

provided with an insufficient number of comparison signatures, and does not have access to proper equipment. The use of a one signature as the sole reference sample for comparison with one ballot signature will most likely exacerbate the error rate. In this context, Tennessee's signature matching procedures are all but guaranteed to result in the erroneous rejection of properly cast ballots.

* * *

Executed on June 11, 2020 at San Bruno, California

I declare under penalty of perjury the foregoing is true and correct.

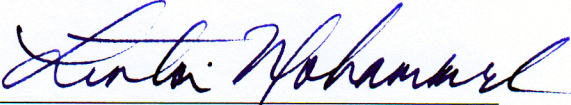

Linton Mohammed, Ph.D., D-ABFDE

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MEMPHIS A. PHILLIP RANDOLPH
INSTITUTE, et al.,

Plaintiffs,

v.

TRE HARGETT, et al.,

Defendants.

Civil No. 3:20-cv-0374

JUDGE RICHARDSON
MAGISTRATE JUDGE FRENSELY

**DECLARATION OF TENNESSEE STATE CONFERENCE OF THE NAACP IN
SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION
(Pursuant to 28 U.S.C. § 1746)**

I, Gloria Jean Sweet-Love, am over the age of 18 and fully competent to make the following declaration. The facts in this declaration are based on my personal knowledge and upon information available to me through the files and records of Tennessee State Conference of the NAACP ("Tennessee NAACP"), of which I am president. If called upon as a witness, I would testify to these facts. Under penalty of perjury, I declare and state the following:

Personal Background

1. I am the president of Tennessee NAACP. I have served as president of Tennessee NAACP since January 1996.

2. In this role, I am responsible for Tennessee NAACP's operations. I oversee the regional divisions, the branches, and the college chapters and youth councils ("local units"). I am responsible for setting the direction, determining the priorities, planning, and executing civic engagement activities of all the local units. I train executive management on civic engagement. I lead the fundraising and budgeting process for Tennessee NAACP. I plan the organization's

major events—our Annual Conference, Race Relations Summit, and Legislative Day on the Hill.

3. In addition to my role with Tennessee NAACP, I also serve as the Chair of the Southeast Region NAACP Leadership Caucus.

4. Based on my knowledge and experience I am familiar with Tennessee NAACP's voter identification, mobilization, and engagement activities.

Overview of the Tennessee NAACP

5. Tennessee NAACP is a nonpartisan, interracial, nonprofit membership organization headquartered in Jackson, Tennessee. It includes three regional divisions—in Eastern, Middle, and Western Tennessee—as well as thirty-three local branch units and twenty-two college chapters and youth councils.

6. Tennessee NAACP was founded in 1946. Its mission is to eliminate race-based discrimination through securing political, educational, social, and economic equality rights and ensuring the health and well-being of all persons.

7. Tennessee NAACP promotes grassroots democracy by mobilizing and supporting local units. Tennessee NAACP works to encourage local units to envision the future of effective government in their communities, establish a structure and environment that allows all citizens to reach their maximum potential, and provide accountability for the community concerning the performance of the Tennessee General Assembly. Tennessee NAACP acts as a key community advocate for those the General Assembly most needs to serve on an equal level with all Tennesseans.

8. Tennessee NAACP has eight officers: president; vice presidents of the eastern, western, and middle divisions; secretary; treasurer; youth & college state advisor; and youth & college state president.

9. The organization has eighteen standing committees. The chairs of those committees compose Tennessee NAACP's executive committee. These standing committees focus on various

aspects of our work such as civic engagement, education, health, and labor & industry, to name a few.

10. Tennessee NAACP and most local units are primarily volunteer-run, and all officers are volunteers; only Tennessee NAACP headquarters, the Nashville Branch, and the Memphis Branch have any full-time office staff.

11. As of June 2020, the organization has more than 10,000 members across the state of Tennessee, primarily consisting of African Americans, other people of color, and our allies. Tennessee NAACP has members in all ninety-five counties.

12. Tennessee NAACP also has a large volunteer base comprised of individuals who are card-carrying Tennessee NAACP members as well as non-members.

13. To become a member, an individual can contact their local unit and submit an application. Tennessee NAACP offers different levels of membership including youth, college, and adult memberships. Members must pay yearly dues.

14. Tennessee NAACP provides members and nonmembers volunteer opportunities—and accepts anyone who wishes to volunteer at events. Individuals need not be members to volunteer with Tennessee NAACP.

15. Two-thirds of Tennessee NAACP's members are African American. The rest of the organization's members are White or from other racial minority groups.

16. The largest age group of members and volunteers is fifty-five years plus. The second largest age group of members is between fifteen and twenty-five years old. Tennessee NAACP is ramping up its recruitment of members in the thirty to forty-five age range.

17. Voter engagement has been a key aspect of Tennessee NAACP's work since its founding. Using our strength and focus on grassroots mobilization and civic engagement, Tennessee NAACP places a special emphasis on voter registration events at places of worship and other forums, door-to-door canvassing, get-out-the-vote activities, candidate forums, giving rides to the polls, poll

monitoring, and voter protection on Election Day. As an example, Tennessee NAACP conducted a voter registration drive at an expungement clinic in February 2018. Tennessee NAACP used paper forms to register prospective voters there. Approximately 400 to 500 people came to the expungement clinic, and 350 expungement applications were processed. Tennessee NAACP collected 74 newly registered voters at this event. Before the pandemic, Tennessee NAACP conducted many such events.

18. Tennessee NAACP also works to engage high-school and college-age Tennesseans on voting and electoral participation.

19. Tennessee NAACP conducts voter registration drives in high schools and colleges. Tennessee NAACP also encourages youth to register to vote at voter registration drives. At these Tennessee NAACP high school voter registration drives, volunteers register students to vote by helping them to complete the state mail-in application for voter registration, collecting those applications, and submitting them to county elections commissions. Tennessee NAACP typically uses the paper application at its drives.

20. Once a young member registers to vote at one of Tennessee's voter registration drives, Tennessee NAACP sends a letter to the member reminding him or her that voting is a rite of passage and to exercise the right to vote. Many young people that Tennessee NAACP registers are college students or future college students that would be eligible to vote absentee under Tennessee's Eligibility Criteria, even before the recent Chancery Court ruling permitting essentially all Tennessee voters to request to vote by mail.

21. Tennessee NAACP views voter engagement as a core activity fundamental to the advancement of the rest of the organization's mission. Tennessee NAACP believes voting is one of the few societal levers available to eligible citizens, even the underserved.

22. Tennessee NAACP believes that exercising this right helps to lift people up from where they are, both tangibly through electoral consequence and socially through inclusion in the processes of self-government.

COVID-19's Impact on Tennessee NAACP's Members Including Minority, Older, Immunocompromised, and First-Time Voters

23. Tennessee NAACP has closely followed the rise in COVID-19 infections in the State. The organization has educated members and volunteers about the health risks posed by COVID-19.

24. Tennessee NAACP has educated its members about the virus that causes COVID-19—that it is highly contagious, spreads through a variety of means, including respiratory droplets and contact between individuals, and can be very dangerous to their personal health.

