

EXHIBIT 3

**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 CHARLANE OLIVER IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Charlane Oliver, hereby declare and state the following:

1. My name is Charlane Oliver. 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 The Equity Alliance. If called upon as a witness, I could and would testify to these facts.

3. I am the President of the Board of Directors of The Equity Alliance. I have served on the Board of Directors since January 2017. In this role, I am responsible, along with the rest of the Board, for oversight of The Equity Alliance and the activities it conducts in furtherance of its mission, which include substantial voter registration activities. Based on my knowledge and experience, I am familiar with The Equity Alliance's voter registration activities.

Organizational Overview of The Equity Alliance

4. The Equity Alliance is based in Nashville, Tennessee, but operates throughout the State. The Equity Alliance is a non-partisan, non-profit, tax-exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code.

5. The Equity Alliance was founded in January 2017. The Equity Alliance advocates for African-Americans and other communities of color, with the goal of ensuring that they have a fair and just opportunity at realizing the American dream. The Equity Alliance's mission is to increase civic engagement in Tennessee, particularly among African-American residents, in communities that tend to include many citizens whose propensity to vote is low. The Equity Alliance seeks to promote more participation by racial minorities in the political process by encouraging the most disenfranchised, especially those from the African-American community, to register and vote in municipal, state, and federal elections.

6. The Equity Alliance strongly believes that in order to advance policies that address the needs of African-Americans in the state, we need to educate these citizens about the importance of voting and becoming involved in the political process. We believe that if people

understand how voting can affect their everyday lives, people will become more engaged. We realized very early into our work that involvement in the political process begins with and requires voter registration.

7. The Equity Alliance is governed by its Board of Directors, all of whom serve on a voluntary basis. There are four officers—president, vice president, treasurer, and secretary & general counsel—and three at-large members. The Board of Directors sets the organization's priorities, leads its strategic initiatives, and organizes and conducts much of the work in which the organization engages. It is primarily volunteer run, and since its founding, The Equity Alliance approximates that it has engaged 1,200 volunteers from the community.

8. While primarily a volunteer organization, when funding permits, The Equity Alliance pays monthly or project-based stipends to staff that coordinate activities and initiatives, including voter registration activities and initiatives. In such cases, The Equity Alliance pays stipends to individuals, on a short-term basis, to conduct voter registration canvassing, attend events hosted by other organizations where they set up voter registration booths, or to work at voter registration-specific events; these individuals are typically paid monthly or bi-monthly stipends.

9. The Equity Alliance also engages volunteers to support its work on an ongoing basis throughout the year, while other volunteers participate ad hoc as needed by the organization such as those who help out at specific events. Volunteers who work with us on a long-term basis are called lead organizers and they are paid more substantial stipends for their work educating and mobilizing community members, which in part, includes collecting voter registration applications.

10. Volunteers who receive stipends for their work are indispensable to the organization because they greatly enhance the organization's voter registration efforts. In the past, these individuals have, at times, taken on the management and coordination of The Equity Alliance's large-scale voter registration, get-out-the-vote ("GOTV"), and voter protection work.

11. Additionally, when funding is available, The Equity Alliance offers these volunteers snacks, a meal, water, or gas reimbursements in exchange for their work registering voters and collecting applications.

Primary Funding Overview of The Equity Alliance

12. The Equity Alliance's funding consists of individual contributions and grant awards. In the 2017–2018 fiscal year, The Equity Alliance's total budget was \$94,208.74: \$45,550 in grants, \$30,029.98 from a brunch fundraiser, \$3,525.19 from Facebook fundraisers, and \$10,103.57 in cash contributions. The Equity Alliance also received sponsorships totaling \$5,000, in exchange for placement of a sponsor's logo on event marketing materials. The Equity Alliance has a fiscal year 2018–2019 budget of \$232,610.00 and just approved our 2019–2020 budget last weekend. The Equity Alliance does not hold any other assets.

