

EXHIBIT 1

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

TENNESSEE STATE CONFERENCE OF
THE N.A.A.C.P., DEMOCRACY
NASHVILLE-DEMOCRATIC
COMMUNITIES, THE EQUITY ALLIANCE,
and THE ANDREW GOODMAN
FOUNDATION,

Plaintiffs,

v.

TRE HARGETT, in his official capacity as
Secretary of State of the State of Tennessee,
MARK GOINS, in his official capacity as
Coordinator of Elections for the State of
Tennessee, HERBERT SLATERY III, in his
official capacity as Attorney General of the
State of Tennessee, the STATE ELECTION
COMMISSION, and DONNA BARRETT,
JUDY BLACKBURN, GREG DUCKETT,
MIKE MCDONALD, JIMMY WALLACE,
TOM WHEELER, and KENT YOUNCE, in
their official capacities as members of the State
Election Commission,

Defendants.

Case No. 3:19-CV-00365
Judge Aleta A. Trauger

**DECLARATION OF GLORIA JEAN SWEET-LOVE IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Gloria Jean Sweet-Love, do hereby declare and state the following:

1. My name is Gloria Jean Sweet-Love. I am a citizen of the United States, over 18 years of age, residing in Brownsville, Tennessee and competent to testify to the facts set forth herein.

2. The facts set forth in this declaration are based on my personal knowledge and upon information available to me through the files and records of the Tennessee State Conference of the N.A.A.C.P. If called upon as a witness, I could and would testify to these facts.

3. I am the president of the Tennessee State Conference of the N.A.A.C.P. (“TN NAACP”), an organizational plaintiff in the above-captioned action. I have served as president of the TN NAACP since January 1996. In this role, I am responsible for the TN NAACP’s operations, including overseeing the regional divisions, the branches, and the college chapters and youth councils (“local units”). I also organize and spearhead the annual TN NAACP conference where all local units are encouraged to join and participate in planning the statewide coordination of efforts in support of our mission.

4. In addition to my role at the TN NAACP, I also serve as the chair of the Southeast Region NAACP Leadership Caucus.

5. Based on my knowledge and experience, I am familiar with the TN NAACP’s voter registration activities.

Organizational Overview of the TN NAACP

6. The TN NAACP is a nonpartisan, interracial, non-profit membership organization headquartered in Jackson, Tennessee. The TN NAACP includes three regional divisions – Eastern, Middle, and Western Tennessee – as well as the thirty-three local branch units and twenty-two college chapters and youth councils.

7. The TN NAACP was founded in 1946 to serve as the Tennessee arm of the National Association for the Advancement of Colored People (“National NAACP”). 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.

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

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

10. There are also currently eighteen standing committees and the chairs of those committees compose the TN NAACP 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.

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

12. As of June 2019, the TN NAACP has more than 10,000 members across the state of Tennessee, primarily consisting of African-Americans, other people of color, and our allies.

The TN NAACP's Voter Registration Activities

13. Voter registration has been a key aspect of the TN NAACP's work since its founding. Using our strength and focus on grassroots mobilization and civic engagement, the TN NAACP places a special emphasis on voter registration. The TN NAACP views voter registration as a core activity fundamental to the advancement of the rest of the organization's mission. The TN NAACP believes voting is one of the few societal levers that is available to almost everyone, even the underserved, and 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.

14. The TN NAACP does not think of its voter registration work as separate from its other activities. We believe that voter education, registration, and mobilization efforts must be intertwined. In communities that have low voter turnout, the TN NAACP and all local units recruit members and volunteers by talking about the importance of voter registration. One of the main reasons there is low turnout in some African-American communities is due to the despondence, depression, and apathy community members feel when they do not see anything changing around them. Consequently, the TN NAACP helps motivate those folks who have lost interest and faith in our democracy by educating them about the importance of voting and registering to vote.

15. Voter registration is not just about handing someone a form—it facilitates these important conversations about policies and issues that impact the members of our community and happens in tandem with education efforts on general rights and issue advocacy. Our mobilization efforts on other issues such as economic justice and criminal justice reform in large

part build off of contacts made and relationships built through the voter education and registration efforts.

