

EXHIBIT 4

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 DAVID GOODMAN IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, David Goodman, declare as follows:

1. I am at least 18 years of age and have personal knowledge of the below facts
which are true and accurate to the best of my knowledge.

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 Andrew Goodman Foundation. If called upon as a witness, I could and would testify to these facts.

3. I am President of The Andrew Goodman Foundation, Inc. (“AGF”). In my role as President, I am responsible for oversight of AGF and its activities in furtherance of its mission and vision. My job duties and responsibilities include: development and support of the AGF Board; Fundraising; supporting the programs department and developing systems for it; management of human resources; communications, as a spokesperson for the organization and in coalition support; ensuring compliance with financial reporting and budget management; and miscellaneous special demands such as visiting college and university campuses (“Campuses”), conferences, convenings and meetings to develop relationships with AGF campuses, partners, and potential stakeholders.

4. Based on my knowledge and experience, I am familiar with AGF’s voter registration activities.

Organizational Overview of AGF

5. AGF is a national, nonpartisan, nonprofit organization with the mission of making young voices and votes a powerful force in democracy. AGF’s vision is for young people to become active, engaged citizens who ensure a just and sustainable future.

6. In the summer of 1964, my twenty-year-old brother Andrew Goodman, AGF’s namesake, participated in Mississippi Freedom Summer, a voter registration project aimed at registering African-American voters in Mississippi. On Andrew Goodman’s first day, June 21, 1964, he and his fellow civil rights advocates James Chaney and Michael Schwerner were

kidnapped and murdered by members of the Ku Klux Klan, who did not want Black Mississippians to have access to the ballot box and the right to vote.

7. Today, among other things, AGF supports Campuses across the country with training and mentorship, mini-grants for an activities budget to select institutions of higher learning, and other financial assistance to students in the form of modest stipends provided each semester.

8. AGF is headquartered in New Jersey, and its national reach extends across the country, in part, through its Vote Everywhere initiative. Vote Everywhere is a national, non-partisan, civic engagement movement of student leaders (called “AGF Ambassadors”) and college and university partners, and it works in coordination with AGF headquarters.

Budget and Funding Overview of AGF

9. AGF’s budget for 2019 is approximately \$2.5 million. AGF is funded by institutional and individual donors to support its mission to make young voices and votes a powerful force in our democracy.

10. AGF’s 2020 budget is not yet completed or approved. The AGF revenue and expense budgets are based on national programming, not state-by-state.

11. As such, when AGF decides to scale back or increase organizational presence in a state, it impacts national programming because the organization must reallocate and restructure funding and attention to other states. In addition, when AGF determines whether to continue working in a particular state, the organization engages in a cost-benefit analysis of how costly it would be to our national programming if we were to remain in a particular state and attempt to expand our work there.

AGF’s Vote Everywhere Initiative

12. AGF's programming focuses on youth leadership development, organizing, advocacy, to increase youth civic power, and voter registration and voting rates.

13. Consistent with research about the habit-forming nature of voting, and the importance of establishing lifelong civic engagement early, AGF views voter registration as a gateway for further civic engagement. In other words, the goal of the Foundation includes, but is not limited to, boosting voter registration and voting rates for young people. AGF views voter registration and voting as a component for increasing the likelihood of lifelong civic engagement and democratic participation.

14. According to the Institute for Democracy & Higher Education (IDHE), a leading venue for research, resources, and advocacy on college student political learning and engagement in democratic practice, "an election offers the proverbial 'teachable moment' for reinforcing and introducing important principles and practices of shared responsibility, inclusion and equity, respect for dissenting viewpoints, skilled controversial issue discussions, student voice and agency, transparency and collaborative decision-making, and standards of evidence and truth. Political learning and engagement should be pervasive, and it should happen year-round, and every year" Report, *Ten Recommendations to Increase College Student Voting and Improve Political Learning and Engagement in Democracy*, Tufts University Institute for Democracy & Higher Education (2018), <https://idhe.tufts.edu/electionimperatives>. AGF seizes these "teachable moments," by providing opportunities for students to develop all of these important skills through their experiential learning around voter registration and other electoral activities and civic education.