13. Between January 2017 and March 2018, almost all funding the organization received came from individual contributions or Facebook fundraisers that our friends organized on our behalf. That funding was used for operating costs (website, mailbox), printing materials, renting event space, and event marketing materials.

14. Starting in Summer 2018, however, we received grant funding ranging from \$2,000 to \$50,000 from organizations including the Deane Foundation, CivicTN, ActionTN, Tennessee Black Voter Project, Groundswell Action Fund, and Spread the Vote. That funding was mostly used for voter registration activities, voter education, and GOTV efforts. Most

grants did not dictate how much of the funding must be spent on voter registration versus voter education versus GOTV activities—the Equity Alliance Board decided the allocation of funds based on its priorities and the needs of the community. In 2018, grant funding was primarily used for staffing including paying stipends to our lead organizers, printing, marketing, training preparation and administration, event space, and supplies for a range of voter mobilization work.

15. We anticipate and are in the process of applying for additional grant funding for fiscal year 2019–2020 and 2020–2021.

The Equity Alliance’s Voter Registration Mission and Training

16. Voter registration is key to our mission. The Equity Alliance uses many different models of voter registration. We organize our own events around issues that the community cares about, and at these events, we set up voter registration tables. Alternatively, our community partners, including churches across the state, invite us to talk about the importance of voter registration and to help register attendees to vote. The Equity Alliance also registers voters through door-to-door canvassing and holds events dedicated to registering eligible attendees to vote.

17. The Equity Alliance incorporates voter registration activity into most events that we or our coalition partners hold. No matter what the type or purpose of the event, and even if the primary purpose is not voter registration, we have a voter registration table. The table is supervised by volunteers, who ask attendees if they are registered to vote, and if they are not, to provide them with voter registration applications that they can fill out and sign. At all of these events, The Equity Alliance speaks with individuals in the community about the importance of political involvement and civic engagement.

18. Before its events, The Equity Alliance typically puts out a call for volunteers—often by email, but occasionally by social media, text messages, phone calls, or word-of-mouth. An Equity Alliance board member, part-time staff member, or an experienced volunteer coordinates voter registration activities. This individual is called the “event coordinator,” and that person typically receives a monthly stipend when funding permits, although board members are never paid.

19. Before each event, the event coordinator has a pre-meeting with the volunteers that show up to assist. In some cases, individuals who have not signed up in advance to volunteer show up and are interested in helping to register community members. Each volunteer is part of the pre-meeting, in which the event coordinator goes over how to assist individuals in registering to vote. Volunteers who have not previously registered voters are paired with more experienced volunteers.

20. For example, in October 2018, I led a voter registration event at the Dollar General Day of Beauty at Nashville’s Music City Center. The event lasted six hours and we worked in two-hour shifts. We were positioned at the entrance of the building so that we could engage with those that were attending the event. Not everyone signed up to volunteer at this event in advance and many just showed up and said they were interested in helping register voters. I was there at the event for all six hours to welcome volunteers, so I gave everyone a run-down of how to register a voter using the Tennessee voter registration paper form.

21. The Equity Alliance provides similar trainings to all its volunteers. This training takes several forms depending on the needs of the event: classroom-style training, a web-based video training, or one-on-one briefing right before the event like the one the Dollar General Day of Beauty event. The trainings include information on laws and regulations regarding voter

registration, explicit instructions that voter registration must be nonpartisan, lists of things to do (and not do) while registering voters, and information regarding the voter registration form. For example, at the Dollar General Day of Beauty event, the most important piece of information I shared with volunteers was that they should stand with the applicant as they fill out the paper form to ensure they complete each entry field. I know which entry fields are the most commonly overlooked or omitted and catch these errors as they are filling the form out. I also do not let the applicant leave until I have reviewed their completed paper form again. At this event, volunteers were instructed to give all forms they collected to me and I placed them under the table in our container used to collect forms. I then took these forms and dropped them off at the local election commission.

