

# FREEDOM INDEX.US

## LEGISLATIVE SCORECARD BASED ON THE THE U.S. CONSTITUTION

The Legislative Scorecard is a nationwide, nonpartisan educational program of The John Birch Society intended to inform voters about legislators' voting records. It does not promote any candidate or political party. Bills are chosen for their constitutional implications and taxpayer costs.



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## Brian Kelsey

Tennessee  
Senator, SD-031 (R)

[freedomindex.us/10901/](https://freedomindex.us/10901/)

**80**  
Lifetime  
Freedom  
Score

## TN Legislative Scorecard 2021-2022

Based on the Principles of the U.S. Constitution

★ Constitutional	✗ Unconstitutional	? Did not Vote	Vote
1. <b>SB2897 Budget</b> (passed 18 to 13 on 4/21/2022). Serves as the Appropriations Act of Tennessee, which, as passed by the General Assembly, allocates approximately \$52.8 billion for the fiscal year beginning July 1, 2022, and ending June 30, 2023. <b>Estimated cost per household: -\$20,004.00/year.</b>			<b>NO</b> ★
2. <b>SJR9005 Nullifying Federal COVID-19 Restrictions</b> (passed 22 to 5 on 10/29/2021). Declares the right of the Tennessee General Assembly to nullify federal COVID-19 restrictions that violate the United States Constitution.			<b>NONE</b> ?
3. <b>SB0858 Prohibiting COVID-19 Vaccine Mandates</b> (passed 25 to 6 on 5/4/2021). Prohibits state or local governments from requiring, or mandating that a private business require, proof of COVID-19 vaccination as a condition for entry or utilization of services.			<b>YES</b> ★
4. <b>SB1370 Prenatal Right to Life</b> (passed 25 to 6 on 4/29/2021). Permits a cause of action for wrongful death against someone who kills a mother and her unborn child regardless of gestational age.			<b>YES</b> ★
5. <b>SB1229 Parental Rights in Education</b> (passed 24 to 6 on 4/5/2021). Requires an LEA or public charter school to notify a student's parent or guardian prior to commencing instruction of a "sexual orientation or gender identity" curriculum.			<b>YES</b> ★
6. <b>SB0765 Permitless Firearm Carry</b> (passed 23 to 9 on 3/18/2021). Allows permitless carry of a handgun if a person meets age requirements, lawfully possesses the handgun, and is in a place that the person is lawfully present.			<b>NO</b> ✗

**Scorecard Votes: 80%**

# Why do these votes matter?

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## 1. Budget

SB2897 is the Appropriations Act of Tennessee. As passed by the General Assembly, it allocates approximately \$52.8 billion for the fiscal year beginning July 1, 2022, and ending June 30, 2023.

Tennessee's record spending plan for FY2022-23, as passed by the General Assembly, relies heavily on federal funds, initially estimated at \$19.8 billion or nearly 38% of the entire state budget. Much of this is allocated to unconstitutional programs, such as TennCare. The budget is also impacted by roughly \$1.5 billion in public subsidies for a new Tennessee Titans stadium. States should oppose the use of federal taxpayer money for purposes not authorized under Article 1, Section 8, of the U.S. Constitution.

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## 2. Nullifying Federal COVID-19 Restrictions

SJR9005 declares the right of the Tennessee General Assembly to nullify federal COVID-19 restrictions that violate the United States Constitution. It also urges the Attorney General and Reporter of the State of Tennessee to take appropriate legal action on behalf of the state's citizens. Whenever the federal government assumes unconstitutional powers, nullification of such acts by the several states is the proper remedy. The American people retain a natural right to nullification, which should be used to restore the powers reserved to the states under the U.S. Constitution. Nullification is protected by the Bill of Rights, especially the 9th and 10th Amendments.

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## 3. Prohibiting COVID-19 Vaccine Mandates

SB0858 prohibits state or local governments from requiring, or mandating that a private business require, proof of COVID-19 vaccination as a condition for entry or utilization of services. It also removes the authority of county boards of health in relation to the adoption and enforcement of rules and regulations, and limits the ordering of quarantines under state law. Compelling American citizens to receive medical treatment violates their fundamental rights protected by the Bill of Rights and the 14th Amendment to the U.S. Constitution. In addition, oversight of local emergency powers is a proper function of the state and county legislative bodies of government. Under Article IV, Section 4, of the U.S. Constitution, each state is guaranteed a republican form of government, which requires a limitation and separation of powers.

## 4. Prenatal Right to Life

SB1370 permits a cause of action for wrongful death against someone who kills a mother and her unborn child regardless of gestational age. It also prohibits wrongful birth or wrongful life lawsuits on behalf of any person based on a claim that a child would have not or should not have been born or would or should have been aborted. States should act to ban abortion and guarantee the right to life for all persons.

The right to life is the most fundamental, God-given, and unalienable right asserted in the Declaration of Independence and protected by the 5th and 14th Amendments to the U.S. Constitution.

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## 5. Parental Rights in Education

SB1229 requires an LEA or public charter school to notify a student's parent or guardian prior to commencing instruction of a "sexual orientation or gender identity" curriculum. It also permits a parent or guardian to excuse their child from such instruction. A child's education is the responsibility of--and a fundamental right of choice retained by--the parents, not the government. Parental rights, as with all other constitutional rights, are protected by the Bill of Rights and the 14th Amendment to the U.S. Constitution.

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## 6. Permitless Firearm Carry

SB0765 allows permitless carry of a handgun if a person meets age requirements, lawfully possesses the handgun, and is in a place that the person is lawfully present.

The fundamental right of the American people to keep and bear arms should not be infringed, as guaranteed by the 2nd Amendment of the U.S. Constitution.