25. Tennessee NAACP has shared with its members information about COVID-19 and precautionary steps. The disease poses a severe risk to all individuals, and particularly those who are either elderly, or, regardless of age, are immunocompromised, or have other underlying conditions like chronic lung disease, diabetes, obesity, or moderate to severe asthma.

26. Tennessee NAACP is acutely aware of COVID-19's impacts on its membership, which is primarily African American.

27. Tennessee NAACP has tracked COVID-19's devastating impact on the African American community, which lacks access to healthcare and are more likely to be uninsured or underinsured. Tennessee is approximately 17% Black. I am aware that as of June 10, 2020, the State reported that Black Americans accounted for nearly 22% of COVID-19 cases and 34% of COVID-19-related deaths in Tennessee.

28. Many members are older and have underlying conditions such as diabetes, heart disease, and high blood pressure. These conditions make us more vulnerable to COVID-19 and

its effects. Two-thirds of our members either have underlying comorbidities or live with someone who has underlying conditions or is elderly. Many of our older members register to vote through Tennessee NAACP voter registration drives. Most of volunteers use the paper form to register prospective voters at voter registration drives. Volunteers then collect completed application forms and submit them to county elections commissions.

29. Many members of Tennessee NAACP are high school and college-age students. Many youth members register to vote at voter registration drives that Tennessee NAACP conducts. Tennessee NAACP usually uses paper application forms at youth and college voter registration drives.

30. I am aware that Tennessee law prevents first-time voters registering by mail or registering via paper application at voter registration drives, from voting by absentee ballot even if they otherwise meet the Eligibility Criteria. This restriction is very burdensome on NAACP members and likely to make NAACP's voter registration efforts less effective. Most people, including members, that recently registered through NAACP voter registration drives but have not voted before will be unable to vote absentee because of this restriction. NAACP is particularly concerned that its membership may be unaware of this restriction, will plan to vote absentee, and will ultimately be unable to cast a ballot.

31. This restriction on first-time voters who register by mail is particularly burdensome to first-time youth voters during non COVID-19 times because most who register at registration to vote at drives (using the paper application form) or by mail do so in their hometowns and then leave for college before getting a chance to vote in person for the first time. Additionally, many voters, especially those in rural counties do not have access to computers and technology to be able to register online.

32. Because Tennessee law requires voters vote in person at the precinct corresponding to the address at which they are registered to vote, these youth voters must either return home from college to vote in person or not vote at all (as they cannot vote by mail).

33. COVID-19 has exacerbated this problem. Many first-time voters who registered to vote by mail or at voter registration drives, do not want to risk voting in person because they live with vulnerable family members and do not wish to expose their families to the virus.

34. Without the option to vote by mail, these voters will not be able to exercise their fundamental right to vote in August or November.

35. With the exception of individuals disenfranchised because of felony convictions and noncitizens, our membership—including first-time, minority, immunocompromised, and older voters—consists primarily of citizens who are qualified to vote and regularly vote or plan to regularly vote in elections.

36. Many Tennessee NAACP members planned to vote in person in the August 6, 2020, statewide election and the November 3, 2020, presidential election.

37. Many members will not be able to vote in person because they do not want to compromise their own health or the health of vulnerable family members.

38. Many members, if eligible, plan to vote by mail in August and November to protect their own health or the health of vulnerable family members. Some of these members either did not qualify to request an absentee ballot under Tennessee's narrow Eligibility Criteria under Tennessee Code § 2-6-201 (as they existed absent the injunction entered by the Davidson County Chancery Court) or cannot request absentee ballots because they are first-time voters and registered to vote at voter registrations drive or by mail.

39. If these members ultimately cannot vote by mail in the continuing pandemic, they will be disenfranchised in August and November.

40. Members should not have to choose between their right to vote and their own or their family members' health and well-being.

Tennessee NAACP's Activities Around the Vote-By-Mail Process During COVID-19

41. Since the pandemic, Tennessee NAACP has devoted significant resources including volunteer and staff time to educating members of the public about Tennessee's absentee voting eligibility criteria.

42. Much of Tennessee NAACP's education and voter engagement activities during the COVID-19 crisis have revolved around educating members about who can vote by mail, how to vote by mail, including how to request, mail, and vote absentee ballots.

43. Most of our members have never voted by mail before, but because of the pandemic, wish to vote by mail. Many members also distrust the vote-by-mail process because they do not know whether their ballots will count or not.

44. To encourage members to vote by mail, Tennessee NAACP has trained civic engagement captains in each of the local units to host virtual workshops, virtual town halls, and unit calls centered around the vote by mail process.

45. Civic engagement captains at the local units have also made calls to local unit members to encourage them to vote by mail if they are eligible. To assuage members' fears that their ballots will count, civic engagement captains have advised that members take photos of their voted ballots for their own record keeping.

46. Because of Tennessee NAACP's educational activities around vote by mail, we expect more eligible members to use the vote-by-mail process in August and November.

But for Tennessee NAACP's engagement around vote by mail, many members, who have never before voted by mail, would not be able to navigate the process.

Tennessee NAACP's Education Around Absentee Ballot Requests

47. Because many members have never voted by mail and require guidance on the multi-step vote-by-mail process, Tennessee NAACP wishes to distribute unsolicited absentee ballot applications as part of its vote-by-mail education process, including to its members, volunteers, and active constituencies.

48. Many members are confused on how to begin the vote-by-mail process. Tennessee NAACP wishes to help community members write their own requests, leave applications in community members' mailboxes, and provide links to the online application form on its websites, newsletters, and social media pages such as Twitter and Instagram, and text the link to the form to their members.

49. Tennessee law, however, criminalizes Tennessee NAACP's ability to engage its members through unsolicited distribution of the absentee ballot request form.

50. If Tennessee NAACP distributes or shares unsolicited absentee ballot applications it risks criminal prosecution (a sentence of up to 11 months and 29 days in prison, a fine of up to \$2,500, or both) under Tennessee Code § 2-6-202(c)(4).

51. Because Tennessee NAACP is unable distribute unsolicited absentee requests as part of its voter education, many of the communities and members in which Organization advocates are not able to obtain an application at all unless they directly ask Tennessee NAACP for help requesting absentee ballots.

52. Most members do not even know that to request absentee ballots, they must fill out applications.

53. In addition, many members do not have computers, internet access, printers, scanners, or fax machines, postage, or envelopes to be able to obtain, and then mail, email, or fax their absentee requests to their respective county commissions.

54. Many individuals that Tennessee NAACP helps, would not be able to obtain or write their own requests, scan their signatures, and submit their requests to their respective county commissions, without Tennessee NAACP's assistance.

55. But for Tennessee NAACP's help sharing and distributing unsolicited absentee requests, these individuals would not be able to vote by mail despite wanting to do so.

Tennessee NAACP's Activities Around Absentee Ballot Rejections Because of Signature Mismatch

56. Since the COVID-19 pandemic, Organization has ramped up voter education around the vote-by-mail process as well as reasons behind why ballots are rejected, including for signature discrepancies.

57. Tennessee NAACP is aware that Tennessee does not provide a pre-deprivation notice and cure process for absentee ballots rejected because of signature discrepancies. This requirement impacts many of Tennessee NAACP's older members, a majority of the organization's membership. Because of sickness, arthritis, and other conditions, members' handwriting differs.