22. Prior to the 2018 election registration deadline on October 9, The Equity Alliance held classroom-style voter registration trainings on August 28, September 11, and September 25. Approximately 75 individuals attended these trainings overall. In addition, at events where we register voters, event coordinators go through each line of the form with volunteers to ensure they understand what is required.

23. In February 2018, The Equity Alliance reached out to the Davidson County Election Commission and asked them to provide a voter registration training for volunteers. Davidson County sent an election staff member to provide training. There were approximately twenty volunteers in attendance from The Equity Alliance. At this meeting, staff from the election commission instructed that The Equity Alliance and its volunteers turn in all forms that were filled out, whether they were complete or incomplete, because this was the requirement under Tennessee law and it was best that the election commission determine how to handle the forms rather than leave it to the discretion of the volunteer or organization.

24. As described above, The Equity Alliance's volunteers are trained to answer any questions from those filling out a voter registration form. A volunteer is required to check each filled-out form to ensure, to the best of their ability and knowledge, that all the fields are filled out. If an individual leaves out information on the registration form, the volunteer or event coordinator will typically ask the individual to fill out all parts of the form. Once the person fills out the form, The Equity Alliance volunteer will give the person the option of turning in their own form or leaving it with The Equity Alliance to deliver to the appropriate election office. At the close of each event, we instruct volunteers to turn in all forms to the event coordinator.

25. The event coordinator, or a representative of the Equity Alliance, will hand-deliver the voter registration applications to the local election commission within one to three days of an event where our volunteers collected voter registration applications.

26. In the past, if The Equity Alliance event coordinators notice that the forms turned in by volunteers are not fully filled in, we have still taken these forms to the local election office and separated the fully-filled in forms and the partially filled-in forms into two batches. The Equity Alliance, based on advice it received from the local election commission, was under the impression that we must turn in all applications we collect because it is required under Tennessee law.

The Equity Alliance's Voter Registration Activities

27. It is very important to The Equity Alliance to be involved in the community and to meet people where they are. Our events are wide-ranging and aimed at connecting with individuals of diverse age groups in our community.

28. Our first dedicated voter registration drive took place in summer 2017 at a pizzeria in Nashville that is popular with the African-American community. The Equity Alliance

set up a voter registration table at the event and registered potential voters who were in line ordering food or were sitting on the restaurant's patio.

29. Throughout 2018, The Equity Alliance helped community members register to vote at restaurants, neighborhood parties, nightclubs, laundromats, barbershops, beauty shops, festivals, concerts, and other locations in African-American neighborhoods, in Nashville and across the state. Some events were planned in advance while other events were impromptu and took place with little or no advance notice. The Equity Alliance also partnered with other coalitions to help register voters. It is difficult for us to predict the number of people who will be in attendance at any given event, such as those held in restaurants, at rallies, or at neighborhood parties.

30. On Martin Luther King Jr., Day in 2018, The Equity Alliance partnered with student groups at Tennessee State University to register voters in conjunction with a Martin Luther King Jr., Day March.

31. In March 2018, The Equity Alliance attended eleven scheduled events where we registered community members to vote. These included five church events, a high school career day, an event at a restaurant, and a gun control rally.

32. The Equity Alliance responds to requests from neighbors, friends, community organizations, and businesses to register community members at barbecues and block parties, sometimes with only a few hours' notice.

33. The Equity Alliance has strong traction in the faith community in the state. Pastors across the state have in the past invited and continue to invite us to speak during Sunday congregation services. My fellow volunteers and I attend these gatherings and encourage attendees to register to vote and hand out voter registration forms. Many individuals affiliated

with churches travelled to Nashville to attend our meetings, where we discussed not only voter registration but other issues impacting our community.

