

# **EXHIBIT 2**

**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 SEKOU FRANKLIN IN SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION**

I, Sekou Franklin, hereby declare and state the following:

1. My name is Sekou Franklin. I am over 18 years of age and competent to testify to the facts set forth herein. I am a citizen of the United States. I reside in Nashville, Tennessee.

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 Democracy Nashville-Democratic Communities. If called upon as a witness, I could and would testify to these facts.

3. I am a co-founder and co-coordinator of Democracy Nashville-Democratic Communities (“Democracy Nashville”) and have served in that capacity since 2015, the year the organization was founded. In my role as one of the three co-coordinators of the organization, I am responsible for oversight of Democracy Nashville and the activities it conducts in furtherance of its mission, including voter registration activities. Based on my knowledge and experience, I am familiar with Democracy Nashville’s voter registration activities.

4. I am also an Associate Professor of Political Science at the Middle Tennessee State University and I am a resident of Nashville. I have a strong passion for civil rights and voting rights work. As an educator and an engaged citizen, I believe that it is my duty to use my education to help fellow community members become active in our democracy through civil and political literacy. Voter registration is an important part of that education—it is one of the tools that I use to equip my fellow community members to become active participants in our civic society.

### **Overview of Democracy Nashville**

5. Democracy Nashville is a nonpartisan organization registered under Tennessee law as a public benefit corporation. Though not a 501(c)(3) organization yet, Democracy Nashville recently applied for 501(c)(3) status and is awaiting determination from the Internal Revenue Service.

6. Democracy Nashville is an African-American-led organization that works closely with a constellation of Tennessee organizations focused on racial justice. The core mission of

Democracy Nashville is to build bridges between multiple organizations and advocacy groups to agitate around issues that impact our community such as oversight of police activities, worker's rights, and voter mobilization and protection.

7. One of the ways that Democracy Nashville advocates for certain issues is through the referendum petition process through which it promotes ballot initiatives and referenda in coalition with other civic engagement organizations. As part of our bridge-building mission, Democracy Nashville connects African-American community members and activists, involved in grassroots organizing with more established community and civil rights groups so that they can carry out their work in coalition.

8. We also view voter registration as a critical component to achieving success in our other work and as a first step in engaging Tennessee residents as activists. However, we rarely, if ever, have events that focus solely on voter registration. Rather, voter registration is a key part of the voter education and voter engagement work that Democracy Nashville undertakes in connection with its work regarding policing, worker's rights, and economic justice.

9. We register voters using primarily two models of voter registration. We set up voter registration booths at events that we hold with our partner groups. We canvass in minority neighborhoods, public parks, and outdoor musical events where we engage members of the public in conversations regarding issues that impact them and during these interactions we ask if they are registered to vote. These canvassing activities are typically not planned in advance, but occur impromptu when we learn of or are invited to a local event such as a community outreach activity or a music festival.

10. Democracy Nashville is mostly volunteer-run, with no full-time staff. When funding allows, the organization provides stipends to part-time staff for specific programming

work including for collecting voter registration applications and coordinating voter registration efforts with the help of volunteers who are not members of the organization and may be from the community at-large. At other times, these same individuals working as part-time staff serve the organization in a volunteer capacity. Democracy Nashville engages many other individuals on a purely volunteer basis to enhance the organization's work.

11. Democracy Nashville operates in several Tennessee counties, but primarily in Nashville. The organization primarily focuses on registering African-American and other minority residents in Davidson County though we have registered voters in more rural counties.

**Democracy Nashville's Mission and Past Voter Registration Activities**

12. Since Democracy Nashville was formally launched in 2015, we have engaged in numerous activities in support of our mission, including numerous voter registration and voter protection efforts.