15. As discussed in more detail below, AGF's Vote Everywhere initiative provides extensive training, resources, as well as a peer network to support its AGF Ambassadors while

they work to increase youth civic and electoral engagement, including registering voters, removing voting barriers, organizing Get Out The Vote activities, and tackling important social justice issues on their Campuses.

16. AGF Ambassadors, also called Student Ambassadors, are current students who attend a Campus that has a partnership with AGF. As discussed in more detail below, AGF provides Ambassadors a stipend each semester to carry out activities in furtherance of AGF's mission to "make youth voices and votes a powerful force in democracy," in part through registering voters and empowering youth voices in civic engagement. As part of their work, AGF Ambassadors organize a range of voter registration activities including voter registration drives at high-impact events such as freshman orientation or football games, and invite other students to participate as volunteers.

17. AGF's Vote Everywhere programming is done on 59 Campuses in 24 states and Washington, D.C., including in Tennessee at Tennessee State University—the largest and only state-funded historically Black university in Tennessee.

18. AGF, through its Vote Everywhere initiative, enters into a working engagement with each college and university (called "Campus Partner"), thereby creating an institutional relationship. Our Campus Partners appoint an administrator from the college faculty or staff (called "Campus Champion"), to oversee the programming in coordination with AGF program staff. Together, Campus Champions and AGF staff work with AGF Ambassadors to navigate the needs and requirements of each institution.

19. AGF's Vote Everywhere initiative is managed by a Program Director, who is a salaried AGF staff member, and who oversees the work with the Campus Partners and manages five Program Managers, who are also salaried AGF staff members, including two Southern

Regional Program Managers. The Regional Program Managers work directly with AGF Ambassadors and Campus Partners providing on-going, daily support to enhance the Ambassadors' work on a particular university campus.

20. AGF Ambassadorship typically expects, but does not mandate, a three-year commitment from participants. The length of AGF Ambassadorship depends on the individual student based on their academic calendar and other competing demands. Students often enter the program during their sophomore year and are encouraged to continue throughout their undergraduate academic career.

21. While in the program, AGF Ambassadors learn, as part of their educational experience, to develop strategic organizing skills and advocate for their community's voting and civil rights to uphold the democratic process.

22. To support their work, each AGF Ambassador receives a \$500 stipend per semester (for a total of \$1,000 for the academic school year, unless the AGF Ambassador is the "Team Leader", whereupon they receive \$600 per semester), an activities budget, and ongoing mentorship, support, and training from AGF's staff, Campus Champions and a network of social change leaders. Generally, two AGF Ambassadors are selected per campus (with one, as the Team Leader).

23. The stipends offered to AGF Ambassadors support a series of their activities including but not limited to voter registration and Get Out The Vote ("GOTV"), and other social justice initiatives. Stipends are not offered on the basis of hours completed or number of voter registration forms collected or filed.

24. AGF Ambassadors also have access to the mini-grant of \$1,000 per academic year donated by AGF to the Campus Partners, to support the work of AGF Ambassadors in such

things as buying supplies to support voter registration and (“GOTV”) activities and all related programming activities.

25. To achieve its mission, AGF devotes substantial time, effort, and resources to training and supporting AGF Ambassadors who work with the Campus Partner to encourage voting, voter registration, and advocacy for the voting rights of their communities, in addition to building a civic culture on-campus which includes engagement in important social justice issues. AGF Ambassadors are, therefore, central to the success of AGF’s mission, and they develop their own leadership, organizing, and advocacy skills, as they build relationships with campus administrators, elected officials, community leaders, voting experts, and their fellow peer students who may join their efforts as recruited student volunteers.

26. AGF Ambassadors are trained and strategize their efforts during AGF’s annual National Civic Leadership Training Summit (“Summit”). Specifically, the Summit provides an opportunity to hear from national voting rights experts about the state of voting rights nationally and state-by-state, and to learn: methods to increase voter accessibility; best practices in voter registration drives; media and communications skills; how to build civic culture through texting; lessons in civic activism; strategies to support volunteer recruitment and mobilization; organizing and advocacy; coalition building; campaign building; and more.