58. In past election cycles, Tennessee NAACP has focused less on absentee ballot rejections and more on encouraging prospective voters to vote in person.

59. Since the pandemic, Tennessee NAACP anticipates that more members, volunteers, and individuals that it serves will attempt to vote by mail to avoid voting in person.

60. Given this anticipated shift in method of voting, Tennessee NAACP not only has increased education around the absentee voting process but has conducted virtual member and

volunteer workshops and town halls on cautionary steps and tips for filling out absentee ballots.

61. During these workshops, Tennessee NAACP warns attendees that their signatures on absentee ballot identification envelopes must match their signatures on file with their county election commissions. Tennessee NAACP has advised workshop attendees to exercise caution when signing absentee ballots.

62. The organization has advised members to practice their signature on separate pieces of paper before signing their ballots.

63. Tennessee NAACP has also advised its members to follow up with their county elections commissions to check whether their absentee ballots were counted and ask for opportunities to cure their ballots if they were rejected.

64. Without Tennessee NAACP's education and engagement around signature mismatch and absentee ballot rejections generally, many prospective members will remain in the dark that such processes exist.

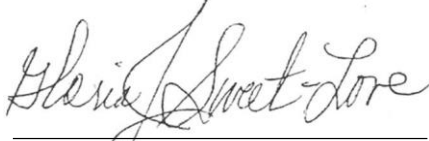
65. Members will not know that they must exercise caution, follow up with their county commissions to ensure that their absentee ballots have been counted, and request their county commissions to allow them to cure their ballots so that their vote is counted.

66. While Tennessee NAACP is encouraging more eligible individuals to vote by mail, the organization has also been mindful of the deficiencies in the vote-by-mail process. The organization would not have to expend its staff time and resources educating voters about ballot rejections due to signature mismatch if the State provided for meaningful notice and an opportunity to cure rejected ballots. In addition, the lack of meaningful notice and opportunity to cure makes eligible voters less likely to trust the vote-by-mail system and less likely to vote during the pandemic because they believe their absentee ballot will not count.

67. To that end, the organization feels it is our duty to educate voters on absentee rejections because of signature mismatch and provide tools for voters to make sure their signature does match.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed this 7th day of June, 2020.



Gloria Jean Sweet-Love

EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MEMPHIS A. PHILLIP RANDOLPH
INSTITUTE, et al.,

Plaintiffs,

v.

TRE HARGETT, et al.,

Defendants.

No. 3:20-cv-0374

JUDGE RICHARDSON
MAGISTRATE JUDGE FRENSEY

**DECLARATION OF MEMPHIS AND WEST TENNESSEE AFL-CIO CENTRAL
LABOR COUNCIL IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION
(Pursuant to 28 U.S.C. § 1746)**

I, Jeffrey Lichtenstein, am over the age of 18 and fully competent to make the following declaration. The facts in this declaration are based on my personal knowledge and upon information available to me through the files and records of the Memphis and West Tennessee AFL-CIO Central Labor Council ("MCLC"), where I am the Executive Secretary. If called upon as a witness, I would testify to these facts. Under penalty of perjury, I declare and state the following:

1. I am the Executive Secretary of MCLC. I have served in this capacity since January 2018.
2. In my role as Executive Secretary of MCLC, I am responsible for member organizing, member outreach, campaign development, training, staff supervision, strategic partnerships, political campaigning, and voter engagement.
3. Based on my knowledge and experience I am familiar with MCLC's voter

identification, mobilization, and engagement activities.

4. MCLC is a nonprofit, nonpartisan union, headquartered in Memphis, Tennessee. It acts as an umbrella organization for 41 affiliate unions and their members based throughout western Tennessee. MCLC's affiliates include the local affiliates of the International Brotherhood of Electrical Workers and the American Federation of State, County, and Municipal Employees, among others. In total, MCLC encompasses approximately 20,000 union members in Tennessee.

5. MCLC operates a broad-ranging, multi-part political program in Tennessee. This program has become increasingly active in the past two years. As part of the program, MCLC endorses candidates in federal, state, and local elections. MCLC also conducts a voter registration program and a voter turnout program, aimed at assisting eligible union members and members of their households in registering to vote, and turning them out to vote in local, state, and federal elections. MCLC reaches approximately 60,000 individuals through its voter registration and voter turnout program.

6. MCLC's members' ages vary widely from early thirties to early seventies. The majority of MCLC's members are in their forties and fifties.

7. MCLC is actively involved in voter education and engagement. Outside of election season, MCLC provides training, information, and support for all of its affiliate unions' voter engagement programs. MCLC teaches its affiliates how to set up voter registration tables at union meetings and train their political committee chairs. MCLC also trains each of its affiliates to pull lists of their union members that are not registered to vote and encourages them to register to vote.

8. During election season, MCLC runs its direct voter engagement campaign. Using its list of affiliate union members, MCLC volunteers encourage all MCLC members and members of each union household to register to vote by canvassing door-to-door, phone banking, texting

members, and conducting voter registration and voter education at worksites. MCLC conducts partisan and nonpartisan voter engagement with union members to encourage them to vote, inform them which candidates are pro-union, and inform them which candidates MCLC has endorsed. In 2018, the last year that MCLC ran its full voter engagement campaign, approximately 50 individual volunteers worked 150 different volunteer shifts.

9. MCLC focuses heavily on engaging each member of its affiliate union members' households. For example, if an MCLC affiliate union member is a grandparent and lives with a voting-age grandchild, MCLC works to register both the grandparent and the grandchild. In addition to making sure every voting-age member of the household is registered to vote, MCLC is also currently working to make sure eligible voters request and receive an absentee ballot and make an informed decision about who to vote for.

10. MCLC has closely followed the rise in COVID-19 infections in the State. MCLC has had to educate members and volunteers not only about the health risks posed by COVID-19 but also about how to vote by mail in light of the pandemic.

11. Since March 5, 2020, when the State confirmed its first COVID-19-related death, MCLC has lost at least one affiliate union member to the disease.

12. Over 60,000 of MCLC's affiliate members and members of their households are qualified to vote and over 30,000 regularly vote in federal, state, and local elections.

13. I am aware that several of MCLC's affiliate members and members of their households planned to vote in person in the August 6, 2020, statewide election and the November 3, 2020, presidential election prior to the COVID-19 pandemic. In 2018, approximately 38,000 people in MCLC's voter universe voted and the majority of them voted in person.

14. I am aware that several MCLC members and members of their households plan to vote by mail, if eligible, to protect their own health or the health of vulnerable family members. Absent the injunction entered by the Davidson County Chancery Court, many MCLC members and members of their households would not otherwise qualify to vote by mail under Tennessee's narrow eligibility criteria under Tennessee Code § 2-6-201.

15. I am also confident that some MCLC members and members of their households will choose not to vote in August and November if they are ultimately unable to vote-by-mail due to their fear of contracting COVID-19. As Executive Secretary, I have learned that some members will not risk contracting COVID-19 by going to the polls and voting in person.

16. MCLC members and members of their households should not have to choose between their right to vote and their health or the health of their family members.