13. For example, in 2014, before Democracy Nashville formed, I started organizing events dedicated to educating and mobilizing regular people around Nashville's Ban-the-Box policy, an issue that I later carried over to and made a part of Democracy Nashville's organizational programming. Ban-the-Box is shorthand for a measure formally adopted by the city of Nashville in 2015 to prohibit city government employers from inquiring about an applicant's criminal history in any initial job application.

14. The Ban-the Box campaign allowed us to create a grassroots infrastructure for Democracy Nashville that the organization has since tapped into, in order to organize, educate, and mobilize people around a series of topics including the creation of the Nashville Community Oversight Board. The Community Oversight Board, which was approved by voters in

November 2018, investigates allegations of police misconduct in the Nashville police department.

15. Our mobilization and education efforts concerning Ban-the-Box and the Community Oversight Board have typically been paired with voter registration activities. For example, when we would canvass a neighborhood to speak with individuals about Ban-the-Box, we asked them if they knew their voter registration status and if they said they were not registered to vote, we offered to help them register to vote. During these conversations with the potential applicant, we discussed the importance of voting and involvement in the political process. Our voter registration efforts in this regard were not formally planned and occurred as a result of organic conversations. The individuals who assisted in these mobilization and education efforts were not the same every time and frequently joined our efforts on short notice.

16. We also host community events. Before each event, we go into targeted neighborhoods to encourage individuals to attend our event, and we ask them if they are registered to vote.

17. Between June 2017 and November 2018, Democracy Nashville registered voters in conjunction with its efforts to implement a Community Oversight Board (i.e., the civilian review board of police misconduct) in the Nashville Metro Council. As a part of these efforts, Democracy Nashville hosted a community brunch on June 10, 2017, and a town hall meeting on June 29, as well as a series of listening sessions. Democracy Nashville, as part of a coalition of the Community Oversight NOW, helped lead fifty to sixty events around community policing and at many of the events, offered community members the ability to register to vote.

18. At each event, we set up voter registration tables, which include printed materials and signs, and asked attendees if they were registered to vote. We also conducted grassroots

canvassing activities all over Nashville designed in conjunction with the Community Oversight Board initiative. We went to more than one hundred locations throughout Nashville, including barbeques, farmers markets, happy hours at bars and clubs, churches, asylum events, back-to-school festivals, and more to educate individuals about the Community Oversight Board and to register eligible individuals to vote. These efforts brought in approximately forty to fifty volunteers.

19. During these canvassing activities, we encouraged people to fill out voter registration applications, collected applications, and submitted them to the county election commission.

20. Another recent door-to-door canvassing occurred between May 15, 2019 and May 19, 2019. We targeted neighborhoods in North Nashville and the housing projects at Andrew Jackson Courts, which house predominantly African-American and Hispanic families. During this canvassing we encouraged community members to attend a worker's rights event on May 19, 2019 so that they could learn about ways to advocate for their rights. We also asked individuals if they were registered to vote and, if not, whether they would like to register. At the May 19 event, we set up a voter registration table and asked event attendees whether they were registered to vote.

21. In 2015, Democracy Nashville obtained documentation from the Davidson County election commission of a massive voter purge of thousands of voters. About 1,200 of the 9,600 referendum petitions were comprised of purged voters. We contacted more than 100 of them to inform them of their voter registration status. We registered a handful of these people during our canvassing.

22. One of our other initiatives is Civic and Political Literacy Schools, where we plan voter education workshops in rural west Tennessee and other areas of the state to teach community members about voter engagement and redistricting. These schools train Tennesseans to establish election protection and voter rights hubs in communities hit especially hard by voter disenfranchisement and declining rates of voter turnout, which in the last decade has impacted working-class communities in particular. The schools establish workshops for residents from marginalized communities that focus on ways participants can develop election protection groups and voter literacy networks.

23. We hosted a workshop in Nashville and did scaled-down/hybrid workshops with community partners in Clarksville and Chattanooga. At different times, we dialogued with activists from Haywood, Fayette, and Madison Counties about effective voter education and mobilization activities.