27. AGF facilitates state-by-state, regional, and issue-based training and breakout sessions at the Summit to encourage promising practices and strategic planning through collaboration with peers, AGF staff, voting rights experts, and social justice leaders. AGF continues training and assistance beyond the Summit and throughout the year, on-campus and in-collaboration with AGF staff, including the Regional Program Managers, in part through weekly

or bi-weekly communications between the Campus Partners and the assigned AGF staff Program Manager.

28. AGF has invested significantly in expanding and increasing its strength in the South with the hires of two Regional Program Managers, one of whom is based in Tennessee and maintains and develops that state's portfolio in addition to other states throughout the Southeast. Census and other data show the paltry voter registration and voting rates of citizens in Tennessee compared to other states, and even more for young people, students of color, and low-income students. AGF responded to this evidence with an investment in Tennessee to facilitate access to the ballot for marginalized youth.

29. The Regional Program Manager reports to the nation-wide Vote Everywhere initiative Program Director, and manages and implements programming at Campus Partners in the South where contemporary and historical barriers to voting and social justice constrain youth voting and other civic and political engagement. The Regional Program Manager's Campus Partner portfolio includes large public universities, Minority Serving Institutions like Historically Black Colleges and Universities, community colleges, and private liberal arts colleges and universities all of which have varied, unique, and rich cultures of civic engagement and community upliftment. This position plays a key role in expanding AGF advocacy efforts in the region by helping to identify opportunities for campus, local, state, and/or regional organizing and advocacy efforts in support of primarily voting rights and social justice. The duties of the position include managing, coaching, and supporting a portfolio of campus teams; researching, supporting, and advising AGF Ambassadors; maintaining and cultivating relationships with campus administrators; conducting outreach to local, state, and/or regional actors to identify potential partnerships in support of campus teams' efforts in the South; onboarding, integrating,

and managing new Campus Partners; conceptualizing, developing, and supporting resource and training materials on political engagement by Campus teams, including digital tools such as my.VoteEverywhere.org and the SMS texting platform; monitoring and evaluating programming; and researching and staying updated on youth civic engagement and political landscapes as well as national and state voting laws, and procedures in support of increased student civic engagement and social justice efforts.

30. As a component of voter engagement, AGF maintains an online voter registration portal that is included in AGF's one-stop voter engagement portal my.VoteEverywhere.org. This portal includes a link that directs students to the Tennessee Secretary of State's website to check their voter registration status and/or register to vote.

31. In conjunction with AGF's voter engagement portal, AGF is rolling out a SMS texting program to all 59 Campus Partners in Fall 2019. At each campus, students can sign up to receive text message reminders and messages geared toward voter registration and engagement at that campus. AGF Campus Partner teams will draft messages with information relevant to their campus, such as when and where to vote, available transportation from campus to the polls, and other civic engagement opportunities beyond voting.

32. The AGF uses SimpleTexting, a mass text messaging software to administer its texting program. The platform allows for broadcast and peer-to-peer messaging. AGF Ambassadors at each Campus Partner work with their Campus Champion and AGF's Digital Marketing Manager to plan, draft, schedule, and measure text messages in the lead-up to elections as well as to facilitate broader civic engagement the rest of the academic year.

33. SMS text messaging is a proven and key part of AGF's mobile strategy. Students can sign-up online or by sending an SMS text to 555-888 with their Campus Partner name and

thereby opt-in to AGF's texting program. Text messaging allows AGF to quickly communicate with Campus Teams and anyone who opts-in, and to drive immediate action. The trust established between the AGF and students, and the mutual value it provides, like immediate delivery and instantaneous feedback and communication, and the simplicity of 160-character messages together, make it a powerful tool for the AGF's work.

34. Through targeted text messaging, the AGF and Campus Teams can reach each other with relevant information instantaneously. AGF can conduct important civic engagement campaigns using broadcast and peer-to-peer SMS messaging (i.e., sending messages out to an entire list or engaging in one-on-one interactive conversations respectively).

