

**IN THE TWENTIETH JUDICIAL DISTRICT CHANCERY COURT
FOR DAVIDSON COUNTY, TENNESSEE**

| | | |
|----------------------------------------|---|------------------|
| ERNEST FALLS & ARTHUR |) | |
| BLEDSON, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | No. _____ |
| |) | |
| MARK GOINS, TRE |) | |
| HARGETT, & HERBERT |) | |
| SLATERY, III, in their official |) | |
| capacities |) | |
| Defendants. |) | |
| |) | |

VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs Ernest Falls and Arthur Bledson bring this action against Defendants Mark Goins, in his official capacity as Coordinator of Elections for the State of Tennessee, Tre Hargett, in his official capacity as the Secretary of State for the State of Tennessee, and Herbert Slatery III, in his official capacity as Attorney General and Reporter for the State of Tennessee, respectfully alleging the following grounds in support of the relief sought.

NATURE OF THE SUIT

1. This complaint seeks to vindicate the statutory right of Tennesseans who have been convicted of felonies in other states, like Plaintiffs, to vote in Tennessee if their rights of citizenship have been restored in the state of their conviction. Tennessee law is clear on this issue and, until recently, Defendants agreed. Tennessee has now reversed course and—in defiance of the plain text of the governing statutes—is requiring such individuals to meet additional requirements designed for people with in-state convictions that impose barriers not intended by the state of conviction or the state of Tennessee.

2. The state of Tennessee denies the right to vote to more than 421,000 of its citizens because of felony convictions, accounting for more than 8.2% of the total voting age population of Tennessee *See* The Sentencing Project, “Six Million Lost Voters” at 15 (Oct. 2016) available at <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>. In light of Amendment 4 passed in 2018 in Florida re-enfranchising citizens post-sentence, Tennessee now likely has the highest rate of disenfranchisement in the United States. Of the estimated disenfranchised population in Tennessee, nearly 174,000 are Black, accounting for more than 21% of the Black voting age population – likely the highest rate of Black disenfranchisement in the United States. *Id.* at 16. Studies show that restoring the right to vote is an important step in the rehabilitation and reentry process for returning citizens.

3. Tennessee law provides several pathways to voting rights restoration for its citizens, but these pathways are under-publicized, and as a result, too rarely used.

4. The State’s most recent reversal on the rights restoration requirements for those with out-of-state convictions only adds to Tennesseans’ confusion and unlawfully denies Plaintiffs the right to vote. Plaintiffs have had their voting rights restored according to the Tennessee Code, but are being denied their rights by Defendants. This Court should declare what the Tennessee statutes make plain: individuals who have out-of-state felony convictions but have had their rights of citizenship restored in the state of conviction are eligible voters.

PARTIES

5. Plaintiff Ernest Falls is a United States citizen and a resident of Grainger County, Tennessee. He seeks to exercise his right to vote in Tennessee pursuant to Tennessee Constitution Art. I, § 5, but has been denied registration by Defendants.

6. Plaintiff Arthur Bledsoe is a United States citizen and resident of Blount County, Tennessee. He seeks to exercise his right to vote in Tennessee pursuant to Tennessee Constitution Art. I, § 5, but has been denied registration by Defendants.

7. Defendant Tre Hargett is sued in his official capacity as the Secretary of State for the State of Tennessee. As Tennessee Secretary of State, Secretary Hargett has responsibility for overseeing the administration of elections in Tennessee, and has supervisory authority over the Coordinator of Elections. This authority extends to enforcement of the eligibility restrictions to vote in Tennessee.

8. Defendant Mark Goins is sued in his individual capacity as the Coordinator of Elections for the State of Tennessee. Coordinator Goins has authority over the administration of elections across Tennessee, including the authority to promulgate, rescind, and suspend regulations governing Tennessee election procedures and to instruct to county election commissions regarding election administration.

9. Defendant Herbert Slatery III is sued in his official capacity as the Attorney General and Reporter for the State of Tennessee. Attorney General Slatery has authority to issue opinions interpreting, but not changing the meaning of, Tennessee law.

JURISDICTION AND VENUE

10. This Court has jurisdiction to hear and adjudicate the claims in this suit, which challenge an official interpretation of Tennessee statutes, pursuant to, *inter alia*, Tenn. Code Ann. §§ 16-11-102 and 29-14-102.

11. Venue for this suit is properly laid in the Twentieth Judicial District, pursuant to Tenn. Code Ann. § 20-4-101, because all of the Defendants are Tennessee State officials having their principal business offices within the territorial boundaries of Davidson County.

GENERAL ALLEGATIONS

12. The Tennessee Constitution Article 1, Section 5 and Sections 40-22-112 and 2-19-143 of the Tennessee Code form the three pillars of felony disenfranchisement and re-enfranchisement in Tennessee.

A. The Tennessee Felony Disenfranchisement System

13. The Tennessee Constitution provides that “the right of suffrage . . . shall never be denied to any person entitled thereto, except upon a conviction by a jury of some infamous crime, previously ascertained and declared by law, and judgment thereon by a court of competent jurisdiction.” Tenn. Const. art. I, § 5. Therefore, where the State enacts both (1) a law defining the crimes considered “infamous,” *and* (2) a law stating that a person convicted of an “infamous” crime will be denied the right to vote, an otherwise qualified citizen may be denied the right to vote. The Tennessee Legislature has enacted both such laws.

14. The Legislature has defined “infamous” crimes under Tennessee law to encompass all felony convictions. *See* Tenn. Code § 40-22-112 (“Upon conviction for any felony, it shall be the judgment of the court that the defendant be infamous and be immediately disqualified from exercising the right of suffrage.”).

15. The Legislature has also enacted an express disenfranchisement provision, specifying that anyone (i) convicted of a felony in Tennessee (by definition, an “infamous” crime), (ii) convicted in federal court of an offense that would constitute an “infamous” crime under Tennessee law, or (iii) convicted in another state’s courts of an offense that would constitute an “infamous” crime under Tennessee law loses the right to vote in Tennessee. *See* Tenn. Code § 2-19-143.

B. Voting Rights Restoration in Tennessee

16. The Tennessee Legislature has also enacted a process to allow citizens who have been stripped of their voting rights under the felony disenfranchisement system to have those rights restored.

17. The system applies to individuals with in-state convictions for “infamous” crimes and out-of-state and federal crimes that would be infamous under Tennessee law. *See* Tenn. Code Ann. § 2-19-143.