16. Tennessee has one of the lowest voter registration rates in the country and one of the worst voter turnout rates in the country. The TN NAACP encourages our local units to target nearby rural areas in Tennessee, as well urban centers such as in Shelby and Davidson counties where there are large concentrations of eligible African-American voters. The TN NAACP concentrates our voter empowerment and civic engagement work in these disengaged communities in order to combat this low level of civic engagement so that members of our community actively participate in civic institutions in greater numbers.

17. Currently the TN NAACP voter registration efforts are directed by two TN NAACP chairs. Between them, these two individuals have more than 50 years of experience in voter mobilization including registration. They serve primarily as volunteers, but are paid stipends from grant funding when available. For example, in 2017 there was no funding available for such stipends, but in 2018, one of the chairs received a stipend of \$2,500 and the other received \$1,500.

18. Additionally, each branch has a civic engagement chair responsible for voter education, registration, outreach, recruitment of paid and unpaid volunteers, and mobilization efforts in their local community. These are generally unpaid volunteer positions since few units have any staff whatsoever. However, when funds permit, a local branch may pay a stipend to their civic engagement chairs and other volunteer recruits in the form of gas reimbursements or meals so that they are able to carry out their registration work.

19. These civic engagement chairs, and other local unit officers, are trained on voter registration activities each year. These trainings are held four times a year at different locations

across the state. The 2019 training sessions occurred in January 12 in Haywood County, March 16 in Roane County, and April 13 in Davidson County. At these trainings, we provide a review of the different models of voter registration civic engagement chairs can use to empower voters and help increase turnout in their local chapters. The TN NAACP encourages local unit leadership to conduct their own trainings and sessions for their local members as well.

20. Local civic engagement chairs create plans with their local units outlining their civic engagement efforts for the year (including voter education, registration, and mobilization) based on the needs of their community. Additionally, the TN NAACP encourages civic engagement chairs to meet with their local election commission to establish a relationship with the commission so that questions and issues related to voting and voter registration can be readily dealt with as they arise.

21. The TN NAACP uses several models of voter registration. First, its local units conduct door-to-door canvassing. We target specific neighborhoods, mostly low-income and minority, and send our volunteers and workers to knock on people's doors to ask if they are registered to vote and talk to them about the importance of political engagement.

22. Second, all levels of the organization engage in site-based registration which typically involves setting up voter registration booths at shopping centers, bus stops, malls, restaurants, night clubs, community centers, and nursing homes; church-based registration at churches, synagogues, and mosques; school-based registration on college campuses; and organization-based registration in conjunction with similar community groups at expungement clinics.

23. The TN NAACP requires that all local units incorporate voter registration activities into all of their community outreach programming. For example, if a local unit hosts a community breakfast, it typically will have a voter registration table staffed by its members.

24. Similarly, the TN NAACP incorporates voter registration into its statewide programming. For instance, each year when the TN NAACP hosts its multi-day conference inviting all local units, I personally make sure that organizers set up a voter registration booth to help attendees register to vote. The next conference is scheduled for the end of September 2019.

25. A recent example of our voter registration efforts is when the TN NAACP hosted an expungement clinic held at a local club in Montgomery County, on February 24, 2018, at which we also registered voters. Approximately 400 to 500 people came to the expungement clinic, and 350 expungement applications were processed. The NAACP collected 74 newly registered voters at this event. The civic engagement chair instructed our voter registration volunteers to bring all forms back to a central location and our civic engagement chair reviewed all applications before turning them into the local election commission.

26. Another example was a part of our work with the Justice for All Campaign, which holds a Community Day event to provide formerly incarcerated citizens information regarding job readiness, expungement, attainment of driver licenses and housing, and voter registration. One such Community Day was held on July 7, 2018. That Community Day was the TN NAACP's biggest voter registration event in 2018, registering approximately 134 people with the help of 20 volunteers.

27. A third example is our recent programing for school students who are or will turn eighteen before an election. In 2018, the Jackson/Madison County NAACP, the Haywood

County NAACP, and the Bolivar Hardeman County NAACP spent a week in early September registering students at three high schools in their respective counties.

