet conservative issues Lee can lob out there to sweeten the pot?

**Medical marijuana.** The perennial effort to legalize medical marijuana began advancing in the House this week, but the companion bill stalled in the Senate. The House Facilities, Licensure & Regulations Subcommittee approved the bill sponsored by Republican Rep. Bryan Terry, a Murfreesboro physician, on a voice vote.

The legislation would permit people with certain ailments to apply for medical cards to obtain oils, extracts, lotions, or pills. Smokable or edible marijuana would not be included. It would also create licenses to cultivate, harvest, and transport clinical cannabis. The measure now heads to the Terry-chaired Health Committee.

The Senate Health Committee deferred a vote on its version of the bill until next week after Sen. Bo Watson (R-Hixson) raised concerns about the makeup of the proposed nine-member clinical cannabis commission, which would be tasked with issuing cards to patients suffering from conditions such as cancer, HIV, multiple sclerosis, or post-traumatic stress disorder. The governor and the House and Senate speakers would each get three appointments to the panel housed within the state Department of Agriculture.

While the proposal has its enthusiastic supporters in both chambers, critical mass has yet to coalesce around having Tennessee join the 33 states that have already

legalized medical marijuana — let alone the 11 where recreational use has been approved.

Supporters are touting a Tennessee poll showing 70% support for medical marijuana, compared with 20% who said they were opposed. The poll was conducted by Republican political consulting firm Gilmore Strategy Group for Arkansas medical cannabis entrepreneur Stephen LaFrance Jr., who has hired Bass, Berry & Sims' Jennie Corley, Trey Moore, and Erica Vick to lobby for the bill.

The margin among self-described Republicans was only slightly tighter than for the full sample in the poll: 66% said they were in favor, while 24% were against. Two-thirds of GOP respondents said they would be more likely to vote for a candidate for the legislature or Congress if they supported marijuana for clinical or medical use, such as for cancer patients. The telephone poll of 1,000 likely voters was conducted between Feb. 17 and Feb. 20. It had a margin of error of  $\pm 3$  points.

This is only the latest poll to show strong support for medical marijuana. But until incumbents get the impression their opposition might imperil re-election efforts, it's unlikely there will be a rapid sea change in their attitudes about legalization efforts in Tennessee.

## From the campaign trail

### **Gresham to depart state Senate, 1st Congressional District field grows**

State Sen. Dolores Gresham (R-Somerville) announced Thursday she will not seek another four-year term this fall. Gresham, who previously served in the House, was elected to the West Tennessee seat after John Wilder (D-Mason), retired after 44 years in the Senate — 36 of them as speaker. Gresham, a retired Marine lieutenant colonel, has served as chair of the Senate Education Committee ever since she was elected.

Potential Republican candidates to succeed Gresham include former state Agriculture Commissioner Jai Templeton and former state Rep. Page Walley. State Rep. Ron Gant (R-Rossville) plans to stay in the House.

**Into the fray.** Former Johnson City Mayor Steve Darden has joined the growing GOP field seeking to succeed retiring Phil Roe in the 1st Congressional District.

**House District 96.** Republican de-annexation advocate Patti Possel announced a challenge to incumbent state Rep. Dwayne Thompson (D-Cordova).

## Tennessee Notes & Quotes

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■ Gov. **Bill Lee** announced Thursday that a Williamson County man had contracted the first identified coronavirus case in Tennessee. The 44-year-old had recently made a round trip to Boston through Nashville International Airport, but officials said they had not yet tried to inform passengers who shared flights with him because he was not showing symptoms at the time. The state had tested eight people for the virus through Thursday, and had enough equipment to test about 85 more before having to rely on help from the federal government.

■ A child of the infected man attends the private Battle Ground Academy, which said the student showed no symptoms but will be held out of school for “precautionary reasons.” Williamson County public schools closed for deep cleaning on Friday and Monday.

■ **Lee** appointed **Stephen Smith**, a former chief of staff to then-Gov. **Bill Haslam**, as the new director of TennCare. Smith had been serving as the expanded Medicaid program’s deputy director. He succeeds **Gabe Roberts**, who announced he was leaving TennCare in March after a little over a year in charge.