18. With respect to individuals with out-of-state convictions for crimes that would be infamous in Tennessee, Tennessee law provides:

No person who has been convicted in another state of a crime or offense which would constitute an infamous crime under the laws of this state, regardless of the sentence imposed, shall be allowed to register to vote or vote at any election in this state *unless such person has been pardoned or restored to the rights of citizenship by the governor or other appropriate authority of other such state, or the person’s full rights of citizenship have otherwise been restored in accordance with the laws of such other state, or the law of this state.*

Tenn. Code Ann. § 2-19-143(3) (emphasis added).

19. Tennessee law thus provides that individuals with out-of-state convictions may have their voting rights restored by any one of three distinct pathways.

20. First, the individual may be “pardoned or restored to the rights of citizenship by the governor or other appropriate authority of other such state.” *See id.* Thus, if an individual is pardoned by or has their rights of citizenship restored by the appropriate entity in the state of their conviction, they may register to vote and vote in Tennessee.

21. Second, the individual may have their “full rights of citizenship . . . otherwise . . . restored in accordance with the laws of such other state.” *See id.* Thus, if an individual with an

out-of-state conviction has their rights of citizenship restored under the law of the State in which they were convicted, they may register to vote and vote in Tennessee.

22. Third, the individual may have their “full rights of citizenship . . . otherwise . . . restored in accordance with . . . the laws of this state.” *See id.* Thus, if an individual with an out-of-state conviction has not had their civil rights restored in the state in which they were convicted, they may still apply to have their voting rights restored under Tennessee law, and thereafter register to vote and vote in Tennessee.

23. The third path—restoring voting rights for those with out-of-state convictions using the processes available under the laws of Tennessee—was added *after* the original passage of Section 2-19-143. The original act, passed in 1981, included only the first two paths to rights restoration for individuals with out-of-state convictions. 1981 Tenn. Pub. Acts ch. 345, § 2. By adding the phrase “*or the law of this state,*” 1983 Pub. Acts ch. 207, § 1 (emphasis added), the legislature created an *additional* pathway for rights restoration for those with out-of-state convictions. It did not replace the other two pathways.

24. Tennessee Code Ann. § 2-19-143—which codifies these three independent pathways under which an individual with an out-of-state conviction may have their rights restored—has remained unamended, unabrogated, and unrepealed since 1983. That is the case even though the Legislature amended other aspects of Tennessee’s rights restoration laws in 1983, 1986, and 2006.

25. In 2006, the Legislature created a new method by which any individual—whether convicted of an infamous crime in-state, under federal law, or out-of-state—can get their rights restored *via operation of Tennessee law, i.e.,* for out-of-state convictions, under the third rights restoration pathway. *See* Tenn. Code Ann. § 40-29-201, *et seq.* The enactment allowed anyone

“convicted of an infamous crime” after May 18, 1981, *id.* § 40-29-201(b), to apply to have their voting rights restored if they met certain criteria that were outlined in the newly created Sections 40-29-201 through 40-29-205. The legislature made this new rights restoration pathway available to “any person who has been disqualified from exercising [the right to vote] by reason of a conviction in any state or federal court,” *see id.* § 40-29-202(a).

26. Tenn. Code Ann. § 40-29-201, *et seq.* created a legal means by which individuals with out-of-state convictions could obtain rights restoration *by operation of Tennessee law*. This method of rights restoration was in addition to those already provided by Tennessee statute, but did not repeal, abrogate, or amend Section 2-9-143’s provisions permitting rights restoration under the pardoning authority or the law of the state in which the individual was convicted.

27. The Legislature clarified, however, that in order to have their voting rights restored under this new section – i.e., *via operation of Tennessee law*, the individual must first satisfy certain conditions, including the payment of fees to the courts and restitution to the victim or victims of the offense. *See* Tenn. Code Ann. § 40-29-202. It also required an application and documentation process—the Certificate of Restoration of Voting Rights process—not required under the two other pathways.

28. While Tennessee Code Ann. § 40-29-201, *et seq.* created a new additional method of voting rights restoration *under Tennessee law*, it did not modify or abridge the first two rights restoration pathways for out-of-state convictions, as outlined in Tennessee Code Ann. § 2-19-143.

C. The Elections Division Reverses Course in Interpreting Tennessee Code § 2-19-143

29. The Elections Division agreed on this straightforward application of Tennessee Code Ann. § 2-19-143 in this context. Until it reversed course, sought an Attorney General opinion, and adopted a contrary and illogical position.

30. Last year, Plaintiffs' counsel had extensive correspondence with the Elections Division concerning the voting eligibility of three clients, necessitated by the lack of an appropriate registration mechanism available to people with out-of-state convictions. *See infra*.

31. As a result, on November 22, 2019, Defendant Goins wrote counsel a letter agreeing that Tenn. Code Ann. § 2-19-143(3) means that "a person with an out of state conviction may have his voting rights restored if one of the following can be shown: (1) the person has been pardoned or has had their rights of citizenship restored by the governor or other appropriate authority of the convicting state; or (2) the person's full rights of citizenship have been restored in accordance with the laws of such other state." *See Exhibit A*.

32. On December 11, 2019, Plaintiffs' counsel further communicated with Defendant Goins and the Attorney General's office by phone about *how* people with out-of-state convictions can register to vote.

33. The current voter registration form asks whether an applicant has been convicted of a felony but does not elicit any information about whether the applicant's civil rights have been restored. *See Exhibit B*. Even worse, the State's online voter registration does not allow people with felony convictions to *ever* register online (even though some people with older felony convictions never lost their right to vote). *See Exhibit C*.

34. As an interim solution, the parties agreed that voters in this situation could accompany their registration form with a form disclosing their out-of-state convictions and verifying the restoration of their voting rights. Plaintiffs have followed this mechanism in order to apply to register to vote.

35. Notwithstanding Defendant Goins' plain statement of the law in November 2020, sometime thereafter Defendant Goins requested an Attorney General opinion asking whether all

persons with out-of-state convictions must pay restitution or court fees before “seeking restoration of their voting rights.”