28. In 2018, TN NAACP approximates that it registered more voters than in other years due to a concerted effort by the TN NAACP and its local units to register thousands of eligible Tennessee citizens in communities of color and other underserved populations, including low-income and rural citizens who face the greatest hurdles in registering to vote. TN NAACP worked in coalition with many different organizations in 2018 to register voters. At the time, this overall increase in registration received media attention across the State as one of the largest efforts to register eligible but unregistered citizens.

29. For each activity that includes voter registration, the civic engagement chairs or other local unit leaders train volunteers to help others register to vote and collect registration forms on behalf of the local units.

30. Following each voter registration activity, typically the civic engagement chair or other designated event leader collect voter registration applications to turn them into their local election commission. However, some community members prefer to take their voter registration form and turn it in to their local election commission themselves.

31. The TN NAACP and all local units maintain the contact information of our community members who fill out voter registration forms, if they leave these forms to us to turn in to the local election commissions. Social Security Numbers are not taken from the forms. This information is used for voter mobilization efforts, particularly to follow up with applicants to confirm their voter registration application status, provide poll location information, election hotline information should there be issues at the polls, and to offer transportation options for those without the ability to make it to the polls themselves.

32. TN NAACP voter registration activities are primarily conducted by volunteers. However, when funding is available, we may compensate leaders of projects with a monthly stipend from our grant funding. For individuals who work on our voter registration canvassing efforts or other voter registration activities, the local units may provide a daily stipend of \$35 for their work.

33. We also engage volunteers in our voter registration work, and we try to provide these volunteers with food and water. Some volunteers are reimbursed for gas mileage since many of our volunteers register voters in rural communities that may be nearly forty miles away from where the volunteer lives. There are also times when volunteers pay to rent vehicles, or print flyers, brochures, or other materials for events where voter registration also occurs. These volunteers are reimbursed by the TN NAACP or the local branch. We are only able to pay stipends to staff and gas stipends to volunteers when we have the funding available to do so.

34. In our college chapters, when funding is available, we strive to provide an annual stipend of \$500-800 for the college chapter board member responsible for coordinating civic engagement, which includes organizing voter registration activities on campus.

Primary Funding Overview of the TN NAACP

35. The TN NAACP is primarily funded through grants. These grants may come from the National NAACP or from organizations that seek out partnerships with the TN NAACP.

36. In 2016, the National NAACP provided \$10,000 for civic engagement initiatives. In 2018, it provided \$8,650 for our Workers Rights/Job Readiness civic engagement initiative.

37. In 2018, the TN NAACP received \$20,000 from the Tennessee Black Voter Project and \$2,500 from the United Automobile Workers union in order to fund our civic

engagement activities which included providing stipends to volunteer voter registration workers ahead of the midterms.

38. The TN NAACP was very active in voter registration efforts in 2018 and we had hoped be very active in voter registration in advance of the 2020 presidential election but we have not decided how much of our resources to allocate to voter registration in particular, because of the new law. The TN NAACP is using 2019 to strategically plan for our 2020 efforts, including dedicating our limited capacity for grant applications towards 2020. Because this is a planning year for us, we have not applied for or received funding for civic engagement activities in 2019 as of yet, though we may still seek funding in 2019 if the opportunity arises. Currently, we are focused on monitoring the law and figuring out how to comply and whether we can even comply.

39. The TN NAACP expects to receive between \$10,000 and \$15,000 of funding for civic engagement work including voter registration in 2020. With the enactment of the new law, the TN NAACP is unsure how much of these amounts will be allocated to voter registration, which in the past, has been a large part of our civic engagement efforts across the state.

40. The TN NAACP distributes funds to local units. The funding distribution process is vetted with the state civic engagement chair. The local units create their own budgets and the TN NAACP provides financial assistance to the units based in part on the amount of funding available and each local unit's prior involvement and impact in voter registration and civic engagement activities. Prominent elections in a local unit's district will also be taken into account when determining how much money we give to the local units.

The Harm the Voter Registration Law Inflicts on the TN NAACP

41. The TN NAACP takes the accuracy of voter registration very seriously and works with the county election commissions to ensure that eligible applicants are registered to vote. To that end, the TN NAACP trains officers across the state on how to comply with Tennessee election law—and those officers then train local staff and volunteers. That training for 2019 has already occurred and it would be an enormous cost and burden to conduct such training again this year. Before the new law was enacted there were already plans to begin major registration efforts by the end of 2019. The TN NAACP would have to scale back 2019 efforts considerably if additional training was required in order for voter registration activities to be conducted this year.