17. Since the pandemic, MCLC has devoted significant resources including volunteer and staff time to educating the public about Tennessee's absentee voting eligibility criteria.

18. Given that a significant proportion of the Tennessee electorate, including many of MCLC's members, will choose to vote by mail this year due to the COVID-19 pandemic, MCLC's direct union member engagement this year includes an increased focus on absentee voter engagement, to the extent permitted by law.

19. Much of MCLC's education and voter engagement activities during the COVID-19 crisis have involved voter education and training around the absentee ballot application and voting processes. MCLC's door-to-door voter engagement program has ceased entirely because of COVID-19, so MCLC is supplementing that activity by expanding its worksite engagement and its phone banking program. While MCLC typically relies heavily on door-to-door canvassing, the council's leadership has made the decision to forego the program entirely this year due to the risk

of COVID-19 and the council's inability to run the program while following the CDC's social distancing guidelines.

20. Echoing the statewide share of voters who vote-by-mail, many in the communities MCLC serves have never voted by mail and require guidance on the multi-step vote-by-mail process. Thousands of MCLC's members and members of their households have been voting in person at the same polling locations for decades and have not voted in any other manner. Many of these same voters are particularly vulnerable to COVID-19 because of their underlying health conditions or their age.

21. As part of its voter education campaign, MCLC wishes to distribute absentee ballot requests to its members, volunteers, and active constituencies, help community members write their own requests, leave requests in community members' mailboxes, and provide links to the online application form on their website, social media pages such as Twitter and Instagram, and text messages to their followers and other members of the public. MCLC is also planning to produce and distribute a brief for all of its affiliate unions' political committee chairs and members explaining the absentee ballot application and voting process.

22. MCLC, however, risks criminal prosecution (a sentence of up to 11 months and 29 days in prison, a fine of up to \$2,500, or both) under Tennessee Code § 2-6-202(c)(4) for distributing unsolicited absentee ballot requests to members.

23. If MCLC is not able to distribute unsolicited absentee requests as part of its voter education, many members of the communities in which MCLC advocates will not be able to obtain an application.

24. MCLC's members are predominantly low-wage workers and many of them do not have computers, internet access, printers, scanners, fax machines, postage, or envelopes to mail,

email, or fax their absentee requests to their respective county commissions.

25. Without MCLC's assistance, many MCLC members, and members of their households, would not be able to write their own requests, scan their signatures, and submit their requests to their respective county commissions.

26. But for MCLC's help obtaining absentee requests, these individuals would not be able to vote by mail despite wanting to do so.

27. In light of the COVID-19 pandemic, MCLC plans to ramp up voter education around the absentee ballot process, absentee ballot rejections, and signature mismatch.

28. In past election cycles, MCLC focused less on absentee ballot rejections and more on encouraging prospective voters to vote in person because of the State of Tennessee's historic preference for in-person voting. But given the expected increase in absentee voting caused by the pandemic, MCLC is planning to divert resources towards increasing voter education on signature mismatch issues. This includes increasing the amount of time spent explaining the possibility of ballot rejections to voters, as well as educating them on what they can do to try to avoid having their ballot rejected.

29. Without MCLC's education and engagement around signature mismatch and absentee ballot rejections generally, many prospective voters will not know that their ballot could be rejected for a signature mismatch. Voters will not know that they must exercise caution, follow up with their county commissions to ensure that their absentee ballots have been counted, and request their county commissions to allow them to cure their ballots so that their vote is counted.

30. MCLC anticipates that many voters it will engage as a part of its 2020 voter engagement efforts will be first-time voters. Several MCLC affiliate members live with children or grandchildren who have turned 18 since the last election, which is one of the reasons that every

election year MCLC actively works to engage not only its affiliate members, but all members of its affiliate union members' households. Several MCLC affiliate members joined our affiliated unions after the last presidential election. We will work to register these members by using printed mail-in voter registration forms when we conduct voter registration presentations at union meetings and at worksites.

31. However, Tennessee law requires anyone who registers to vote by mail to vote in person the first time they vote. Thus, my understanding is that under the law, anyone that MCLC has registered or will register to vote via a mail-in voter registration form will be required to vote in person, even if they otherwise qualify for absentee voting. This restriction necessarily limits the effectiveness of MCLC's voter registration activity because it limits the means by which those voters can cast their ballots.

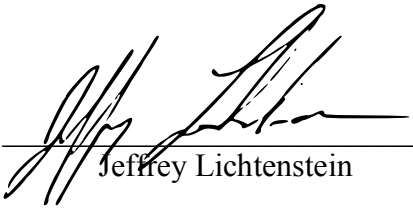
32. Given the ongoing COVID-19 crisis, this restriction will make much of MCLC's voter registration activity ineffective because the voters they have registered will be unable to vote safely by mail.

33. Moreover, this restriction makes some of MCLC's voter registration activity ineffective because the voters they have registered cannot vote in person because they are students outside of their county or meet other eligibility criteria for absentee ballots that render them unable to vote in person.

34. MCLC also has to dedicate time and resources to ensuring that voters who registered by mail know that they will not be able to cast their ballot in person. We are concerned that voters we registered may assume they can vote by mail and have their application rejected when it is too late for them to make other plans to vote, and therefore that our voter registration efforts will be for naught.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed this 12th day of June, 2020.



Jeffrey Lichtenstein

EXHIBIT F

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MEMPHIS A. PHILLIP RANDOLPH
INSTITUTE, et al.,

Plaintiffs,

v.

TRE HARGETT, et al.,

Defendants.

No. 3:20-cv-0374

JUDGE RICHARDSON
MAGISTRATE JUDGE FRENSEY

**DECLARATION OF MEMPHIS A. PHILIP RANDOLPH INSTITUTE IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION
(Pursuant to 28 U.S.C. § 1746)**

I, Kendra Lee, am over the age of 18 and fully competent to make the following declaration. The facts in this declaration are based on my personal knowledge and upon information available to me through the files and records of the Memphis A. Philip Randolph Institute ("APRI"), at which I serve as the Organizing Fellow. If called upon as a witness, I would testify to these facts. Under penalty of perjury, I declare and state the following:

1. I am the Organizing Fellow for APRI and I have served in this capacity since March 2020.
2. In my role as Organizing Fellow, I am responsible for voter engagement, voter education, and voter registration within the communities that APRI members live in, which are predominantly African American communities comprised of low wage trade workers.
3. APRI is a Memphis, Tennessee-based non-profit political advocacy and membership organization that works to strengthen ties between the labor movement and the community, increase the political impact of Black voters, and implement structural changes

through the American democratic process.

4. APRI is the Memphis chapter of the national A. Philip Randolph Institute, headquartered in Washington, D.C.

5. APRI has continuously served communities in Memphis, Tennessee since 1970.

6. APRI is a membership-based organization, with over 30 dues-paying members in various trades. Each member serves as a volunteer for APRI's voter engagement efforts.

7. The majority of APRI's members are over 60. The average age of APRI's membership is approximately 52. Most of APRI's members are registered to vote and most of them usually vote in person.

8. As part of its voter engagement efforts, APRI's members participate in community outreach at townhalls, union meetings, and other community organization meetings. Among other things, they help voters register to vote, educate voters about the voting process and issues on the ballot, and mobilize voters to ensure that they actually cast their ballots.