36. On March 26, 2020, the Attorney General issued an opinion concluding that people with out-of-state convictions cannot rely on the restoration of their civil rights by the state of their conviction to establish eligibility to vote in Tennessee, but instead must meet the criteria dictated for in-state convictions. *See* Op. Atty. Gen., Mar. 26, 2020 available at <https://www.tn.gov/content/dam/tn/attorneygeneral/documents/ops/2020/op20-06.pdf>. The Opinion does not address the three pathways for rights restoration established in Tennessee Code Ann. § 2-19-143. Indeed, it only cites that statute once and not the provisions related to the restoration of rights. The Opinion cannot overrule state law, which plainly establishes Plaintiffs’ right to vote.

D. Plaintiff Falls Has Had His Voting Rights Restored Through an Individual Grant of Clemency in Virginia and Seeks to Vote in Tennessee

37. In or around 1986, Plaintiff Falls was convicted of involuntary manslaughter in Virginia. He completed his sentence in 1987. In 2018, Plaintiff Falls moved to Tennessee and has lived in Grainger County for two years.

38. Under Virginia law, there is no automatic restoration of civil rights after a felony conviction. However, Governor Ralph Northam provides formerly convicted persons with individual grants of clemency to restore their citizenship rights.

39. In February 2020, Plaintiff Falls was provided an individualized grant of clemency by Governor Northam. The clemency order restored Plaintiff Falls’ rights of citizenship, including the right to run for office, the right to serve on a jury, and the right to vote. *See* Exhibit D.

40. On June 4, 2020, Plaintiff Falls attempted to register to vote in Grainger County, Tennessee by submitting to the Grainger County Election Commission his voter registration

application and a form disclosing his out-of-state conviction and verifying that he had his civil rights restored by the Governor of Virginia.

41. On June 22, 2020, Plaintiff Falls received notice from Grainger County, Tennessee Register that his voter registration was denied because he did not provide evidence that he owes no fees or restitution for his Virginia conviction. *See* Exhibit E. Payment of fees or restitution was not a condition of Governor Northam's unequivocal restoration of Plaintiff Falls' rights of citizenship.

42. Plaintiff Falls is not currently listed on the Tennessee voter rolls. He wishes to vote in the upcoming August 6, 2020 and November 3, 2020 elections, and will be irreparably harmed if he is unable to do so.

E. Plaintiff Bledsoe Had His Voting Rights Restored Under North Carolina Law and Seeks to Vote in Tennessee

43. In 1996, Plaintiff Bledsoe was convicted of several felonies for an arrest involving possession of marijuana and paraphernalia in North Carolina. These are Plaintiff Bledsoe's only felony convictions. In 1997 or 1998, Plaintiff Bledsoe moved to Tennessee and has lived in Blount County for over 20 years.

44. North Carolina law restores the rights of citizenship upon final discharge from prison, parole, or probation. N.C. Code § 13-1.

45. Plaintiff Bledsoe was discharged from probation in 1999, completing his sentence and restoring his rights of citizenship under North Carolina law.

46. In June 2020, Plaintiff Bledsoe submitted his voter registration and a form disclosing his out-of-state conviction and verifying that his rights had been restored in the state of conviction and that he had not been convicted of any permanently disenfranchising conviction.

47. Mr. Bledsoe is not listed on the voter rolls. He wishes to vote in the upcoming

August 6, 2020 and November 3, 2020 elections, and will be irreparably harmed if he is unable to do so.

GROUND FOR SUIT

48. For each of the following Counts, Plaintiffs reiterate and reincorporate by reference the factual allegations set forth above.

COUNT ONE: DECLARATION OF STATUTORY RIGHTS UNDER TENN. CODE ANN. § 2-19-143(3)

49. Tennessee Code Ann. § 2-19-143(3) provides that an individual with an out-of-state conviction may vote in Tennessee if they have been “pardoned or restored to the rights of citizenship by the governor or other appropriate authority of other such state.” Because Plaintiff Falls was restored to his full rights of citizenship by Virginia Governor Ralph Northam, he is entitled to vote in Tennessee pursuant to Tennessee Code Ann. § 2-19-143(3).

50. Tennessee Code Ann. § 2-19-143(3) provides that an individual with an out-of-state conviction may vote in Tennessee if they have had their “full rights of citizenship . . . otherwise . . . restored in accordance with the laws of such other state.” Because Plaintiff Bledsoe had his full rights of citizenship restored in accordance with the laws of North Carolina, he is entitled to vote in Tennessee pursuant to Tennessee Code Ann. § 2-19-143(3).

51. Notwithstanding the plain language of Tennessee Code Ann. § 2-19-143(3), Defendants are denying Plaintiff Falls and Plaintiff Bledsoe the right to vote in Tennessee because they have not demonstrated their compliance with the requirements of Tennessee Code Ann. § 40-29-201, *et seq.* Plaintiffs maintain that the requirements of Tennessee Code Ann. § 40-29-201, *et seq.* are inapplicable to the determination of whether they can vote in Tennessee. This implies an actual and justiciable dispute between the parties as to the proper interpretation and application of the referenced provisions.

52. Plaintiffs are thus entitled to declaratory relief determining their respective rights to vote in Tennessee.

**COUNT TWO:
VIOLATION OF THE FUNDAMENTAL RIGHT TO VOTE
TENNESSEE CODE ANN. § 2-19-143 & ART. IV, SECTION 1 OF THE TENN. CONSTITUTION**

53. Article IV, section 1 of the Tennessee Constitution provides: “Every person, being eighteen years of age, being a citizen of the United States, being a resident of the state for a period of time as prescribed by the General Assembly, and being duly registered in the county of residence for a period of time prior to the day of any election as prescribed by the General Assembly, shall be entitled to vote in all federal, state, and local elections held in the county or district in which such person resides. All such requirements shall be equal and uniform across the state, and there shall be no other qualification attached to the right of suffrage.”

54. Tennessee Code Ann. § 2-19-143 establishes that Plaintiffs and those similarly situated who have had their civil rights restored by their state of conviction have the same fundamental right to vote as all Tennesseans.

55. Nonetheless, Defendants are denying Plaintiffs and all those similarly situated the right to vote on the basis of an erroneous Attorney General Opinion.

56. Moreover, Defendants are denying Plaintiffs and those similarly situated the right to even assert their eligibility by registering to vote on the same footing as their peers. Defendant’s online voter registration does not allow anyone with a felony conviction to register online. And Defendant’s paper voter registration form does not provide any space for voters to affirm that their voting rights have been restored notwithstanding a felony conviction.