24. During the workshops, we registered voters at a voter registration booth. The workshop was run by me and a part-time staff of Democracy Nashville and other organizational partners. At any given workshop it is unknown how many individuals will attend and how many voter registration applications we may collect. We are considering additional workshops in the rest of this year and next year.

#### **Democracy Nashville's Voter Registration and Election Protection Protocols**

25. As described above, voter registration occurs during door-to-door canvassing, at community meetings, or at coalition events, and not necessarily at events held for the primary purpose of voter registration. We have a voter registration table at most events we hold. During interactions with attendees or members of the public, we engage the individual on an issue that is important to them (such as policing), we ask attendees if they are registered to vote, and if they



are not, we have voter registration applications available. We bring voter registration forms with us to all events and canvassing efforts and also instruct our staff and volunteers to carry voter registration forms with them whenever they are out in public.

26. During many of our canvassing efforts, we go to extremely poor neighborhoods where public housing developments and housing projects are located. We take paper forms with us because we do not always have good cellphone reception. We also carry paper forms in our cars and backpacks so that we can drop them off at local businesses or distribute them at the park or supermarket. At each event, we typically use the Tennessee state voter registration form. We include in our training instructions on how to fill out the Tennessee state form.

27. Before each event, we train participating staff and volunteers on approaching potential applicants, conveying the message that voting is important, inquiring about their registration status, and understanding the fields in a voter registration application. When canvassing, we encourage volunteers to bring their friends with them so that they are not alone when they knock on doors. When it is a volunteer's first time registering voters, we pair them with more experienced volunteers or staff. We also always make available Democracy Nashville leadership or an event coordinator for any questions or issues that may arise during canvassing or tabling.

28. When registering potential voters, we train our volunteers and workers to remind the voter that they should fill out each and every part of the form, since we are aware that forms can be rejected for omission or error. We do not fill the applicant's form for them, but we do offer to answer any questions that the applicant may have when filling out the form.

29. We instruct each staff or volunteer to review the form to confirm it is completed to the best of the applicant's ability. We have noticed that, sometimes, when registering older

African-American residents, they may not know their birthday because they do not have birth certificates. In those cases, we tell the individual to fill out the form to the best of their ability. We tell applicants that they should use their full name, not a nickname.

30. Once the applicant fills out the form, we provide them the option of turning it in to the election commission themselves. Some individuals would rather deliver their own forms. We also offer to deliver their form to the appropriate election commission. Many prefer that we deliver the forms because of the inconvenience of having to physically travel to the local election commission, which, in Davidson County is far from the neighborhoods where we generally register people to vote.

31. If the applicant hands over their form to a Democracy Nashville volunteer or staff, we ask that the volunteer turn in all the forms they collected to a co-coordinator of the event. The co-coordinators will gather all collected forms from multiple volunteer participants, review them, and then drop them off at the local county election commission. We try to drop off the forms within twenty-four to forty-eight hours after collecting them.

32. Our work also involves communicating with community members about checking their voter registration status and encouraging them to get-out-the-vote. In 2016 and 2018, one of our co-coordinators held trainings on election protection and poll watching. We trained volunteers on how to approach voters going to the polls, provide basic information on voter registration, including pre-printed handouts, and help voters look up their polling place or voter registration status.

33. We also share Facebook posts, send text messages and emails, and publicize radio advertisements to encourage recipients and listeners to register to vote and check their voter registration status. For text messages in particular, we send an automatic text message to

recipients and then if the recipient responds, we are able to send a follow-up text to make sure the recipient has registered and provide directions on how to register. These texts are limited to a certain number of characters.

34. As an organization known for its voting rights advocacy, we also receive calls from voters who want to know whether they were registered to vote or where their polling place is located. We often access the Secretary of State's website to look up polling place and voter registration information and provide the website address to voters so they can look up the information themselves.