9. APRI has closely followed the rise in COVID-19 infections in the State. APRI has not only had to educate members and volunteers about the health risks posed by COVID-19, but also the risks around in-person voting during the pandemic.

10. Many of APRI's members are immunocompromised or suffer from underlying conditions including diabetes and heart disease. This puts them at a higher risk of developing serious complications from COVID-19.

11. Most of APRI's members are qualified to vote and regularly vote in federal, state, and local elections.

12. Most of APRI's members planned to vote in person in the August 6, 2020, statewide election and the November 3, 2020, presidential election prior to the COVID-19 pandemic.

13. Some APRI members under the age of 60, however, will likely not vote if they are ultimately not allowed to vote by mail because they do not want to compromise their own or their family members' health through exposure to COVID-19. These members will, if eligible, vote by mail to protect their own health or the health of vulnerable family members, but do not otherwise qualify to request an absentee ballot under Tennessee's narrow eligibility criteria under Tennessee Code § 2-6-201 absent the Davidson County Chancery Court's ruling.

14. APRI's members should not have to choose between their right to vote and their own and their family members' health and well-being.

15. Since the COVID-19 pandemic began, APRI has devoted significant resources including volunteer and staff time to educate members of the public about Tennessee's absentee voting eligibility criteria.

16. The strict eligibility criteria in place before the Davidson County Chancery Court's decision made it more difficult to communicate absentee voting options to the general public and help voters determine if they are eligible. We have to dedicate more resources to explaining the absentee voting process because voters have a lot of questions around what the criteria are and whether they apply to them.

17. APRI has transitioned its voter engagement efforts from primarily face-to-face contact to social media and electronic communication. APRI has been educating the public about Tennessee's absentee voting eligibility criteria through its Facebook page, phone banking, and text and e-mail blasts to its members and the communities it serves. APRI has also been encouraging community members to register to vote, using the same methods.

18. Much of APRI's education and voter engagement activities during the COVID-19 crisis have revolved around informing its members and the communities it serves of the

requirements for voting absentee.

19. As part of its education campaign, APRI wishes to distribute absentee ballot requests, help community members write their own requests, leave requests in community members' mailboxes, and provide links to Tennessee's online absentee ballot request form on their website, social media pages such as Facebook, and in text messages to their followers and other members of the public.

20. APRI also wishes to collaborate with community partners such as food banks and schools that are distributing aid during the COVID-19 pandemic to hand out absentee ballot requests to eligible voters.

21. APRI, however, risks criminal prosecution (a sentence of up to 11 months and 29 days in prison, a fine of up to \$2,500, or both) under Tennessee Code § 2-6-202(c)(4) for distributing or sharing unsolicited absentee ballot requests to members.

22. If APRI is not able to distribute unsolicited absentee requests as part of its voter education, many of the communities and members in which APRI advocates will not be able to obtain a request because they do not have computers, internet access, printers, scanners, or fax machines, postage, or envelopes to be able to mail, email, or fax their absentee requests to their respective county commissions. .

23. Many individuals, would not, without APRI's assistance, be able to write their own requests, scan their signatures, and submit their requests to their respective county commissions.

24. But for APRI's help with obtaining absentee requests, these individuals would not be able to vote by mail despite wanting to do so.

25. Since the pandemic, APRI anticipates that more members, volunteers, and individuals that APRI serves will attempt to vote by mail to avoid voting in person.

26. Many of the communities in which APRI advocates have never voted by mail and require guidance on the multi-step vote-by-mail process.

27. In past election cycles, APRI focused less on absentee ballot rejections and more on encouraging prospective voters to vote in person.

28. Given the anticipated shift of the Tennessee electorate towards voting by mail this year, APRI is planning to increase education around the absentee voting process in general and release email blasts and social media posts warning voters that their signatures on absentee ballot identification envelopes must match their signatures on file with their county elections commissions.

29. APRI is especially concerned that the signature matching process will be used as a mechanism to disenfranchise voters in the upcoming August and November elections given the influx of absentee ballots that the Shelby County Elections Commission expects to receive as a result of the COVID-19 pandemic.

30. Without APRI's education and engagement around signature mismatch and absentee ballot rejections generally, many prospective voters will remain in the dark that such processes exist. Voters will not know that they must exercise caution, follow up with their county commissions to ensure that their absentee ballots have been counted, and request their county commissions to allow them to cure their ballots so that their vote is counted.

31. While most of APRI's members are registered to vote, APRI's voter outreach and education extends beyond its members. APRI has conducted voter registration drives, particularly targeting younger voters in the past. APRI plans to use its social media to encourage voters to vote ahead of the upcoming August and November elections and anticipates that first-time voters will register to vote as a result of its efforts.

32. However, Tennessee law requires anyone who registers to vote by mail to vote in person the first time they vote. My understanding is that anyone that APRI has registered or will register to vote for the first time via a mail-in voter registration form will be required to vote in person, even if they otherwise qualify for absentee voting. This restriction necessarily limits the effectiveness of APRI's voter registration activity because it limits the means by which those voters can cast their ballots.

33. Given the ongoing COVID-19 crisis, this restriction will make some of APRI's voter registration activity ineffective because the voters APRI has registered will be unable to vote safely by mail.

34. Moreover, this restriction makes some of APRI's voter registration activity ineffective because the voters it has registered cannot vote in person because they are students outside of their county or meet other eligibility criteria for absentee ballots that render them unable to vote in person.

35. APRI also has to dedicate time and resources to ensuring that voters who registered by mail know that they will not be able to cast their ballot in person. We are concerned that voters we registered may assume they can vote by mail and have their application rejected when it is too late for them to make other plans to vote, and therefore that our voter registration efforts will be for naught.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed this 12th day of June, 2020.

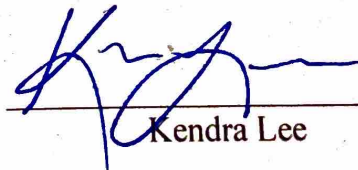

Kendra Lee

EXHIBIT G

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MEMPHIS A. PHILLIP RANDOLPH
INSTITUTE, et al.,

Plaintiffs,

v.

TRE HARGETT, et al.,

Defendants.

No. 3:20-cv-0374

JUDGE RICHARDSON
MAGISTRATE JUDGE FRENSLEY

**DECLARATION OF THE EQUITY ALLIANCE IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY INJUNCTION
(Pursuant to 28 U.S.C. § 1746)**

I, Charlane Oliver, am over the age of 18 and fully competent to make the following declaration. The facts in this declaration are based on my personal knowledge and upon information available to me through the files and records of The Equity Alliance, at which I am the Co-Founder and Co-Executive Director. If called upon as a witness, I would testify to these facts. Under penalty of perjury, I declare and state the following:

1. I am the Co-Founder and Co-Executive Director of The Equity Alliance. I founded the organization in November 2016 and have served as Co-Executive Director since September 2019.

2. In my role as Co-Executive Director, I am responsible for overseeing all facets of The Equity Alliance's operations including leadership development, voter engagement, strategy, planning, community outreach, private and public partnerships, fiscal oversight, policy advocacy, and compliance.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MEMPHIS A. PHILLIP RANDOLPH
INSTITUTE, et al.,

Plaintiffs,

v.