57. Therefore, Defendants, acting under color of state law, have and will continue to deprive Plaintiffs of rights secured to them by Article IV, section 1 of the Tennessee Constitution.

GROUND FOR A TEMPORARY INJUNCTION

58. A temporary injunction is warranted because plaintiffs are substantially likely to succeed on the statutory interpretation question, plaintiffs will suffer irreparable harm if they are denied the opportunity to vote on August 6, the equities balance in favor of the plaintiffs, and the issuance of the injunction is in the public interest.

59. As shown above, the plain meaning and statutory framework of Tennessee's law makes clear that Plaintiff Falls' and Plaintiff Bledsoe's voting rights have already been restored under Tennessee law.

60. Plaintiff Falls' and Plaintiff Bledsoe's rights are being violated by the Elections Division, Secretary of State, and Attorney General and without immediate action they will suffer the irreparable harm of missing participation in another election.

a. Plaintiff Falls has had the right to vote under Tennessee Law since February 4, 2020. Since that time, he has already missed the opportunity to participate in Tennessee's primary elections on March 3, 2020 and to cast his primary ballot for President of the United States.

b. Grainger County, where Plaintiff Falls resides, has elections on August 6, which include primaries for U.S. Senate and House of Representatives, and Tennessee Senate and House of Representatives and general elections for multiple county offices.

c. Plaintiff Falls submitted his voter registration application wellbefore the registration deadline for the August 6 elections.

d. Plaintiff Falls wishes to vote in the August 6 elections.

e. Mr. Bledsoe has had the right to vote in Tennessee since he was discharged from his sentence in 1999. However, Mr. Bledsoe has never been able to vote in Tennessee.

f. Like Grainger County, Blount County, where Mr. Bledsoe resides, is holding primary and general elections on August 6, 2020 for local, state, and federal offices.

g. Mr. Bledsoe submitted his voter registration form well before the registration window for the August 6 elections.

h. Mr. Bledsoe wishes to vote in the August 6 elections.

61. The balance of the equities favors plaintiffs. The right to vote is fundamental and should be afforded the highest importance. Any burden on the state to add plaintiffs to the voter rolls and to create public education materials and a satisfactory registration process for similarly situated individuals should be reviewed by the court in the context that the Elections Division and Attorney General's office already agreed to begin work on those tasks more than seven months ago.

62. The public interest favors state officials following the clear mandate of democratically passed state law. The legislature saw fit to create multiple pathways to voting rights restoration for individuals who were convicted of felonies but who have paid their debt to society by meeting the requirements of the law. Studies show that allowing people with felony convictions to restore their right to vote fosters rehabilitation and reintegration of those citizens. Most importantly, the legitimacy of our democratic institutions requires that no eligible citizen be unlawfully denied the right to participate in elections. Plaintiffs' prayer for relief is in harmony with the stated purposes of Tennessee's election law, which include ensuring the freedom and purity of the ballot, "providing a comprehensive and uniform procedure for elections," and encouraging "maximum participation by all citizens in the electoral process." Tenn. Code Ann. § 2-1-102(1),(2),(4).

63. This temporary injunction requires no bond to be posted under R. Civ. Pro. 65.05. The purpose of requiring a bond as a condition precedent to the issuance of a restraining order or preliminary injunction is to provide a mechanism for reimbursing an enjoined party for harm it suffers as a result of an improvidently issued injunction or restraining order. *See S. Cent. Tennessee R.R. Auth. v. Harakas*, 44 S.W.3d 912 (2000). Here, there would be no injury to reimburse. *See Dempster v. Hargett*, No. 20-0435-I(III), Memorandum and Order Granting Temporary Injunction to Allow Any Tennessee Registered Voter to Apply for a Ballot to Vote by Mail Due to COVID-19 at 26 (Davidson Co. Chancery Ct., June 4, 2020).

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs Ernest Falls and Arthur Bledsoe respectfully seek the following relief:

A. Declare that Plaintiffs and those similarly situated with out-of-state convictions who have had their civil rights restored by the state of their conviction are eligible to vote under the plain text of section Tenn. Code Ann. § 2-9-143(3);

B. Issue a Temporary and Permanent Injunction ordering the following relief:

1. Order Defendants to immediately place Plaintiffs Ernest Falls and Arthur Bledsoe on the voter rolls and issue their voter registration cards;

2. Order Defendants to process the voter registration applications of individuals denied or held in suspense solely due to out-of-state convictions if the applicants have had their civil rights restored in the state of their convictions;

3. Enjoin Defendants from denying voter registration applications on the basis of out-of-state convictions if the applicants have had their civil rights restored in the state of their convictions;

4. Order Defendant Slatery to issue a new Attorney General Opinion reflecting the declaratory judgment of this Court that people with out-of-state convictions are eligible to vote if their civil rights have been restored in the states of their convictions;

5. Order Defendants to issue guidance and directives to local election officials to ensure the relief described above and instruct local election officials to comply with this Court's declaratory holding;

6. Order Defendants to publicize all three options for voting rights restoration for people with out-of-state convictions on the Elections Division website;

7. Order Defendants to update the voter registration form and the online voter registration portal to allow people who have had their civil rights restored in the state of conviction to register to vote;

C. Award Plaintiffs their costs of bringing suit;

D. Grant such other and further relief as this Court deems just and proper in the circumstances.

PURSUANT to Tenn. Code Ann. § 29-1-107, this is the first application for such process.

Respectfully submitted,

/s/ William L. Harbison

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*PHV application submitted to BPR

Attorneys for Plaintiffs

Plaintiffs' Verifications

I, the undersigned, make oath that the facts and information stated in the foregoing COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF are true and accurate to the best of my knowledge, information, and belief.

Ernest J. Falls 7/17/2020

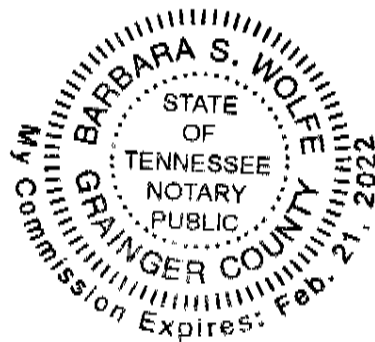
Ernest Falls

SWORN TO AND SUBSCRIBED before me July 17, 2020

Barbara S. Wolfe

Notary Public

My commission expires: 2-21-2022

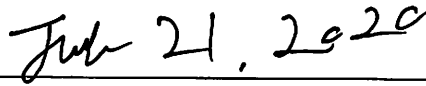


Plaintiffs' Verifications

I, the undersigned, pursuant to Rule 72 of the Tennessee Rules of Civil Procedure, declare under penalty of perjury that the facts of the foregoing COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF are true and correct to the best of my knowledge, information, and belief.