35. AGF's experience is that text messaging prior to an election boosts voter turn-out. Texting is unique from other forms of voter outreach in that it is convenient, targeted, concise, and a noticeable, effective reminder for them to get to the polls. A 2009 study examined the effect of text messaging on 2006 turnout through a nationwide field experiment, finding a statistically significant 3.1 percentage point increase in the likelihood of voting. Allison Dale and Aaron Strauss, *Don't Forget to Vote: Text Message Reminders as a Mobilization Tool*, American Journal of Political Science, Volume 53, Issue 4, October 2009, Pages 787–804.

AGF's Vote Everywhere Initiative at Tennessee State University

36. Tennessee State University ("TSU") is a part of the Vote Everywhere initiative, and as such benefits from the national programming and support described above. TSU includes one Campus Champion, two AGF Ambassadors, and the support of the Regional Program Manager and AGF leadership when necessary.

37. TSU was previously supported by a Program Manager operating out of the national headquarters in New Jersey, but that role has since been reassigned to the new

Tennessee-based Southeast Regional Program Manager. In addition to engaging in voter registration and Get Out the Vote on-campus, the TSU Campus Team has collaborated with students at a range of neighboring campuses including Fisk University, Vanderbilt University, Middle Tennessee, Nashville State, Belmont University, Lipscomb University, University of Memphis, University of Tennessee, and Meharry Medical College. The new Regional Program Manager is working to further assist in introducing and institutionalizing AGF's programming on select campuses across Tennessee and the South.

38. AGF's programming at TSU in the 2018-2019 academic school year has involved voter registration, voter education, and civic engagement efforts including but not limited to: 1) holding twenty-two voter registration and voter education table events called "Table-Top Wednesdays" in or outside of the campus center in the middle of campus during lunch and dinner hours; 2) the creation of an event called "Party to the Polls" wherein students pre-register for a party bus to drive them to their assigned off-campus polling site; 3) the creation of "TSU Go Vote Day," whereby students are excused from class if they need to go vote; 4) a collaborative event called "Voter Power Hour," along with follow-up to the event, with nearby Fisk College that explores student voter accessibility across the state; 5) Greek Fraternity and Sorority efforts for "Tiger Election Watch Parties" across seven residential dorms on-campus on Election Night; 6) multiple voter registration tables during high-impact events such as Homecoming and Freshman Orientation; 7) a three-day-long door-to-door canvass event lead by The Equity Alliance which brought students and community members together to knock on over 300 doors of Nashville residents to remind them of the upcoming election, inform them of their polling location, and provide nonpartisan voter guides.

39. AGF Ambassadors engage in direct voter registration, and also train other volunteer students prior to or in the beginning of the registration event on the basics of filling out the voter registration application. As part of the training, AGF Ambassadors review the main fields in the forms, and instruct volunteers to return the forms to the AGF Ambassador who then hand delivers collected applications to the appropriate election office.

40. In the 2018-2019 academic school year, TSU's AGF Campus Team collected approximately 300 voter registration forms and participated in wider on-campus coalition efforts that collected hundreds of more forms.

41. With the heightened interest among youth surrounding the upcoming 2020 election, and the added support of a Tennessee-based AGF Regional Program Manager, AGF anticipates that, but for the new law, significant numbers of voter registration forms will be collected from students at TSU and across the state.

42. With the heightened interest among youth surrounding the upcoming 2020 election, and the added support of a Tennessee-based AGF Regional Program Manager, AGF anticipates that, but for the new law, significant numbers of youth voters will seek voter education opportunities, including, as described above, on AGF platforms and the SimpleTexting program.