34. In 2018, The Equity Alliance began its “Souls on the Rolls” and “Souls to the Polls” initiatives. Souls on the Rolls is a church-based voter registration effort carried out over several months in 2018 that focused on speaking with congregants, explaining the importance of voter registration, and answering questions on how to register to vote.

35. The Equity Alliance developed a strategic plan for Souls on the Rolls that involved close coordination with church congregations, which involved a variety of approaches to get voters registered. Our trained volunteers from The Equity Alliance and the congregation help register voters and collect voter registration applications.

36. During Souls on the Rolls, we use an online registration platform, the Proud Voter Portal. The Proud Voter Portal is operated by CivicTN and provides a user-friendly way to register individuals online and maintain their information so that we can follow up with applicants regarding their registration status and to encourage them to vote. We also send text messages to encourage congregants who have smartphones to register themselves on their phones. We also set up tables to offer paper applications. Some churches display our graphics on their jumbo screens, or on signs that direct congregants to the Proud Voter Portal for additional information, and where they could learn more about their voter registration status.

37. During this effort in 2018, we engaged a volunteer coordinator who helped launch and carry out Souls to the Rolls in church congregations across the state. We received a \$2,000 grant, after-the-fact, to fund this initiative, and we were able to use half of this money to retroactively pay our volunteer a stipend of \$1,000 for her work. The other half went to printing costs, administrative costs, and future civic engagement work.

38. Between January and May 2018, The Equity Alliance registered approximately 3,000 people to vote as a part of the Souls on the Rolls campaign. We plan to carry out a similar campaign again in 2020.

39. During Souls on the Rolls, we found online voter registration to be a challenge due to internet connectivity issues and in instances where we registered voters without a Tennessee driver's license or ID. Some of the churches at which we registered voters did not have wireless internet. In addition, the Tennessee's online voter registration system requires a registrant enter their Tennessee driver's license number; many new residents and college students did not have that type of identification. For these reasons, we typically used the state paper form which we picked up from local county election commissions. We sometimes used the federal form which we printed from the internet.

40. We follow up on our registration efforts through Souls on the Rolls with our Souls to the Polls initiative, in which we encourage congregants who registered to vote to actually go to the polls and vote. We also try to make it easier for them to get to the polls by providing or arranging for transportation. We often find that congregants will register to vote but then forget to go to the polls. We want to make sure that all those who are properly registered go out and vote during early voting or on Election Day.

41. In 2018, as word spread that The Equity Alliance was assisting churches and other organizations in registering individuals to vote, we were contacted for more events. Our increased presence across the state led to more funding opportunities.

42. In late summer 2018, The Equity Alliance received funding through the Tennessee Black Voter Project in the amount of \$20,100, split into two grant disbursements of \$10,050 each. From that time forward, we continued our voter registration work as part of the

Tennessee Black Voter Project Coalition, which included more than twenty partner organizations across the state. We registered voters at bookstores, rallies, concerts, and other community events.

43. With these two grants, we were also able to pay three individuals stipends for coordinating our voter registration activities. The statewide organizer and the volunteer manager received \$2,000 per month for three months. The senior project manager received \$3,000 per month for three months and also \$250 for the portion of an additional month worked.

44. The Equity Alliance also used these funds to pay canvassers and purchase food for leadership team meetings. From 2017 to 2018, approximately 270 canvassers were employed, and many worked multiple shifts. We did not condition any stipends or payments on the number of voters our volunteers registered; instead, we paid these individuals \$15 per hour for three-hour shifts.

45. Overall, in 2018, The Equity Alliance approximates that it registered more voters than in 2017 due to a concerted effort by the organization to register thousands of eligible Tennessee citizens in communities of color and other underserved populations at a variety of locations across Nashville. The Equity Alliance 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.

46. Looking forward, The Equity Alliance will be rolling out two initiatives in the summer and fall of 2019 that have a voter registration component. The first is “Faith Unchained: Souls to the Polls,” a renewal of our previous Souls to the Polls initiative, but this time in partnership with Gideon’s Army, Interdenominational Ministers Fellowship, and the Tennessee

NAACP, we are seeking to register 100 percent of the eligible congregants at African-American churches.