Arthur Bledsoe



Date

EXHIBIT A

Tennessee Secretary of State

Tre Hargett



Elections Division
312 Rosa L. Parks Avenue, 7th Floor
Nashville, Tennessee 37243-1102

Mark Goins
Coordinator of Elections

615-741-7956
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November 22, 2019

Blair Bowie, Legal Counsel & Restore Your Vote Manager
Campaign Legal Center
1101 14th St. NW, Suite 400
Washington, DC 20005

RE: Restoration of Voting Rights of [REDACTED] and
[REDACTED]

Dear Ms. Bowie,

Secretary of State Tre Hargett and I received your letter by mail on November 20, 2019 regarding the restoration of voting rights for [REDACTED] and [REDACTED]. Briefly stated, Tenn. Code § 2-19-143(3) is the controlling Tennessee law and provides the following:

No person who has been convicted in another state of a crime or offense which would constitute an infamous crime under the laws of this state, regardless of the sentence imposed, shall be allowed to register to vote or vote at any election in this state unless such person has been pardoned or restored to the rights of citizenship by the governor or other appropriate authority of such other state, or the person's full rights of citizenship have otherwise been restored in accordance with the laws of such other state, or the law of this state.

Based on this provision, upon verification that the person does not have a disqualifying conviction under Tenn. Code Ann. § 40-29-204, a person with an out-of-state conviction may have his voting rights restored, if one of the following can be shown:

1. The person has been pardoned or has had their rights of citizenship restored by the governor or other appropriate authority of the convicting state; or
2. The person's full rights of citizenship have been restored in accordance with the laws of such other state.

Regarding [REDACTED] your letter states that [REDACTED] was convicted in New York for unlawful possession of a firearm. You do not mention any other felony conviction. I will

rely upon your representations and presume that [REDACTED] does not have a disqualifying felony conviction under Tennessee law.

Without a pardon or restoration of rights of citizenship by the governor or other appropriate authority of New York, Tenn. Code Ann. § 2-19-143(3) requires the full rights of citizenship for [REDACTED] to have been restored in accordance with the laws of New York. To have her full rights of citizenship restored under New York law, [REDACTED] may obtain a Certificate of Relief from Disabilities *See N.Y. Correction. Law §§ 700-703*. Upon verification that [REDACTED] [REDACTED] has been issued a Certificate of Relief from Disabilities, she will be eligible to register to vote in Tennessee.

To register to vote in Tennessee, [REDACTED] must file a voter registration application and a copy of the Certificate of Relief from Disabilities with the county election commission office where she resides in Tennessee. If the certificate does not contain conviction information, [REDACTED] [REDACTED] must also file an affidavit stating she has not been convicted of any felony listed under Tenn. Code Ann. § 40-29-204.

Regarding [REDACTED] your letter states that [REDACTED] was convicted in Nevada of felony driving under the influence causing death or substantial bodily harm. You do not mention any other felony conviction. I will rely upon your representations and presume that [REDACTED] [REDACTED] does not have a disqualifying felony conviction under Tennessee law.

Nev. Stat. § 213.517(1)(a) provides that a person convicted of a felony in Nevada who has served his sentence and has been released from prison is immediately restored to the following civil rights:

- (1) The right to vote; and
- (2) The right to serve as a juror in a civil action.

Nev. Stat. § 213.517(1)(b) adds the right to hold office after four years from the date of the person's release from prison, and Nev. Stat. § 213.517(1)(c) adds the right to serve as a juror in a criminal action after six years from the date of the person's release from prison. Using the 2011 date of release from prison, [REDACTED] [REDACTED] had his full citizenship rights restored in accordance with Nevada law in 2017.

Based on Tenn. Code Ann. § 2-19-143(3), [REDACTED] [REDACTED] is eligible to register to vote in Tennessee. To register to vote in Tennessee, [REDACTED] [REDACTED] must file a voter registration application in Rhea County and an affidavit stating that he has not been convicted of any felony listed under Tenn. Code Ann. § 40-29-204 and that his full citizenship rights were restored in accordance with Nevada law in 2017.

Finally, regarding [REDACTED] your letter states that [REDACTED] was convicted in Louisiana of distributing narcotics in 1998. You do not mention any other felony conviction. I will rely upon your representations and presume that [REDACTED] [REDACTED] does not have a disqualifying felony conviction under Tennessee law.

Article 1, Section 20 of the Louisiana Constitution provides that "[f]ull rights of citizenship shall be restored upon termination of state and federal supervision following conviction for any

offense.” Based on your information, [REDACTED]’s full rights of citizenship were restored in accordance with Louisiana law upon the termination of his supervision for the felony conviction in 2006.

According to Tenn. Code Ann. § 2-19-143(3), [REDACTED] is eligible to register to vote in Tennessee. To register to vote in Tennessee, [REDACTED] must file a voter registration application in the county where he lives in Tennessee and an affidavit stating he has not been convicted of any felony listed under Tenn. Code Ann. § 40-29-204 and that his full citizenship rights have been restored in accordance with Louisiana law in 2006.

Thank you for your patience during this process.

Sincerely,

A handwritten signature in blue ink that reads "Mark Goins" followed by a stylized flourish.

Mark Goins
Coordinator of Elections

cc: Tre Hargett,
Secretary of State

EXHIBIT B

Tennessee Mail-In Application For Voter Registration

You can use this form to:

☞ register to vote in Tennessee or to change your name and/or address.

To register to vote:

- ☞ you must be a U.S. citizen, AND
- ☞ you must be a resident of Tennessee, AND
- ☞ you must be at least 18 years old on/or before the next election, AND
- ☞ you must not have been convicted of a felony, or if you have, your voting rights must have been restored.

☞ **If you register by mail, you must vote in person the first time you vote after registering.**

MAIL OR HAND DELIVER THIS FORM TO YOUR COUNTY ELECTION COMMISSION.

Go to: http://tnsos.org/elections/election_commissions.php to find your County Election Commission address.