35. Democracy Nashville has not kept track of the total number of applications it has collected in the past, given that it often works in coalition with other organizations and it is impossible to tell which organizations are responsible for collecting the number of applications. However, Democracy Nashville collects voter registration applications at most of their events.

36. Democracy Nashville plans to conduct similar activities in 2019 and 2020.

#### **Funding Overview of Democracy Nashville**

37. Democracy Nashville is funded largely by grant funding. In most cases, Democracy Nashville receives sub-grants from grants that have been awarded to broad issue-based coalitions. Those coalitions then distribute funding by sub-grant to each collaborating organization. Democracy Nashville also receives a limited amount of funding from individual donations via GoFundMe.

38. Democracy Nashville's total 2017 budget was \$10,000, and its total 2018 budget was \$31,000. Democracy Nashville has not yet received funds in 2019, nor does it have an estimate for its budget in 2020, given the uncertainty of its funding. Democracy Nashville does not hold any other assets.

39. Typically, grant funding is used to provide stipends to project or initiative leaders. This may be in the amount of a \$1000 or \$2000 depending on the total grant funds and the rest is spread out to cover programming work. But the total allocation of stipends depends on the amount of each grant award. We also use grant funding to provide canvassers or event staff with stipends for the work that they did for a particular event or initiative. We also engage volunteers and provide them with water and snacks when possible.

40. Specifically, in 2017 and 2018, we received grant money totaling \$9,000 from larger civil rights organizations to conduct our Community Oversight Board work, which included registering voters at each event.

41. Democracy Nashville also received grant funding from a worker's rights group. We used this money to hold events, pay stipends to part-time staff, print materials, make and distribute t-shirts, and provide food and gas money for our work related to the Community Oversight Board. We also paid stipends to five or six individuals to collect referendum petition signatures concerning the Community Oversight Board. These individuals also collected voter registration applications.

42. In 2018, we received \$5,000 from two other grant sources to hold voter rights workshops that included education on voter registration. This grant funding was used to provide funding to the director and assistant director of the workshop, and for logistics related to the workshops.

43. Being able to pay Democracy Nashville's part-time staff and regular volunteers stipends allows the organization to enhance its voter registration work by increasing the number of events and neighborhoods canvassed and targeting more eligible but unregistered potential voters.

**The Harm the Voter Registration Law Inflicts on Democracy Nashville**

44. The law signed by the Governor of Tennessee on May 2, 2019 will have a significant effect on Democracy Nashville's voter registration activities. This law will force us to scale back our voter registration activities or make the difficult decision to subject ourselves to criminal or civil penalties in order to continue our voter registration efforts.

45. To comply with the law, we are considering hiring a compliance officer and an attorney, and we do not have sufficient funds for either.

46. The risk of facing criminal penalties for engaging in voter registration activities would deter many individuals from volunteering with us. We work closely with individuals that have previously been convicted of crimes and who will not volunteer with our organization once the law takes effect, out of fear of the criminal penalties. This will impact our ability to register the most vulnerable members of our community who are more likely to speak with a volunteer that shares their life experiences including experiences of being incarcerated.

47. Democracy Nashville will not be able to bring on volunteers ad hoc or at the last moment, and this will impede the ability of holding impromptu voter registration activities.

48. The law's financial penalties, if assessed against us, would force us to dissolve, given our limited funding. It is likely that I would have to pay for civil penalties out of my own pocket or organize a fundraiser to cover the penalties.

49. The co-coordinators of Democracy Nashville are all worried of the effect that even just charges of criminal conduct would have on our ability to provide part-time staff with stipends. Defending against criminal allegations will take time and money that we do not have.

50. Complying with Section 2-2-142's requirements will be impractical in many instances. For example, if we go door-to-door canvassing, and the canvassing is impromptu, we

may not be able to provide advance notice to the election commission, especially if the canvassing occurs on a weekend or holiday.