■ Former U.S. Attorney **Ed Stanton III**, the court-appointed monitor overseeing a 1978 consent decree barring the city of Memphis from spying on protesters, is raising concerns that police may not be complying with a federal judge’s requirement for them to disclose quarterly lists of social media searches. The ruling followed a 2018 trial during which it was revealed officers had created a Facebook account under the fake name “Bob Smith” to keep tabs on protesters. The city says it has submitted the required lists of search terms other than those used by undercover officers and in investigations into child predators and organized crime. A hearing over the matter is scheduled for March 17.

■ “We do need strong discipline in our schools. You may disagree with me on paddling, but young men need a strong male role model. I know it’s strange — some of you can relate who grew up like that — but I think it really helped. Because the people that really paddled me, busted my tail back in the day, they were all my favorite teachers.” — *Rep. Mike Sparks (R-Smyrna)*.

■ Storm damage near the state Capitol damaged a fiber optic line, limiting the telecommunications capacity for outward bound calls from mobile phones and landlines in the Cordell Hull Building.

■ Last week’s state Supreme Court decision to uphold caps on noneconomic damages in most civil lawsuits has put Tennessee in an awkward legal position because a separate case in federal court, *Lindenberg v. Jackson National*, resulted in state limits on punitive damages being thrown out. The state Supreme Court found that caps on lawsuit payouts don’t violate the right to a jury trial guaranteed by the Tennessee Constitution. But the 6th Circuit U.S. Court of Appeals found they did.

■ “The Sixth Circuit’s decision in *Lindenberg* is not the final word. Under our federal system, the Tennessee

Supreme Court’s decision about state law will always prevail over a contrary decision by a federal court. However, *Lindenberg* muddies the waters, creates uncertainty for litigants, and encourages forum shopping.” — *State Attorney General Herbert Slatery in an opinion piece in The Tennessean*.

■ Both of Tennessee’s U.S. Senators and eight of nine members of the state’s delegation to the U.S. House signed a letter to President **Donald Trump** expressing their “strong objection” to the administration’s proposal to sell Tennessee Valley Authority transmission lines. The only state member not to sign the letter was freshman Rep. **Mark Green** (R-Ashland City).

■ “This is not legally binding at all.” — *Memphis Mayor Jim Strickland on the language of an October referendum requiring a half-cent hike in the local sales tax to fund a restoration of 2014 cuts to pension and healthcare benefits for police and firefighters*.

■ **Strickland** has floated the idea of phasing the benefits in over three years to avoid having hundreds of public safety officials immediately retire. The extra money from the tax hike would fund retention bonuses. Critics argue the language of the referendum didn’t give the mayor any flexibility on timing and that any excess is supposed to be earmarked for pre-K and paving.

■ A resolution sponsored by Rep. **Micah Van Huss** (R-Jonesborough) seeks to declare Tennessee a 2nd Amendment “sanctuary” and offers “safe harbor to Virginians and other U.S. citizens whose constitutional rights are being violated by their elected officials.”

■ “Citizens must be able to keep and bear arms that are at least equal to those of their government’s basic infantry unit. In the year 2020, we recognize that those include semi-automatic AR-15s, AK-47s, and similar firearms.” — *Van Huss’ resolution, which is scheduled for a House floor vote on Monday evening*.

■ But what are they supposed to do to counter the grunts’ shoulder-fired missiles and grenade launchers?

■ State Rep. **Rick Staples** (D-Knoxville) is asking for “grace and mercy” from state campaign finance officials, saying in a letter obtained by the *Knoxville News Sentinel* through a public records request that he wants to get on a payment plan to reimburse nearly \$9,000 to fix “grievous errors” in spending from his campaign account. Staples’ questionable expenditures came into focus after he was evicted from his Knoxville home.

■ “Please do not approach me to lobby against legislation proposed by a legislator. If I want to know an agency’s position on a legislator’s bill, I will reach out to you for that information. Taxpayer funds should not be used to oppose legislation.” — *State Rep. Martin Daniel (R-Knoxville) in a letter to all of Gov. Bill Lee’s commissioners and legislative liaisons*.

■ On the other hand, **Daniel** would be more than happy for the governor’s lobbyists to lobby against legislation proposed by the governor.