Instructions / checklist:

- Please PRINT with a blue or black **INK** pen (not felt tip).
- Provide the information in boxes 1-10 below, read and answer the VOTER DECLARATION in box 11, and sign by the "X" in box 12.
- An application for voter registration must be postmarked or hand delivered to the proper county election commission office at least 30 days before an election.
- Voter registration records are public records, open to inspection by any citizen of Tennessee, excluding social security numbers.
- To ensure a more confidential mailing process of this form, the applicant is encouraged to place the voter registration application in an envelope addressed to the county election commission.**

Names of persons selected for jury service in state court are not chosen from permanent voter registration records.
*If you are qualified and the information on your form is complete, we will add your name to the county's voter rolls.
 We will then mail you a voter registration card. This card will tell you where to vote.*

Federal or Tennessee State Government Issued Photo ID Is Required To Vote Unless Exception Applies.

Are you interested in working on Election Day? Yes No

| | | | | | | | | | | | | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-------------|-------------------|------------------------------------------------------------------------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|--------------------------------------------------|-------|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 1 Are you a citizen of the United States? <input type="checkbox"/> Yes <input type="checkbox"/> No Will you be 18 years of age or older on or before Election Day? <input type="checkbox"/> Yes <input type="checkbox"/> No If you answered "No" in response to either of the above, do not complete this form. | | | | | | FOR COUNTY ELECTION COMMISSION USE ONLY Mail _____ Reg # _____ Approved _____ Effective Date _____ P/A _____ District _____ Precinct _____ Ward _____ | | | | | | | | | | |
| 2 LAST NAME | FIRST NAME | MIDDLE NAME | SUFFIX | 3 SEX <input type="checkbox"/> M <input type="checkbox"/> F | 4 RACE (OPTIONAL) | | | | | | | | | | | |
| 5 ADDRESS WHERE YOU LIVE (DO NOT GIVE A P.O. BOX) | | | | APT. # | CITY | COUNTY | STATE | ZIP CODE | | | | | | | | |
| 6 ADDRESS WHERE YOU GET YOUR MAIL (IF DIFFERENT THAN ABOVE) | | | | | | 7 E-MAIL (OPTIONAL) | | | | | | | | | | |
| 8 DATE OF BIRTH | CITY AND STATE OF BIRTH | | SOCIAL SECURITY # | (required under T.C.A. § 2-2-116 for purposes of identification and to avoid duplicate registration) | | 9 PHONE # | | | | | | | | | | |
| 10 NAME AND ADDRESS ON LAST VOTER REGISTRATION | | | | | | | | | | | | | | | | |
| NAME _____ | | | | ADDRESS _____ | | | | | | | | | | | | |
| CITY _____ | | | | COUNTY _____ | | STATE _____ | | ZIP _____ | | | | | | | | |
| 11 VOTER DECLARATION: I, being duly sworn on oath (or affirmation) declare that the above address is my legal residence and that I plan to remain at such residence for an undetermined period of time and say that to the best of my knowledge and belief all of the statements made by me are true. | | | | | | 12 WARNING: Giving false information to register to vote or attempting to register when not qualified is a felony punishable by not less than two (2) years nor more than twelve (12) years imprisonment or a fine of \$5,000 or both. | | | | | | | | | | |
| <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;"></td> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> </tr> <tr> <td>1. Are you a resident of the State of Tennessee?</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td>2. Have you ever been convicted of a crime which is a felony in this state, by a court in this state, a court in another state, or a federal court?</td> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> </table> | | | | | | | Yes | No | 1. Are you a resident of the State of Tennessee? | _____ | _____ | 2. Have you ever been convicted of a crime which is a felony in this state, by a court in this state, a court in another state, or a federal court? | _____ | _____ | X _____ Signature (or mark) of Applicant Date <i>If applicant is unable to sign, provide signature of person who signed for applicant.</i> _____ Signature of Person Assisting _____ Address | |
| | Yes | No | | | | | | | | | | | | | | |
| 1. Are you a resident of the State of Tennessee? | _____ | _____ | | | | | | | | | | | | | | |
| 2. Have you ever been convicted of a crime which is a felony in this state, by a court in this state, a court in another state, or a federal court? | _____ | _____ | | | | | | | | | | | | | | |



EXHIBIT C

Tennessee
Secretary of State
Tre Hargett

GoVoteTN

1 Voter Eligibility
2 Voter Info
3 Citizenship
4 Additional Info
5 Address
6

Voter Eligibility

Please exit this form and submit a paper voter registration form. You will also need to submit either 1) proof that your voting rights have been restored in Tennessee, or 2) documentation showing you are eligible to have your voting rights restored. [Click here for additional information on Tennessee's process to restore voting rights.](#)

OK

*Fields marked with * are required fields*

- * Are you a citizen of the United States? Yes No
- * Are you a resident of Tennessee? Yes No
- * Will you be 18 years of age on or before the next general election? Yes No
- * Have you ever been convicted of a crime which is a felony in this state, by a court in this state, a court in another state, or a federal court? Yes No
- * I understand that voter registration records are public records, open to inspection by any citizen of Tennessee, excluding the social security number, driver's license number, and the Department of Safety and Homeland Security ID number. Yes No
- * I understand that giving false information to register to vote or attempting to register when not qualified is a felony. Yes No

Screenshot of <https://ovr.govote.tn.gov/Registration/RegistrationDetails/BM> at 5:42 PM EST on July 15, 2020

EXHIBIT D



COMMONWEALTH of VIRGINIA

Executive Department

TO ALL TO WHOM THESE PRESENTS SHALL COME — GREETINGS:

WHEREAS, Ernest L. Falls, after being convicted and sentenced for crime(s) committed prior to January 14, 2020, when the Executive completed review of the particulars of the individual's case; and

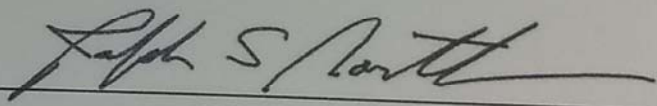
WHEREAS, Ernest L. Falls, by reason of conviction(s), suffers political disabilities, to wit: denial of the right to vote, to hold public office, to serve on a jury, to be a notary public and to ship, transport, possess or receive firearms; and

WHEREAS, it appears that Ernest L. Falls has rejoined society free from state supervision and it seems appropriate to the Executive to remove certain of those political disabilities by restoring the right to vote, hold public office, serve on a jury, and to be a notary public;

NOW, THEREFORE, I, Ralph S. Northam, Governor of the Commonwealth of Virginia, by virtue of the authority vested in me, do hereby remove the political disabilities, except the ability to ship, transport, possess or receive firearms, under which Ernest L. Falls labors by reason of conviction as aforesaid, and do hereby restore the rights to vote, hold public office, serve on a jury, and to be a notary public.