42. Moreover, the training requirement will dissuade many of our volunteers from helping to register voters because it will be cumbersome for them to find transportation to a local election commission if the training is offered in person, and the training offered online will not be accessible to people who do not have personal computers or inadequate internet access. Many TN NAACP volunteers are elderly and do not feel comfortable using computers to do online training. Volunteers in rural areas often do not have computers, and if they do, the internet is likely too slow for them to be able to actually access the online training. Many volunteers live in rural areas that have no public transportation that would allow them to get to a publicly accessible computer or to the election commission office to complete the training. For example, rural towns like Stanton do not have a library at all to provide public access to a computer, a constraint that already hinders some of the civic engagement work the TN NAACP does there. Residents and volunteers who live in towns like Stanton would be disproportionately burdened by the

training compliance requirements and potentially face the risks of penalties.

43. The training requirement in the law is overly burdensome for our organization. In some cases, training of volunteers is conducted by the event organizer or another veteran voter registration volunteer, like our civic engagement chairs, just before an event starts. We believe this training is sufficient, because we have experienced staff or volunteers there to answer questions, and because filling out the voter registration form itself does not require any specialized knowledge to complete. There are fields that people commonly miss because of the form's formatting, and for that reason, our training includes instruction for each voter registration worker to highlight all the fields on the form and remind the voter that they must complete all of these fields and also check each voter registration form that is turned in to see if the highlighted fields were completed. At the end of a registration event or canvassing, volunteers and workers are instructed to check that all fields on the forms are completed and then deliver all forms to a central location designated by the civic engagement chair.

44. When forms have excessive blanks and incomplete fields, the civic engagement chair or veteran volunteer responsible for coordinating the voter registration activities makes a discretionary assessment as to whether the form can be turned in. The civic engagement chair or the event coordinator reviews all forms. If, for example, the chair or voter registration coordinator notices that the county portion is missing, they will make a phone call to the voter and confirm the county and ask the voter if they can fill in the blank portion of the form. Usually, they err on the side of caution and turn in most forms because they do not want to prevent a potential applicant from voting. The TN NAACP usually turns in all forms to the appropriate election commission within a few days

of collection. The TN NAACP also provides the applicant with the option of delivering their own forms to the appropriate election commission.

45. Some of the requirements of the new law apply to individuals or organizations who attempt to collect 100 or more voter registration applications. There is no way for the TN NAACP or our local units to know how many applications they might collect at any event because it is impossible to know how many people will show up to an event until the attendees get there. There is also no way to tell how many of those attendees are already registered to vote. For instance, at the expungement clinic event, we spoke with more than 300 individuals but registered only 74. It is unclear whether this was an attempt to register more than 100 voters. Additionally, it is unclear whether each local unit would be required to register events separately. If multiple local units across the state engage in registration efforts at unrelated events on the same day, we do not know whether each local unit would be treated as its own organization that registers voters or whether the total number of applications collected would be imputed to the TN NAACP.

46. The TN NAACP does not know what constitutes a voter registration drive under the new law. It is unclear, for example, whether targeted efforts to register high school students at the same school over the course of a week qualify as multiple voter registration drives or one single drive.

47. It is also unclear what the law means by “unpaid.” The TN NAACP receives funding to engage in large-scale voter education and mobilization; voter registration is just one component of this work. Sometimes there are donations of goods and services to support individual events, which include voter registration. There are times when paid staff from the TN NAACP or the Nashville and Memphis branches engage in

voter registration work, even though that voter registration work is not part of their official duties; we also provide stipends to college students to enable them to take on voter registration work. Volunteers also might be reimbursed for purchases they made on behalf of the TN NAACP or provided with snacks or meals. The TN NAACP is concerned this new law will prevent us from engaging in these activities to support our voter registration efforts if doing so subjects us to criminal penalty.