The Impact of the Voter Registration Law on The Equity Alliance

47. The law enacted by the state of Tennessee on May 2, 2019 will have a significant effect on The Equity Alliance's voter registration activities. We believe that the new law may be targeted towards our efforts, in coalition with other organizations, to register low-income and mostly African-American voters prior to the 2018 midterm election. Prior to the new law, we are aware that there are already laws on the books for "knowingly and willfully" violating the state's voter registration laws. The existence of existing Tennessee law to combat against fraud, the timing of the new law (six months after the November 2018 elections), and the common occurrence of incomplete forms prior to 2018, make it seem as though the legislature may have some other nefarious motive for passing the law rather than to ensure election integrity.

48. This law will force us to either substantially scale back our voter registration activities or risk criminal or civil penalties in order to continue our voter registration efforts.

49. I believe that in order to try to comply with the law, we will need to hire a compliance officer and an attorney, but we do not have sufficient funds for either. We are considering whether we may purchase liability insurance and directors' and officers' liability insurance. This will require funds that we do not currently have, which means we will be diverting resources away from our other work.

50. The law's criminal penalties will be devastating to our ability to attract volunteers and recruit part-time staff. We have many volunteers that have previously been incarcerated, and the risk of facing additional criminal penalties for engaging in voter registration activities would deter these individuals from volunteering with us. These volunteers who have had experiences

with the criminal justice system are most effective at engaging with community members who share similar experiences. These volunteers are better positioned to convey the message that voting is important, that registering to vote is a necessary step to voting, and that turning out to the polls is imperative for participating in our democracy.

51. We are concerned about the potential impact that criminal charges, against our officers and other individuals involved, would have on our ability to retain members of the Board of Directors, employ staff, and recruit volunteers. Defending against criminal allegations will take time and money that we do not have, especially considering we do not have full-time staff and this could jeopardize our full-time employment of those serving on the Board.

52. There are many ways in which the requirements of the law will be difficult to comply with. As explained above, many of the events at which we attempt to register voters arise on short notice, where it will be impractical to provide advance notice to the election commission. For example, if we hear from a neighborhood on Saturday that they are having a block party on Sunday, it is hard to see how we would notify the election commission that we plan to register voters at that party. Nor would there be any time for us to arrange for the State's authorized training for volunteers for that party. As a practical matter, we would be forced to refrain from registering voters at that party.

53. An integral part of the work of The Equity Alliance is to meet people where they are and to be accessible to different types of people, regardless of their age, race, ethnicity, or socioeconomic status. In order to reach the communities that are most disenfranchised, we have to be fast-acting and engage with folks who may distrust government or be skeptical that voting will change their lives. In order to connect with these individuals in a meaningful way, we must continue to be able to recruit volunteers who hail from disenfranchised communities.

54. Another problem arising from the law is that it is unclear what constitutes a voter registration drive. Our voter registration activities vary, and are sometimes quite small in scale. If four of us go out and knock on doors in different neighborhoods in the same day, and each of us knocks on 25 doors, we do not know whether that counts as an attempt to register 100 voters that makes that voter registration effort subject to the law. In that scenario, we would likely get many fewer voter registration applications, but we are concerned that the state would regard this activity as a “voter registration drive” under the new law.

55. In addition, the training requirements of the new law are burdensome if not impossible to comply with. Our staff and volunteers trust us and complete our training, which we developed, in part, through our conversations with election commissioners. Staff and volunteers who are willing to complete the election commission training will need resources for transportation, stipends for the additional time, and other costs associated with this additional training, including the administrative costs and time spent to document. All of this increases the transaction costs of volunteering with us and will dissuade volunteers from participating in and helping enhance our work.