TRE HARGETT, et al.,

Defendants.

No. 3:20-cv-0374

JUDGE RICHARDSON
MAGISTRATE JUDGE FRENSELY

**DECLARATION OF THE EQUITY ALLIANCE IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY INJUNCTION
(Pursuant to 28 U.S.C. § 1746)**

I, Charlane Oliver, am over the age of 18 and fully competent to make the following declaration. The facts in this declaration are based on my personal knowledge and upon information available to me through the files and records of The Equity Alliance, at which I am the Co-Founder and Co-Executive Director. If called upon as a witness, I would testify to these facts. Under penalty of perjury, I declare and state the following:

1. I am the Co-Founder and Co-Executive Director of The Equity Alliance. I founded the organization in November 2016 and have served as Co-Executive Director since September 2019.

2. In my role as Co-Executive Director, I am responsible for overseeing all facets of The Equity Alliance's operations including leadership development, voter engagement, strategy, planning, community outreach, private and public partnerships, fiscal oversight, policy advocacy, and compliance.

3. Based on my knowledge and experience as Co-Founder and Co-Executive Director, I am familiar with The Equity Alliance's voter identification, mobilization, and engagement activities.

4. The Equity Alliance is a nonprofit, nonpartisan organization, headquartered in Nashville, Tennessee.

5. Since 2016, The Equity Alliance has proactively advocated for African Americans and other communities of color to have a fair and just opportunity at realizing the American dream. The Equity Alliance is a grassroots advocacy group that seeks to equip citizens with tools and strategies to engage in the civic process and empower them to take action on issues affecting their daily lives.

6. The Equity Alliance operates throughout the State, primarily focusing on counties where there is a large African American presence such as Davidson, Shelby, and Hamilton Counties.

7. The Equity Alliance works to expand the electorate by engaging low propensity voters and disenfranchised communities to participate in the democratic process, educating communities of color about the political process and how impending legislation will impact their lives; engaging and empowering citizens to take action and make their voices heard with a particular emphasis on voting; and monitoring legislation in order to hold state and local elected officials accountable. The Equity Alliance also works to promote civic leadership by encouraging people of color to take leadership roles in shaping policy at the local, state, and national levels. The Equity Alliance also creates alliances with individuals and groups in order to present a united front against any economic barriers that seek to marginalize, disenfranchise, or discriminate against people of color and vulnerable populations.

8. The Equity Alliance is a volunteer-driven organization with a leadership staff and five paid staff members – three full-time and two part-time. The Equity Alliance relies on the work of its volunteers, staff members, and contract employees to drive the success of its activities.

9. As part of its voter engagement, The Equity Alliance coordinates activities that engage several different demographics of voters, aiming to reach them where they are in the community. The Equity Alliance hosts block parties, forums, and training sessions to educate voters about the political process and upcoming elections.

10. The Equity Alliance also conducts phone banking, text campaigns, door-to-door canvassing, and social media campaigns to engage and encourage eligible voters to vote. The Equity Alliance's social media activities include creating and circulating online petitions, participating in online townhalls on Facebook, and actively engaging Twitter users.

11. The Equity Alliance has approximately 4000 volunteers and supporters statewide, the majority of whom are between the ages of twenty-five and forty-five.

12. In past election cycles, The Equity Alliance has produced and distributed voter guides to educate voters and help them make informed decisions, organized voter registration drives, and coordinated voter mobilization efforts.

13. The Equity Alliance has closely followed the rise in COVID-19 infections in the state. The Equity Alliance has had to educate volunteers and members of the public about the health risks posed by COVID-19 and explain the absentee voting process to its volunteers and members of the public that wish to vote absentee in light of COVID-19.

14. The Equity Alliance's staff, supporters, and community know the pain of COVID-19 intimately.

15. Since March 5, 2020, when the State confirmed its first COVID-19-related death, one of The Equity Alliance's board members, a woman in her early 60s, contracted COVID-19, was in the hospital for weeks, and has since recovered.

16. My son has asthma, an underlying condition that puts him at a higher risk of suffering serious complications if he contracts COVID-19. I also have an additional young child who is a baby—I do not want to expose him to COVID-19.

17. One staff member lives with her parents who are in the at-risk age bracket for suffering serious complications from COVID-19 and another staff member recently lost her uncle to COVID-19.

18. As Co-Founder and Co-Executive Director of The Equity Alliance, I have knowledge that hundreds of the organization's volunteers and supporters are qualified to vote, registered to vote, and regularly vote in federal, state, and local elections.

19. As Co-Founder and Co-Executive Director of The Equity Alliance, I also have knowledge that hundreds of our volunteers and supporters previously planned to vote in person in the August 6, 2020, statewide election and the November 3, 2020, presidential election, as evidenced by the 425 petition signatures we've collected.

20. Many of The Equity Alliance's volunteers and supporters, the majority of whom are between the ages of twenty-five and forty-five, plan, if eligible, to vote by mail to protect their own health or the health of vulnerable family members, but do not qualify to request an absentee ballot under Tennessee's narrow eligibility criteria outlined in Tennessee Code § 2-6-201 absent the injunction entered by the Davidson County Chancery Court.

21. As Co-Executive Director I have directly spoken with volunteers who plan to vote in the August and November 2020 elections, if eligible, but will choose to stay home if they are

ultimately required to vote in person because they cannot afford to expose themselves or family members in their home to COVID-19.

22. The Equity Alliance's volunteers and supporters and the members of the public the organization engages with should not have to choose between their right to vote and their own health and well-being or that of their family members.

23. Since the pandemic began, The Equity Alliance has devoted significant resources including volunteer and staff time to educating the public about Tennessee's absentee voting eligibility criteria. The strict eligibility criteria that the Davidson County Chancery Court has now prohibited the state from implementing made it more difficult to communicate absentee voting options to the general public and help voters determine if they are eligible. There are fourteen such criteria and voters have to qualify under one of them to request an absentee ballot. We have to dedicate more resources to explaining the absentee voting process because voters have a lot of questions around what the criteria are and whether they apply to them.

24. The Equity Alliance is actively working to hire a communications manager to work specifically on absentee voting advocacy. As Co-Executive Director, I have represented The Equity Alliance in online panels advocating for mail-in ballots and absentee voters in order to keep voters safe in the midst of the COVID-19 pandemic.

25. The Equity Alliance is currently producing its election year voter guide and will dedicate at least a full page of the guide to the absentee ballot request process and the eligibility criteria for requesting an absentee ballot. Previous voter guides have not included a full page dedicated to the absentee voter process because the majority of the community members that the Equity Alliance engages vote in person.

26. The Equity Alliance is also planning to put together "safe voter kits," which will

include masks, hand sanitizer, the voting guide, and a pamphlet outlining how qualifying voters can request an absentee ballot. The Equity Alliance has never prepared these kits before and were it not for COVID-19, would not be doing so now.

27. The Equity Alliance's core activities in election years usually include hosting two block parties in Nashville when the early voting period for the August and November elections begin in order to meet community members where they are and educate them about upcoming issues, but that will not happen this year because of the COVID-19 pandemic.

