

IN THE SUPREME COURT OF TENNESSEE  
AT JACKSON

FILED

11/02/2018

Clerk of the  
Appellate Courts

**TENNESSEE BLACK VOTER PROJECT ET AL. v. SHELBY COUNTY  
ELECTION COMMISSION ET AL.**

**Chancery Court for Shelby County  
No. CH-18-1476**

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**No. W2018-01964-SC-R7-CV**

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**ORDER**

The Tennessee Black Voter Project, the National Association for the Advancement of Colored People Memphis Branch, Hope Osedo, and Benjamin A. Gastel (“Plaintiffs”) have filed a motion seeking review of the Court of Appeals’ order granting a partial stay from the trial court’s order in these proceedings. *See* Tenn. R. App. P. 7. On October 27, 2018, the trial court ordered the Shelby County Election Commission (“Defendants”) to (1) allow individuals who correct their deficient voter registration forms on Election Day to vote using electronic voting machines, rather than provisional ballots; and (2) provide the Plaintiffs with a list of names of the individuals who submitted a deficient form, along with the reason for the deficiency. The Defendants filed a motion for stay and an application for an extraordinary appeal with the Court of Appeals.

In granting a partial stay, the Court of Appeals noted that “a central point of contention in this case is whether applicants who cure deficient voter registrations on election day should be able to vote by machine ballot or, as urged by the Election Commission, by a provisional ballot pursuant to Tennessee Code Annotated section 2-7-112(a)(3)(A).” *Tenn. Black Voter Project v. Shelby Cnty. Election Comm.* W2018-01964-COA-R10-CV (Tenn. Ct. App. Oct. 30, 2018). The effect of the Court of Appeals’ partial stay from the trial court’s order “is that these voters shall be entitled to cast provisional ballots pursuant to section 2-7-112(a)(3)(A).” *Id.* The Court of Appeals did not stay the trial court’s order “to the extent that it orders the [Defendants] ‘to send notice letters to all individuals who submitted a timely voter registration form and who have not yet been sent a notice letter, notifying them of their registration status and that those whose registration forms are incomplete may correct their incomplete forms at any early voting location or their assigned polling place on Election Day, as required by Tennessee

Code Annotated § 2-2-115(b)(3).” *Id.* The trial court’s order was stayed in all other respects.

To expedite our review, we have carefully considered the Plaintiffs’ motion for a stay, the Defendants’ response, and the briefs filed in the Court of Appeals by the parties and by the State of Tennessee as *amicus curiae*. After due consideration, it is ORDERED that the Plaintiffs’ motion is respectfully denied. The effect of our denial of the Plaintiffs’ motion is to leave in place the Court of Appeals’ order granting a partial stay.

PER CURIAM

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