56. The training requirements also mean that we will be required to turn away volunteers that show up on the day of the voter registration drive wanting to get involved in voter registration and civic engagement, since there will be no opportunity to get them the state-mandated training. Some of these individuals are reticent to get involved in any activities related to political advocacy. To reach these individuals, have them express interest in volunteering, and then be forced to turn them away would be devastating for our organization and its mission and would diminish our credibility.

57. Further, some of the individuals we train are volunteers, not of The Equity Alliance, but of one of the other organizations with whom we partner. In these situations, we will have no way to verify that each volunteer of another organization has completed the mandated training. It is unclear whether the state will consider those individuals volunteers for The Equity Alliance. As a result, to avoid the risk that they are considered Equity Alliance volunteers, we will be unable to use the volunteers of partner organizations going forward due to the difficulties in verifying training completion. This, in turn, will chill our partnerships with coalitions that are extremely important to carrying out large-scale voter registration work across the state.

58. The Equity Alliance is already very focused on complying with current Tennessee election law—but this new law is so vague that we do not know what crucial terms mean and it will be difficult to comply. As an example, our trainings reflect our current efforts to comply: the trainings make clear applicable registration timelines, stress that all registration efforts must be nonpartisan, and provide instruction to volunteers on how to handle voter registration applications. However, the new law's requirement that an Equity Alliance agent complete a sworn statement that the organization will obey all state laws and procedures regarding voter registration will decrease our voter registration activity because of the severe penalties associated with this section of the law. It is impossible for us to verify, in advance, that every volunteer and staff person associated with any Equity Alliance voter registration activity will comply with all parts of Tennessee election law. We will be unable to swear to such a statement under fear of criminal penalty and be required to significantly scale back our voter registration activities.

59. It is critical for The Equity Alliance, as we register voters, to also collect their contact information so that we can follow-up with them to confirm whether they received their

voter registration card, provide them with opportunities to get involved in their community, and ensure that they know when elections are coming up and where they should cast their votes. However, under the new law, we will now have to document the consent of every individual to collect their contact information, under threat of criminal penalty. This is burdensome. And the new law does not make clear what kind of consent will be required, and for example, whether oral consent would be sufficient. During our 2018 Souls to the Rolls voter registration efforts at the large churches, it was not uncommon for us to get an influx of congregants to our tables after church services ended. The number of interested applications outnumbered The Equity Alliance's volunteers and staff. At an event like this, it would have been difficult to get the verbal consent of each applicant before they completed their registration forms and walked away from our table.

60. The section of the law that penalizes the submission of incomplete applications also creates substantial barriers to continuing our voter registration efforts. In 2018, according to published reports, The Equity Alliance, in coalition with other organizations, submitted approximately 35,000 voter registration applications to election commissions across the state though The Equity Alliance was mostly working in Nashville. Our organization took great care to ensure the accuracy and completeness of these applications. But under the new law, there is a substantial risk that if we continue our voter registration activities, we would risk being subject to significant fines that would exceed the limited financial resources of the organization. With that volume of voter registration applications, if the new law had been in effect, and less than one percent of those applications were incomplete—an error rate far lower than the state usually encounters—we would be subject to significant fines that would bankrupt the organization.

61. Even though we try to review each form prior to collection, it is not possible to do so in all cases. Some applicants just leave the form on the table and walk away. In other cases, individuals put partially incomplete or incorrect information on the form. We are concerned any of these scenarios could result in penalties for our organization especially because The Equity Alliance volunteer or worker has no way of verifying in advance that the information is incorrect on the form. This puts The Equity Alliance, which registers a large number of marginalized and disenfranchised applicants who otherwise would not register, at an unfair disadvantage to have to ensure accuracy or risk being fined.