28. Much of The Equity Alliance's education and voter engagement activities during the COVID-19 crisis have revolved around vote by mail, the eligibility criteria, and particularly the State's criminal penalties for assisting voters in obtaining absentee ballot applications.

29. Because only approximately 2% of all Tennesseans traditionally vote by mail, many of the people in the communities in which The Equity Alliance advocates have never voted by mail and require guidance on the multi-step vote-by-mail process.

30. However, Tennessee's strict eligibility criteria and vague criminal statutes on assisting voters obtain absentee ballot requests are hurting The Equity Alliance's efforts to engage voters in the midst of the COVID-19 pandemic.

31. As part of its education campaign, The Equity Alliance wishes to distribute absentee ballot requests to its volunteers and active constituencies, help community members write their own requests, leave applications in community members' mailboxes, and provide links to the online application form on its website, social media pages such as Twitter and Instagram, and text messages to its followers and other members of the public. The Equity Alliance also wishes to include absentee ballot requests in its safe voting kits.

32. The Equity Alliance, however, risks criminal prosecution (a sentence of up to 11

months and 29 days in prison, a fine of up to \$2,500, or both) under Tennessee Code § 2-6-202(c)(4) for distributing unsolicited absentee ballot requests to the public.

33. If The Equity Alliance is not able to distribute unsolicited absentee requests as part of its voter education, many communities in which The Equity Alliance advocates will not be able to obtain a request, and consequently, an absentee ballot.

34. Many individuals The Equity Alliance helps do not have computers, internet access, printers, scanners, fax machines, postage, or envelopes to be able to mail, email, or fax their absentee requests to their respective county commissions as required by law.

35. The Equity Alliance primarily engages with lower income communities of color where the only internet access many people have is through their mobile phone. The Equity Alliance specifically publishes and distributes its voter guide in print, in addition to publishing it online, to reach these vulnerable communities.

36. Many individuals, would not, without The Equity Alliance's assistance, be able to write their own requests, scan their signatures, and submit their requests to their respective county commissions.

37. Without The Equity Alliance's help obtaining absentee ballot requests, these individuals will not be able to vote by mail despite wanting to do so.

38. The volunteers that traditionally assist The Equity Alliance with voter engagement efforts are afraid to assist this year because the State's criminal penalties have led them to believe they will be convicted of a crime for encouraging eligible citizens to vote absentee by sharing unsolicited absentee requests.

39. The Equity Alliance is extending substantial resources and time to focus on compliance with the State's criminal statutes out of the fear that volunteers will be penalized. As

a result, the organization is diverting resources away from its core activities such as voter outreach, education, and mobilization.

40. The Equity Alliance is also planning to devote considerable resources—that would otherwise not have been expended—on educating voters about the possibility of their absentee ballots being rejected for signature-related discrepancies, like non-matching signatures.

41. The Equity Alliance has not donated resources towards informing voters about the absentee ballot process and signature matching in the past. However, The Equity Alliance will have to spend money and resources that it would otherwise not spend to inform its volunteers, supporters, and community members about absentee ballot rejection due to signature mismatch.

42. The Equity Alliance anticipates that many voters it will engage as a part of its 2020 voter engagement efforts will be first-time voters. The Equity Alliance regularly hosts voter registration drives, particularly targeting younger voters and student voters. In 2018, The Equity Alliance registered approximately 91,000 voters in collaboration with the Tennessee Black Voter Project and approximately 3,000 voters through its own “Souls to the Polls” initiative for a total of 94,000 voters—all using mail-in voter registration forms. The Equity Alliance plans to continue to promote voter registration through mail-in voter registration forms.

43. However, my understanding is that anyone The Equity Alliance has registered or will register to vote via a mail-in voter registration form will be required to vote in person the first time they vote, even if they otherwise qualify for absentee voting. This restriction limits the effectiveness of The Equity Alliance’s voter registration activity because it limits the means by which those voters can cast their ballots.

44. Given the ongoing COVID-19 crisis, this restriction will make some of The Equity Alliance’s voter registration activity less impactful because many voters the organization has

registered will be unable to vote safely by mail.

45. Moreover, this restriction makes some of The Equity Alliance's voter registration activity ineffective because the voters the organization has registered cannot vote in person because they are students outside of their county or meet other eligibility criteria for absentee ballots that render them unable to vote in person.

46. The Equity Alliance also has to dedicate time and resources to ensuring that voters who registered by mail know that they will not be able to cast their ballot in person. We are concerned that voters we registered may assume they can vote by mail and have their application rejected when it is too late for them to make other plans to vote, and therefore that our voter registration efforts will be for naught.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed this 12th day of June, 2020.

A handwritten signature in black ink, appearing to read 'C. Oliver', written over a horizontal line.

Charlane Oliver

EXHIBIT H

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MEMPHIS A. PHILLIP RANDOLPH
INSTITUTE, et al.,

Plaintiffs,

v.

TRE HARGETT, et al.,

Defendants.

Civil No. 3:20-cv-0374

JUDGE RICHARDSON
MAGISTRATE JUDGE FRENSELY

**DECLARATION OF FREE HEARTS IN SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION
(Pursuant to 28 U.S.C. § 1746)**

I, Dawn Harrington, am over the age of 18 and fully competent to make the following declaration. The facts in this declaration are based on my personal knowledge and upon information available to me through the files and records of Free Hearts, of which I am the Executive Director. If called upon as a witness, I would testify to these facts. Under penalty of perjury, I declare and state the following:

Personal Background

1. I am the Executive Director of Free Hearts. I have served in this capacity since May 2016.
2. In my role as Executive Director, I am responsible for the organization's governance structure, strategy, communications, development, fundraising, and the work of staff and volunteers, including voter engagement work.
3. Based on my knowledge and experience I am familiar with Free Hearts's voter identification, mobilization, and engagement activities.

4. Free Hearts is a fiscally sponsored project of the Praxis Project, Inc. Free Hearts is based in Nashville, Tennessee and has statewide presence in all ninety-five counties.

5. Since 2015, Free Hearts has educated, organized, advocated for, and supported formerly incarcerated individuals and their families. Free Hearts has led participatory defense workshops and court watching to support formerly incarcerated individuals and their families.

6. Free Hearts works across the State and in coalition with other nonprofit groups to support approximately 400 to 500 incarcerated and formerly incarcerated individuals and their families. Currently, Free Hearts has 5 full-time staff and about 40 active volunteers who engage with their community base on a regular basis.

7. Free Hearts lets anyone volunteer with the organization. Since 2017, it has interacted with approximately 7,000 individuals across the State. These individuals have included directly impacted people (i.e., formerly incarcerated people and their families), volunteers, interns, and staff.

8. Free Hearts engages its staff and volunteers in different ways—and volunteers can choose to engage with the work at different levels. Some regularly work with directly impacted individuals. Others participate at town halls and community events by staffing voter registration tables or distributing food and water.

9. Since 2017, Free Hearts has also worked to expand the franchise to those impacted by the criminal punishment system. To that end, Free Hearts registers eligible individuals in jails, helps to ensure that eligible voters in pretrial detention are able to request and vote by mail, advocates for jails to become polling sites, helps restore voting rights to formerly incarcerated individuals through its Restore the Vote Campaign, and advocates for reforms around automatic voter registration in Tennessee.