The Impact of the Voter Registration Law on AGF

43. As a result of the new law, AGF will be forced to significantly reduce or halt altogether its voter registration activities because the organization does not know whether it is exempt from the provisions of Section 1 and Section 2 due to its use of AGF Ambassadors who are paid a modest stipend to engage in a range of voter registration (including collecting voter registration applications), electoral and civic engagement, education and social justice activities,

and due to AGF's mixed network of paid staff, stipend AGF Ambassadors, and non-stipend volunteers who are all engaged in AGF's programming which, in part, includes the collection of voter registration applications. The vagueness and ambiguity of the new law with regard to its treatment of "incomplete" voter registration forms makes it impossible for students to determine the accuracy of the information submitted on the voter registration forms. For example, students are often unsure how to fill out the form with regard to their on-campus residency, and this often depends on the specific preferences on the county level. Some county registrars require that students include a dorm room number on the form, while others do not require this at all. Some county registrars permit students to list the central business address for college campuses on the voter registration forms, while others require the listing of a residential dorm name. Still others require the listing of a residential dorm name rather than the specific street address for the location of the dorm, or vice-versa. This lack of uniformity by county administrators in general is reflective in the manner in which individual students interpret and complete their voter registration forms. In some cases, students accidentally inverse the address information by listing a residential dorm as a mailing address, and the campus mailbox as a residence. Throughout these examples, although it is clear that the voter registrant is eligible to vote from their campus address, it is unclear whether the form will be ultimately deemed incomplete by the applicable election administrator, and it is unclear the degree to which the third-party voter registration individual or organization will be held to task for the manner in which the voter registrant filled out their own form.

44. The new law penalizes third party voter registration groups and individuals who are engaged in good faith voter registration activities, by scaring them about the risk of civil and criminal penalties and imposing a threat of penalty where there is no way of knowing whether

the form is filled accurately by the voter registrant, and there is no way of knowing whether the third-party is subject to or exempt by the requirements.

45. The vagueness and ambiguity of the new law make it impossible for AGF to responsibly provide guidance to AGF Ambassadors and its existing and potential Campus Partners about whether to engage in voter registration efforts in Tennessee and under what terms.

46. As a result, the vagueness and ambiguity of the new law make it impossible for AGF to provide adequate training and strategic assistance at the annual Summit, and following the Summit on campuses throughout Tennessee, in the critical lead-up to the last academic cycle prior to the 2020 general election.

47. Since the new law is vague with regard to coverage and exemption, any training or instruction concerning program implementation would as an extension be inadequate.

48. The new law chills student voter registration efforts and impacts AGF's relationship with existing and new Campus Partners across Tennessee. It exposes good-faith third-party voter registration efforts to liability be it with respect to the individual student organizing or assisting voter registration drives, AGF as a third-party organization, AGF staff who provide coaching to students and Campus Partners.

49. The new law clouds relationships with existing and potential new Campus Partners in Tennessee, making it hard, if not impossible, to improve civic education and student engagement in a state that runs close to the bottom nationally in terms of voter registration and voter participation. Given the law's criminal and civil liabilities, existing and new Campus Partners will be cautious about partnering with AGF and allowing AGF to provide support to AGF Ambassadors who are responsible for increasing civic engagement on campus, in part, by promoting voter registration activities.

50. The new law makes it difficult for AGF to enter into partnerships with university administrators or Campus Champions, engage with Ambassadors to lead AGF's efforts on campuses, recruit volunteer participants to work with AGF Ambassadors because these individuals along with AGF, as an organization, take on the risk of exposure to criminal and civil liabilities.

51. The disclaimer provisions are similarly problematic for AGF. Implementing the compulsory speech over all communications and media landscape is impossible and significantly expensive. AGF would have to update all training materials, website pages and the my.VoteEverywhere portal, and electronic communications including email marketing, press releases, media advisories, and social media channels such as Facebook, Twitter, Instagram, and LinkedIn. It is difficult to conceive how this can be implemented on all text message exchanges between users, and the additional expense needed for the added language, as well as the limited number of characters permitted.

52. The requirement that this disclaimer be "clear and conspicuous and prominently" placed so that it is not easily overlooked creates obstacles to communication design and may serve as a distraction from the information being conveyed, particularly in light of the ambiguity of whether this requirement is imposed for all publications that simply mention voter registration in general, or for only those communications regarding the voter registration status of a particular individual.