62. We are also concerned because we believe that we are required to submit to the election commission every application we receive, whether it is complete or incomplete. One training document we reviewed is the “Shelby County Election Commission Deputy Registrar Training.” That training states that “failure to return the forms to us by the voter registration deadline is a Class E felony.” We were also told by the Davidson County Election Commission in 2018 that if a form had a name or mark on it, we had to turn it in. We understood these statements by county election officials to mean that we are required to submit every form to the election commission, completed or not, or face criminal penalty.

63. Last year, we identified the applications we believed were incomplete by putting them in a different stack when we submitted them to the election commission in an effort to help commissioners.

64. Now, the new law provides that we will be penalized for submitting forms that are incomplete, even though we are required by law to submit them. The new law includes an exception making clear that we are not required to submit applications that only contain a name

or initial, but the law does not include any exception for applications that are incomplete in other ways.

65. As a result, we are faced with the lose-lose situation that it could be a felony if we do not submit the forms, but we will face significant fines if we do submit them. We face these fines even if our rate of incomplete forms is very low, because we work to register large numbers of interested applicants.

66. It is also important to point out that we have no way to check the accuracy of the information that a person may include in a voter registration application. Yet there is a substantial risk that if the information is determined to be inaccurate, election commissions could view this as “incomplete” within the meaning of the statute, and rely on these forms to impose substantial, potentially devastating fines on our organization.

67. Finally, the provision of the new law requiring us to include a state-mandated disclosure on all communications regarding voter registration status also imposes substantial and potentially crippling costs and burdens on The Equity Alliance.

68. We are frequently communicating 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, jumbo screens in churches, emails, website, pamphlets, text messages, tweets, radio and TV ads, podcasts, signs, t-shirts, and through local celebrities at community events. We anticipate that each of these types of communications, which include a great deal of material that has already been developed and printed, would need to be revised to include the disclaimer. This will cost a significant amount of money, and take a lot of time.

69. In addition, in one of our voter registration campaigns, we sent text messages stating “Did you know TN purges voters? Don’t get removed! Check your voter status, register

to vote & sign up for election reminders at: <http://proudvoter.org/EquityAlliance/>.” This text message would require the disclaimer included in the new law. The inclusion of the disclaimer would almost double the length of the text message and we believe lessen the impact of the text message and resulting response rate. We have found that the use of text messaging is a cost-efficient and effective way to communicate with voters. Under the new law, our ability to text message with voters will be substantially burdened.

70. This provision of the law will also result in our staff and volunteers being scared to talk to voters about their registration status. If any conversation they have or communication they make could result in the imposition of criminal penalties if they do not use the required disclaimer, these individuals will not make such communications. The Equity Alliance will reach fewer voters and potential voters because staff and volunteers will not make these much-needed communications.

71. We need to decide now whether to begin revising and reprinting materials in advance of the law’s effective date. Our only other option is to stop making these communications altogether, which would severely limit the effectiveness of our voter registration program.

72. This law places so many hurdles in our path. We are certain it will result in us registering fewer voters, connecting with fewer members of the community to get them out to vote, and losing many volunteers who do not want to face the possibility of criminal or civil liabilities. In addition, we are concerned about the administrative burden the new law will have on the state, particularly, their capacity to track the accuracy and number of people completing the training; the number of forms turned in by a particular organization; and determining which organization or individual turned in an incomplete form given that there is no method of

tracking. We would not want to be falsely accused of an infraction potentially because a local election commission simply does not like us or wants to target our organization.

73. Another major concern is that, in light of the new law, national organizations that have been the source of much of our funding may be hesitant to fund Tennessee voter registration efforts. In light of the risk of criminal and civil penalties, they may think it will be less risky to dedicate funding elsewhere. At a time when we need funding the most due to Tennessee's low registration rate compared to other states, we anticipate it being harder to obtain.

74. We believe this law will make it difficult 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. We believe we will lose funding and need to dedicate significant amounts of any funding we receive to trying to comply.

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 "Charlane Oliver", with a horizontal line extending from the end of the signature.

Charlane Oliver