10. While our emphasis is on the formerly incarcerated population and family

members, Free Hearts has expanded its voter engagement work to broader subsets of the population as well. During election cycles, Free Hearts registers prospective voters at community registration events, at expungement clinics, at its office in Nashville, and during door-to-door canvassing. Free Hearts conducts get-out-the vote activities encouraging its base and its volunteers to vote on Election Day. As Election Day gets closer, Free Hearts hosts at least two community events each month to register prospective voters and discuss the importance of voting.

11. More than half of Free Hearts's base (including directly impacted incarcerated or formerly incarcerated individuals and their families and volunteers) is African American. A majority of Free Hearts's volunteers are also women. The rest of Free Hearts's base, which includes volunteers and the communities Free Hearts serves, is composed of individuals who are White, Hispanic, and from other racial minorities. Free Hearts's base is diverse in age—anywhere from 18 to 80 years old. The organization does a fair amount of work with children coming out of juvenile detention centers—so a small portion of its base is under 18 years old.

Impact of the COVID-19 Crisis on Free Hearts's Members

12. Free Hearts has closely followed the rise in COVID-19 infections in the State. Free Hearts not only has had to educate members and volunteers about the health risks posed by COVID-19 but also about absentee voting. Free Hearts has shared with its base and volunteers information about COVID-19 and precautionary steps to prevent against exposure.

13. Free Hearts is acutely aware of COVID-19's impacts on its primarily African American base. COVID-19 has disproportionately impacted the Black community in Tennessee. Free Hearts has tracked COVID-19's devastating impact on the Black community, which lacks access to healthcare and are more likely to be uninsured or underinsured. As a result, to the

extent eligible, Free Hearts believes, and has encouraged its volunteers and engaged voters, to vote by mail as the safest voting option. In fact, because of the dangers of the disease, it is clear that if they are not able to vote by mail, some Tennessee voters, including some Free Hearts volunteers and engaged community members, will simply not vote.

Free Hearts's Activities Around the Vote-By-Mail Process

14. Since the pandemic, Free Hearts has devoted significant resources including volunteer and staff time to educating its base about Tennessee's absentee voting eligibility criteria.

15. Much of Free Hearts's education and voter engagement activities during the COVID-19 crisis have revolved around how to vote by mail, including the mechanics of the process.

16. Free Hearts has been unable to conduct in-person workshops during COVID-19 and has since transitioned its volunteer engagement to online platforms. Free Hearts hosts virtual town halls, workshops, and meetings where it educates participants about voting by mail and taking precautions during the pandemic. Free Hearts works in coalition with other organizations to discuss the importance of voting and voter engagement.

17. Many participants have never voted by mail and need help navigating Tennessee's complex multi-step vote-by-mail process. Free Hearts provides that guidance—sharing information with participants on absentee eligibility criteria, how to request absentee ballots, how to mail absentee ballots, and how to engage with county elections commissions to ensure that their ballots are counted.

18. In past elections cycles before COVID-19, Free Hearts has helped eligible voters in jail register to vote and request absentee ballots. Free Hearts usually collects these completed

applications and submits or mails them to county elections commissions.

19. Many eligible voters in pretrial detention have also never voted before. Tennessee's first-time voter restriction, which requires voters who register by mail and presumably at voter registration drives to vote in person, has the impact of disenfranchising first-time eligible, jailed electors. They cannot vote in person because of the high likelihood that they will still remain in detention on Election Day. Therefore, for first-time eligible voters in pretrial detention, voting by mail is the only way that they can exercise their right to vote.

20. More generally, Free Hearts expects more people to vote by mail during the pandemic. As part of its education campaign, Free Hearts wishes to distribute and share unsolicited absentee ballot requests with its base. Free Hearts wants to help community members write their own requests, leave applications in community members' mailboxes, and provide links to the online request form in their newsletters, and on social media such as Twitter and Instagram.

21. Many of the voters, Free Hearts works with, including eligible voters in pretrial detention, do not even know how to start the process of requesting an absentee ballot. Without Free Hearts's assistance and guidance, and in particular without Free Hearts being able to provide its community members with unsolicited absentee ballot requests, many of those voters will be unable to vote by mail.

22. Free Hearts, however, risks criminal prosecution (a sentence of up to 11 months and 29 days in prison, a fine of up to \$2,500, or both) under Tennessee Code § 2-6-202(c)(4) for distributing or sharing unsolicited absentee ballot requests to voters.

23. This provision is extremely scary because many Free Hearts volunteers have been formerly incarcerated and cannot risk criminal penalties. A few volunteers are on lifetime parole

and the potential for criminal penalties for engaging around vote by mail can mean a prison sentence. This provision has a chilling impact on volunteers. Volunteers will not want to risk engaging in their First Amendment right to associate and express themselves. This will dampen Free Hearts's civic engagement activities.

24. If Free Hearts is unable to distribute unsolicited absentee requests as part of its voter education, many of the communities in which Free Hearts advocates will not be able to request absentee ballots.

25. Many of the individuals Free Hearts helps, especially those in pretrial detention, do not have computers, internet access, printers, scanners, or fax machines, postage, or envelopes to be able to mail, email, or fax their absentee requests to their respective county commissions.

26. These individuals, would not, without Free Hearts's assistance, be able to obtain and write their own requests, and then scan their signatures, and submit their requests to their respective county commissions. But for Free Hearts's help obtaining absentee requests, these individuals would not be able to vote by mail despite wanting to do so.

27. Since the COVID-19 pandemic, Free Hearts has also ramped up voter education around absentee ballot rejections, in particular, around ballots rejected for signature mismatch.

28. Since the pandemic, Free Hearts anticipates that more volunteers and individuals that it serves will attempt to vote by mail to avoid voting in person.

29. Given this anticipated shift in method of voting, Free Hearts not only has increased education around the absentee voting process but has emphasized the ways that ballots are rejected in Tennessee. During virtual workshops and trainings, Free Hearts warns participants that their signatures on absentee ballot identification envelopes must match their signatures on file with their county election commissions.

30. Free Hearts has advised volunteers and engaged community members to practice their signature on separate pieces of paper before signing their ballots.

31. Free Hearts has advised volunteers that there is no cure process for rejected absentee ballots under the law. Because of a lack of meaningful notice and opportunity to cure, Free Hearts's base and the communities it serves are distrustful of the vote-by-mail process and has dissuaded these voters from wanting to vote by mail. To that end, Free Hearts has to spend resources encouraging voters to vote by mail during the pandemic despite the flawed signature match process, and has had to expend effort advising its volunteers and eligible voters in their base to follow up with their county elections commissions to check whether their absentee ballots were counted

32. While Free Hearts is encouraging more eligible individuals to vote by mail, the organization has also been mindful of the deficiencies in the vote-by-mail process. To that end, the organization feels it is our duty to educate voters on absentee rejections because of signature mismatch.

33. Without Free Hearts's education and engagement around signature mismatch and absentee ballot rejections generally, many prospective voters will remain in the dark that such processes exist.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed this 12th th day of June, 2020.



Dawn Harrington