Given under my hand and under the Lesser Seal of the Commonwealth at Richmond, on February 4, 2020, in the 244th year of the Commonwealth.




Governor of Virginia

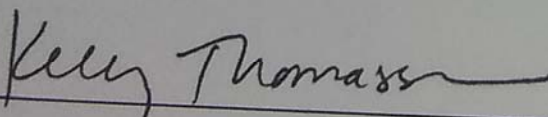

Secretary of the Commonwealth

EXHIBIT E

Grainger County Election Commission

P.O. Box 28

Rutledge, TN 37861

(865) 828-5132

Fax (865) 828-6161

E-mail: grainger.commission@tn.gov

Web: graingervotes.com

Ronnie Cabbage, Chairman
Kathy Winstead, Secretary
Woody Nicely, Member
Terry Johnson, Member
Tina Stratton Morrow, Member

Gina Hipsher
Administrator of Elections

June 11, 2020

Dear Ernest L. Falls, Jr:

I have enclosed the Denial of Restoration I received from the State of Tennessee today. I also attached the email explaining the additional paperwork that the State of Tennessee needs. The State Office did try to obtain that information from the office in Virginia but was unsuccessful. It is something you will have to request.

If I can be of further assistance, please feel free to contact me. Once you have received the requested paperwork, please send to our office and I will resubmit your Application for Voter Registration.

Thank you,

Gina C. Hipsher

Gina Hipsher

Administrator of Elections

ERNEST LEE FALLS, JR
153 LITTLE BOY CIRCLE
APT 18

Grainger Commission

From: Jessica Lim
Sent: Thursday, June 11, 2020 11:31 AM
To: Grainger Commission
Subject: Felon Voter - Falls
Attachments: Falls Grainger County June 2020.pdf

Gina,

I've attached for your records a denial letter for Ernest L. Falls. The reason for the denial is that his documentation is incomplete/insufficient.

Specifically, in addition to having the COR filled out, another option for those with out-of-state convictions to restore their right to vote is submitting documentation showing they (a) had their citizenship rights restored in that State, and (b) the conviction was not one of the permanently disqualifying felonies from Tenn. Code Ann. 40-29-204. This documentation can be in the form of a certificate from the State, or an affidavit. Mr. Falls submitted both, so he satisfied those requirements.

However, the Attorney General's office recently published a opinion stating that out-of-state felons going through this process have two more requirements: in addition to (a) and (b) above, they *also* have to show they (c) have paid all court costs and (d) have paid all restitution. Essentially, they have to submit documentation showing everything that the COR has on it. Mr. Falls' documentation does not show he paid all court costs and restitution. I tried to collect the documentation for him, but it wasn't available on the court's website. When I called the Allegheny County, Virginia Circuit Court, they wouldn't/couldn't give me the information. They said the documents would be in archives, so I would have to submit a formal records request and then wait up to a month. So Mr. Falls will have to call the Allegheny County Circuit Court, submit a formal records request (he needs to ask for documentation showing he paid court costs and restitution – this can be on the Judgment Order, a receipt, the Discharge Order, etc.), and, when he receives the documents, turn them in to supplement the documents already submitted.

Please call if you have any questions or want to discuss these new requirements.

Thanks,

Jessica

Jessica Cunningham Lim
Elections Attorney
Division of Elections
Office of Tennessee Secretary of State Tre Hargett
312 Rosa L. Parks Ave., 7th Floor
William R. Snodgrass Tower
Nashville, TN 37243
Jessica.Lim@tn.gov
Phone: (615) 253-4581
Fax: (615) 741-1278

This electronic mail may be subject to the Tennessee Public Records Act, Tenn. Code Ann. §10-7-503 *et seq.* Any reply to this email may also be subject to this act.

The mission of the Office of the Secretary of State is to exceed the expectations of our customers, the taxpayers, by operating at the highest levels of accuracy, cost-effectiveness, and accountability in a customer-centered environment.

Tennessee Secretary of State

Tre Hargett



Elections Division
312 Rosa L. Parks Avenue, 7th Floor
Nashville, Tennessee 37243-1102

Mark Goins
Coordinator of Elections

615-741-7956
Mark.Goins@tn.gov

Thursday, June 11, 2020

Ms. Gina Hipsher
Grainger County Election Commission
P O BOX 28
Rutledge, TN 37861-3500

Dear Ms. Hipsher:

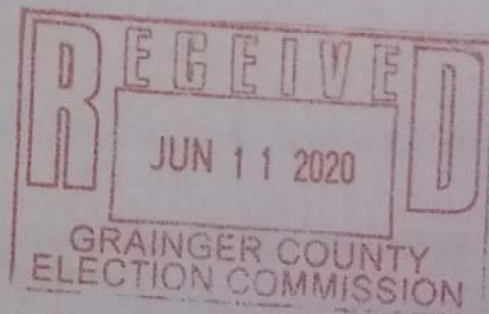
Please be advised that voting rights for the following person(s) in Grainger County cannot be restored at this time for the reason(s) listed below.

| <u>Name</u> | <u>Reason for Denial of Restoration</u> |
|-----------------|-----------------------------------------|
| Ernest L. Falls | Incomplete/Insufficient Document(s) |

Sincerely,

Mark K. Goins
Coordinator of Elections

MKG:ycl





Eligibility to Vote after a Felony Conviction

If you have had a felony conviction, your eligibility to register and vote depends upon the crime you were convicted of and the date of your conviction. For more information about this process, call our office at 1-877-850-4959 or visit our website at <https://sos.tn.gov/products/elections/restoration-voting-rights>.

If your conviction has been expunged, you may answer "No" when asked if you have a felony conviction on the voter registration form.

Conviction on or after May 18, 1981

All convictions for a crime that is a felony in Tennessee, whether by a Tennessee court, a court in another state, or a federal court, cause you to forfeit your eligibility to vote. You may regain your eligibility to vote if you have your conviction expunged or if you have your voting rights restored.