51. It is unclear whether the voter registration activities we engage in, in conjunction with our issue-oriented advocacy, would constitute a “voter registration drive.” Our dual-purpose is to educate the community on different issues we care about, and in conjunction therewith, promote voter registration and protection.

52. It is also unclear whether the law would apply to our staff. Many individuals serve our organization on a volunteer basis but are provided stipends when it is financially feasible for us. Our volunteers occasionally are provided with food and water. We do not know whether our activities would subject these individuals to the requirements and penalties in the law. Additionally, we are unclear on what it means for an application to be “incomplete.” If the election commission comes after us for mistakes that an applicant has made, for example, by including their nickname instead of their full name or adding an incorrect address, we could unfairly be held liable for such inaccuracies and omissions.

53. The law’s training requirements are extremely burdensome. We would lose volunteers if they were required to go through a government-run training. We would also be required to turn away volunteers and stop encouraging volunteers to take their friends with them when they canvass.

54. Further, some of the individuals we train are volunteers not of Democracy Nashville, but of other organizations in the coalitions of which we are a part. We have no ability to verify that each volunteer of another organization has completed the required training, and it is unclear whether these individuals would be considered volunteers for Democracy Nashville.

55. Democracy Nashville would be unable to swear, under threat of criminal penalty, that all staff and volunteers will obey all state laws and procedures governing voter registration, because we are unable to control each action taken by each staff member or volunteer. In addition, we are wary of the criminal penalties tied to the law and would not want to further subject ourselves to penalties by swearing to something we may not be able to control. This would additionally force us to significantly scale back our voter registration activities.

56. The required disclosure on all communications regarding voter registration status will be incredibly burdensome to our organization. We frequently communicate with members of the community to ask them if they know their voter registration status. We do this in many ways, including through Facebook posts, text messages, emails, and radio ads. For example, Democracy Nashville has a text mobilizing system for its Community Oversight NOW coalition. We engaged in two rounds of text mobilizing prior to the November 6, 2018 election, once in October and once in November.

57. We engaged in an early round of text mobilizing during the summer of 2018 from July through August. We paid a vendor to send out automatic text messages: in the first text, we typically encouraged the recipient to vote for the referendum. If the recipient responded, we sent out another text message making sure that they are registered to vote and if not, providing basic directions on how to register. If we had to incorporate a disclaimer that our texts were not authorized by the Secretary of State, this would cost us additional money. We would also likely have to shorten our text communications or eliminate our text message communications because such communications are typically limited to a certain number of characters.

58. We anticipate that each communication via flyer, many of which have already been developed and printed, will require revision to include the disclaimer, or we would be

subject to criminal penalty. These revisions and reprinting will cost money that we do not have. If we do not revise these communications, our only option is to stop making these communications altogether, which would significantly reduce the effectiveness of our voter registration activities.

59. As discussed earlier, as a result of the law, we are considering investing in a compliance officer who will help the organization comply with the law. Currently, the organization does not have funds for this investment but the time and effort needed to gather the funds would detract from the organization's use of those and current funds for other programming.

60. We must expend our limited resources to monitor developments in the law and change our course of action depending on the state's clarifications. For example, we are rethinking our text-messaging platforms and potentially paying for higher character limits in our messages.

61. Even if we do not place a complete moratorium on our voter registration efforts, which we have considered, we will have to significantly scale back our voter registration activities which we undertake as part of our coalitions, in turn, chilling my relationships with other organizations built over the course of many years.

62. We had planned to seek funding for our work on petition drives and conducting voter registration in 2020 but we may not pursue any sources of funding that requires us to register voters. This is still undecided. Or even if funding is not contingent on registering voters, we will likely scale back on registering voters during canvassing or other community events we organize. We are in a bind because we know how important voter registration is to our community and our work.



63. We believe this law will make it extremely hard, if not impossible, to register voters, to talk to voters about their voter registration status, and to get other members of the community involved in voter registration efforts.

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, appearing to read "Sekou Franklin", written in dark ink.

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Sekou Franklin