

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

MEMPHIS A RANDOLPH)	
INSTITUTE, ET AL.,)	
)	
Plaintiffs,)	
v.)	3:20-cv-00374
)	JUDGE RICHARDSON
TRE HARGETT, ET AL.,)	
)	
Defendants.)	

ANSWER

Defendants Tre Hargett, Mark Goins, and Amy Weirich, in their official capacities only, (“Defendants”) hereby answer the complaint as follows:

INTRODUCTION

1. Admitted to the extent the allegations of paragraph no.1 describe the COVID-19 pandemic. The guidance from the CDC speaks for itself and no response is required. Defendants dispute Plaintiffs’ characterizations and submit that the numerical data is out of date.

2. Admitted.

3. The allegations of the first sentence of paragraph no. 3 are admitted. Defendants lack sufficient information to admit or deny the remaining allegations of paragraph no. 3.

4. The CDC’s recommendations speak for themselves. Defendants lack sufficient information to admit or deny the remaining allegations of paragraph no. 4.

5. Denied.

6. Denied.
7. Defendants lack sufficient information to admit or deny the allegations of paragraph no. 7.
8. Tenn. Code § 2-6-201 speaks for itself, and Defendants deny Plaintiffs' characterizations of it. Defendants lack knowledge or information sufficient to admit or deny the remaining allegations of paragraph no. 8.
9. Denied.
10. Denied.
11. Defendants lack knowledge or information sufficient to admit or deny the allegations of paragraph no. 11.
12. Tenn. Code Ann. § 2-6-202(c)(4) speaks for itself and no response is required.
13. Defendants lack knowledge or information sufficient to admit or deny the allegations of the first sentence of paragraph no. 13. The remaining allegations are denied.
14. Denied.
15. Tennessee's election laws and regulations governing absentee ballot signature verification requirements speak for themselves. The remaining allegations are denied.
16. Admitted that protecting the fundamental right to vote is important, but Defendants deny Plaintiffs' characterizations. The allegations of the last sentence of paragraph no. 16 are denied.

17. Denied. Plaintiffs' description of the relief sought does not require a response.

JURISDICTION AND VENUE

18. Denied.

19. Admitted

20. Admitted, if jurisdiction exists.

THE PARTIES

21. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations related to Plaintiff Sekou Franklin.

22. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations related to Plaintiff Kendra Lee.

23. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations related to Plaintiff Memphis A. Philip Randolph Institute.

24. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations related to Plaintiff Free Hearts.

25. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations related to Plaintiff the Memphis and West Tennessee AFL-CIO Central Labor Council.

26. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations related to Plaintiff the Memphis and West Tennessee AFL-CIO Central Labor Council's members.

27. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations related to Plaintiff the Equity Alliance.

28. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations related to Plaintiff Tennessee State Conference of the NAACP.

29. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations related to Plaintiff Tennessee State Conference of the NAACP's intentions this election cycle.

30. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations related to Plaintiff Tennessee State Conference of the NAACP's members.

31. The allegations of the first sentence of paragraph no. 31 are admitted. The cited Tennessee law speaks for itself.

32. The allegations of the first sentence of paragraph no. 32 are admitted. The cited Tennessee law speaks for itself..

33. The allegations of the first sentence or paragraph no. 33 are admitted. The cited Tennessee law speaks for itself

FACTS

34. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph no. 34.

35. Regarding the allegations of the first sentence of paragraph no. 35, the national state of emergency speaks for itself and no response is required. The allegations of the second sentence of paragraph no. 35 are admitted. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of the third sentence of paragraph no. 35.

36. The allegation of the first and third sentences of paragraph no. 36 are admitted. The allegations of the second sentence are denied as out of date.

37. Admitted.

38. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph no. 38.

39. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of the first sentence of paragraph no. 39. The remaining allegations appear to be citations from news sources, which speak for themselves and for which no response is required.

40. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph no. 40.

41. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph no. 41.

42. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph no. 42.

43. Tenn. Code Ann. § 2-6-201 speaks for itself and no response is required. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph no. 43.

44. Tenn. Code Ann. § 2-6-201 speaks for itself. Plaintiffs' characterization of it is denied, as are the remaining allegations of paragraph no. 44.

45. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph no. 45.

46. Denied.

47. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph no. 47.

48. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph no. 48.

49. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of the first two sentences of paragraph no. 49. Defendants submit that Tennessee's law speaks for itself and deny Plaintiffs' characterizations of it.

50. Defendants submit that Tennessee's law speaks for itself and deny Plaintiffs' characterizations of it. The remaining allegations of paragraph no. 50 are denied.

51. Tenn. Code Ann. § 2-6-202(c)(4) speaks for itself and requires no response.

52. Tenn. Code Ann. § 2-6-202(c)(4) speaks for itself, and Defendants deny Plaintiffs' characterizations of it.

53. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph no. 53.

54. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph no. 54.

55. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph no. 55.

56. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph no. 56.

57. Denied.

58. The cited Tennessee law in the first sentence of paragraph no. 58 speaks for itself and no response is required. The allegations of the second sentence of paragraph no. 58 are denied.

59. The cited Tennessee law speaks for itself and no response is required.

60. The cited Tennessee law speaks for itself and no response is required.

61. The cited Tennessee law speaks for itself and no response is required.

62. Denied.

63. Tennessee's election law speaks for itself and no response is required.

64. Denied.

CLAIMS

Claim 1: Vote by Mail Eligibility Criteria

**Violation of Plaintiffs' Fundamental Right to Vote
First and Fourteenth Amendments
42 U.S.C. § 1983**

65. Defendants incorporate by reference their answers in the preceding paragraphs as though fully set forth herein.

66. This paragraph states a legal conclusion and does not require a response.

67. The Tennessee law cited in the first sentence of paragraph no. 67 speaks for itself and no response is required. The remaining allegations of paragraph no. 67 are denied.

68. Denied.

69. Denied.

70. The Tennessee law cited in the first sentence of paragraph no. 70 speaks for itself and no response is required. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph no. 70.

Claim II: Absentee Ballot Dissemination

**Violation of the Organizational Plaintiffs' Rights of Free Speech and Association
First and Fourteenth Amendments to the Constitution of the United States
42 U.S.C. § 1983**

71. Defendants incorporate by reference their answers in the preceding paragraphs as though fully set forth herein.

72. This paragraph states a legal conclusion and does not require a response.

73. Denied.

74. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of paragraph no. 74.

75. Denied.

76. Denied.

Claim III: Signature Verification

**Denial of Plaintiffs' Right to Procedural Due Process
Fourteenth Amendment to the Constitution of the United States
42 U.S.C. § 1983**

77. Defendants incorporate by reference their answers in the preceding paragraphs as though fully set forth herein.

78. This paragraph states a legal conclusion and does not require a response.

79. Denied.

80. Denied.

81. Denied.

Claim IV: Signature Verification

**Violation of Plaintiffs' Fundamental Right to Vote
First and Fourteenth Amendments to the Constitution of the United States
42 U.S.C. § 1983**

82. Defendants incorporate by reference their answers in the preceding paragraphs as though fully set forth herein.

83. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations of the first sentence of paragraph no. 83. All other allegations are denied.

84. Denied.
85. Denied.
86. All other allegations not specifically addressed herein are denied.

PRAYER FOR RELIEF

Defendants deny that Plaintiffs are entitled to the relief prayed for in paragraph nos. A-K of their Prayer for Relief.

Affirmative and Other Defenses

1. The Court lacks subject-matter jurisdiction over the claims asserted in Plaintiffs' Complaint.
2. Plaintiffs lack standing to assert their claims
3. No act, omission, or law, policy, practice, or custom of Defendants has deprived Plaintiffs of rights secured under the United States Constitution.
4. Plaintiffs' claims are not ripe for review.
5. Plaintiffs' claims are non-justiciable.
6. Defendants are entitled to, and seek herein to recover their attorneys' fees and expenses incurred in this action as provided for by 42 U.S.C. § 1988.
7. Plaintiffs have failed to state a claim upon which relief can be granted.
8. Plaintiffs' requested relief is barred by the doctrine of laches.

9. Defendants reserve their right to amend this Answer as provided by the Federal Rules of Civil Procedure in order to assert additional affirmative defenses or averments which might become relevant as facts are discussed.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been forwarded by email transmission on this the 11th day of June 2020, to:

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