However, you are never eligible to register and vote if you were convicted of specific felonies within specific date ranges:

After July 1, 1986

- Voter fraud
- Treason
- First-degree murder
- Aggravated rape

After July 1, 1996, to June 30, 2006

- Voter fraud
- Treason
- Any degree of murder or rape

After July 1, 2006

- Voter fraud
- Treason
- Any degree of murder or rape
- Certain felonies involving bribery, misconduct involving public officials and employees, or interference with government operations
- Sexual offenses or violent sexual offenses that are felonies where the victim was a minor

Conviction between January 15, 1973, and May 17, 1981

All persons who were convicted during this time period are eligible to vote. You do not need to have your rights restored, but the Division of Elections will need to verify you were convicted during this time period.

Conviction prior to January 15, 1973

You still have the right to vote unless you were convicted of one of the following crimes:

- | | | |
|----------------------------------------------------------------------------------|-------------------------------------------------------|--------------------------|
| • Abusing a female child | • Felonious breaking and entering a dwelling house | • Forgery |
| • Arson and felonious burning | • Larceny | • Destroying a will |
| • Bigamy | • Horse stealing | • Incest |
| • Bribery | • Robbery | • Rape |
| • Burglary | • Stealing bills of exchange or other valuable papers | • Sodomy |
| • Felonious breaking into a business house, outhouse other than a dwelling house | • Receiving stolen property | • Buggery |
| | • Counterfeiting | • Perjury |
| | | • Subornation of perjury |

Even if you were convicted of a crime listed above, you still have the right to vote if you can show that at the time of your conviction the judge did not render you "infamous," if your conviction was reversed on appeal or expunged, if you received a full pardon, or if you have your voting rights restored.

INSTRUCTIONS

Instructions to the Agent Completing the Certificate of Restoration:

In order to complete any section of this form, the agent must have access to the information being attested to on this form.

1. In **BOX #1**, the proper authority/agent must provide the requested applicant information.

NOTE: For 1d, list the crime(s) for which the person was convicted.

For 1e, list the date the person was convicted for the crime listed in 1d.

2. In **BOX #2**, the proper authority/agent must provide the following information:

- a) Provide the date that corresponds to the box that is checked
- b) Check the appropriate box indicating how the applicant completed their sentence
- c) Provide your signature (print name below signature) and contact information

3. In **BOX #3**, the proper authority/agent must provide the following information:

- a) Check the appropriate box as it relates to any restitution that was or was not assessed to the applicant.
- b) Provide your signature (print name below signature) and contact information.

4. In **BOX #4**, the proper authority/agent must provide the following information:

- a) Check the appropriate box as it relates to any court fines that were assessed to the applicant.
- b) Provide your signature (print name below signature) and contact information.

Persons convicted of any of the following, cannot have his or her voting rights restored:

- Between July 1, 1986, and June 30, 1996 - first degree murder, aggravated rape, treason, or voter fraud
- Between July 1, 1996, and June 30, 2006 - murder, rape, treason, or voter fraud
- On or after July 1, 2006 – Any of the above, or any degree of murder or rape or any felony offense under TCA Title 39, Chapter 16, parts 1, 4, or 5; or any sexual offense under TCA §40-39-202(20) or any violent sexual offense under TCA § 40-39-202(30) designated as a felony and where the victim of such offense was a minor

Instructions to the Applicant Seeking to have His or Her Voting Rights Restored:

- After completion, the original form must be filed with the local county election commission office in the county the applicant desires to register to vote.

NOTICE

A person is not eligible to apply for a voter registration card and have their voting rights restored unless the person is current in all child support obligations. Before restoring the voting rights of an applicant, the Coordinator of Elections will verify with the Department of Human Services that the applicant does not have any outstanding child support payments or arrearages.



State of Tennessee
312 Rosa L. Parks Avenue, 7th Floor
Nashville, Tennessee 37243
615-741-7956

CERTIFICATE OF RESTORATION OF VOTING RIGHTS for Persons Convicted of a Felony on or after May 18, 1981

This includes any federal or state felony conviction both
within Tennessee or from another state.

TO BE COMPLETED BY AN AGENT OF THE PARDONING AUTHORITY, AN AGENT OR OFFICER OF THE INCARCERATING AUTHORITY, OR A PROBATION/PAROLE OFFICER OR AGENT OF THE SUPERVISING AUTHORITY. A SEPARATE FORM MUST BE COMPLETED FOR EACH FELONY CONVICTION WITH A DIFFERENT DOCKET/CASE NUMBER. THE PERSON CONVICTED OF THE FELONY OFFENSE MAY NOT COMPLETE THIS FORM.

1. I hereby certify that the following information is true and correct:

- a. Applicant's Name: _____ (First) _____ (Middle) _____ (Last)
- b. Applicant's County of Residence: _____
- c. Applicant's Phone Number: _____
- d. Felony Conviction: _____
- e. Month/Day/Year of Conviction: _____
- f. TOMIS ID: (if applicable) _____
- g. Date of Birth: _____
- h. Soc. Sec. No.: _____

2. On the _____ day of _____, _____ (check one)
- The above individual received a pardon which contained no special conditions pertaining to the right of suffrage. A copy of said pardon is attached hereto; or
 - The maximum sentence imposed for such infamous crime has been served by the above individual; or
 - The maximum sentence imposed for such infamous crime has expired; or
 - The above individual has been granted final release from incarceration or supervision from either the United States Probation/Parole, a state Board of Probation/Parole, the Department of Correction, or county correction authorities.

Signature: _____ Date: _____
 Printed Name: _____ Title: _____
 Address: _____ Phone Number: _____

3. I hereby certify that the following is true and correct: (check one)

- The court did not order the above individual to pay any restitution as part of his or her sentence; or
- All of the restitution ordered by the court as a part of the sentence for the above individual has been paid; or
- Restitution ordered by the court is owed.

Signature: _____ Date: _____
 Printed Name: _____ Title: _____
 Address: _____ Phone Number: _____

4. I hereby certify that the following is true and correct: (check one)

- The court did not order the above individual to pay any court cost as part of his or her sentence; or
- All court cost assessed against the above individual has been paid; or
- For Federal Convictions Only, 18 U.S.C. § 3613(b) applies in this case and therefore the liability to pay has expired; or
- The court has made a finding at an evidentiary hearing that the above individual is indigent at the time of application; or
- Court costs ordered by the court are owed.

Signature: _____ Date: _____
 Printed Name: _____ Title: _____
 Address: _____ Phone Number: _____