48. Our officers are wary about signing a sworn statement that requires them to promise under oath that they will not break Tennessee laws regarding voter registration. Fewer people will want to be officers and civic engagement chairs because of the sworn statement, which will decrease our ability to carry out a robust civic engagement program on any front, including voter registration. For example, the Nashville Branch civic engagement coordinator who led the high school student registration program does not know if she will be able to continue this work because of this law. She is an attorney who has been following this law as it was being debated and has expressed her hesitance to continue doing this work now that the law has been enacted. The TN NAACP and all local units anticipate scaling back our voter registration efforts due to this new law.

49. The TN NAACP will need to dramatically reduce the amount of voter registration we attempt in order to avoid the civil penalties the law imposes. In fact, we register voters in multiple counties across the state, especially given that our network is so wide. Many of the applicants we help register may make mistakes or provide incorrect information on the forms. If turning in incomplete forms means that we will be penalized for forms that are inaccurate, then that puts us at an unfair disadvantage because there is no way for us, our local unit staff, and volunteers to know whether the information provided

by the applicant is accurate. Since we are such a large organization and have a presence across the state, we are also concerned that fines for turning in “incomplete” applications by one of our local units or youth councils in one county can be aggregated and that this aggregate amount would be assessed against TN NAACP. The effect of these aggregate fines would devastate our statewide organization and chill our relationships with local units and branches who independently conduct their own voter registration activities. The TN NAACP does not have the funds to pay any fines and we would have to convince officers to pay out-of-pocket or raise money through fundraisers.

50. In the past few years that the organization has engaged in voter registration activity, it has collected at least a few hundred voter registration applications, if not more. If the state found even one percent of these forms to be incomplete the amount of possible fines would be an enormous burden on the TN NAACP because combined with all local units and partnering organizations we probably register thousands of voters, especially in presidential election years. The TN NAACP does not have the funds to pay civil fines.

51. It is also unclear what constitutes an incomplete form. For example, one very common error, particularly on college campuses, is leaving blank the space for “county” on the form. It is unclear whether this would be considered an incomplete form.

52. The TN NAACP is also worried about the reputational damage the disclaimer requirement will do. Since our organization has always strived to work with government at every level when doing voter registration and voter protection work, our local units all work directly with their local election commissions. However, if the TN NAACP starts adding the disclaimer to our public communications, it could appear that the work the organization is doing is contrary to the interests of the state. The disclaimer will

take away some of the TN NAACP's legitimacy, which will cause fewer people to volunteer and will also decrease the amount of people who want to register at our events.

53. While the TN NAACP does not maintain its own voter registration site, we do direct people to the Proud Voter Portal at www.proudvoter.org, which is a website run by CivicTN that helps visitors to check their voter registration status, register to vote, and set election reminders for themselves by directing them to the Secretary of State's website. The TN NAACP also texts people, both individually and in large-scale voter registrations campaigns. Texting has character limits, and the disclaimer will force the TN NAACP to use more of our limited funding in order to continue using text to reach the people we try to serve. Given this financial disincentive, TN NAACP would need to reduce the number and types of communication tools we use.

54. It is also unclear if the public communication part of the new law will apply to our election protection work where we help community members interested in voting look up their voter registration status and polling places. We do a lot of election protection work around the state in conjunction with our local and national partners. It is also unclear what it means to have a clear, conspicuous, and prominently placed disclosure on our communications when many are verbal or over the phone.

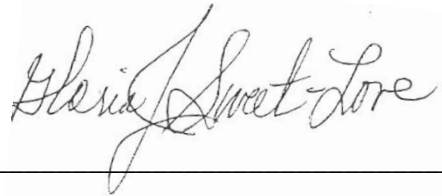
55. Not only does this law create hurdles that prevent us from helping our community register to vote, it intimidates our members so that they do not want to become officers of the TN NAACP or the local units because they fear criminal penalties and civil fines if they are required to carry out a civic engagement plan that includes voter registration, which they all do.

56. Lastly, we believe that national organizations, including the National

NAACP, will be wary of funding Tennessee civic engagement initiatives, particularly when initiatives include voter registration work. Losing funding while at the same time needing to use more resources to comply with the new law will greatly impede out efforts to increase the voter registration rate, and as a consequence the voting rate, in Tennessee.

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

Executed this 15th day of August 2019.

A handwritten signature in cursive script, reading "Gloria Jean Sweet-Love", written in black ink on a light-colored background.

Gloria Jean Sweet-Love