53. The compulsory language would increase AGF's texting messaging costs and would turn off users who receive this long repetitive message in each communication. Each standard text message has a 160-character limitation, including automatic information by the Simpletexting platform which informs recipients of their opportunity to opt-out of future texts. A

sample text message is: “Hey! Election Day is in one week ... are you going to vote? Visit my.voteeverywhere.org to find out who’s on the ballot! #SeawolvesVote.” That standard message amounts to 133 characters with spaces, and represents the total characters available to AGF within one text. The text of the compelled disclosure itself (“such communication is not made in conjunction with or authorized by the secretary of state”) is 90 characters long with spaces. Thus, it is impossible to embed the disclaimer within the original text sent. Directing the disclaimer in a second text message duplicates the cost to AGF and encourages unsubscribes.

54. Redundant messages would likely lead to increased rates of users unsubscribing from AGF text messages, thus reducing AGF’s ability to prompt low propensity voters to vote. Texting, is one of the most effective methods of increasing the voting rates of youth. As such, increased unsubscribing from these communications would decrease AGF’s impact.

55. Moreover, AGF does not have the capacity or technology to monitor all peer-to-peer messages to ensure compliance with this language, nor is it clear whether such technology is available. These types of messages may occur when an individual recipient of a broadcast text responds with a personal question, such as regarding the location of their unique polling location. It is impossible to expect AGF Ambassadors, Campus Champions, or affiliated volunteers to type out the compulsory language after every individualized text they send in a conversation related to voter registration.

56. The threat of a criminal misdemeanor imposed for each violation of the compulsory disclosure requirement on any person is a steep and onerous penalty in light of the supposed offense being committed, and will only serve to chill public education related to voter registration and voting.

57. The new law directly impacts AGF's budget and its programs by requiring AGF to expend more of its resources on monitoring its AGF Ambassador activities more closely so that Campus Partners are assured that AGF's activities are in compliance with the new Law. As a result, AGF is determining whether to cease or at least scale down voter registration activities in Tennessee.

58. AGF has not budgeted for compliance officers in Tennessee, but anticipates that it may need at least one in order to comply with the new law. For context, the AGF does not use compliance officers anywhere else in the nation. To do so would come at the expense of engaging in actual voter registration. It would also be prohibitively expensive for the organization which must expend resources on running civic engagement and voter registration programs in many other states. Moreover, it is difficult to conceive how a compliance officer would help avoid the penalties this law imposes, as it would still be impossible to determine if the information on a voter registration form is accurate.

59. AGF is engaging in this lawsuit because the burden, vagueness and steep penalties associated with the new law instill fear in voter registration efforts, which is an affront to the legacy of the organization. The new law poses significant financial, technological, and logistical challenges to continue to engage in student voter registration efforts in Tennessee. Increasing investment in Tennessee detracts from AGF's efforts in Tennessee, in other states, across the region, and across the country, and may ultimately prove untenable for activities in Tennessee.

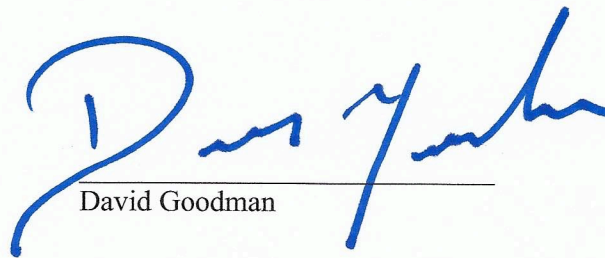
60. AGF must expend resources to continue to monitor developments and change its course of action depending on the state's clarifications or corrections. Similarly, the new law will

cause AGF to reconstitute its previous strategy and budgeting related to working with young people in Tennessee to increase their civic engagement.

61. Because of the new law, AGF's organizational mission of making young voices and votes a powerful force in democracy has and will continue to suffer immediate injury as students return to their campuses for the 2019-2020 academic cycle – the last full academic cycle before the primary and general presidential elections. AGF's Ambassadors and their recruited peer volunteers, existing and potential Campus Partners, and paid staff will find it highly difficult, and likely impossible, to comply with the law while engaging in voter registration and education because of the wider chilling effect that it imposes.

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

Executed this 14 day of August 2019.



David Goodman