

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

TENNESSEE CONFERENCE of the  
NATIONAL ASSOCIATION for the  
ADVANCEMENT of COLORED PEOPLE,  
on behalf of itself and its members, et al.,

Plaintiffs,

v.

WILLIAM LEE, in his official capacity as  
Governor of the State of Tennessee, et al.,

Defendants.

**Civil No. 3:20-cv-01039**

**JUDGE CAMPBELL  
MAGISTRATE JUDGE FRENSEY**

[Class Action]

**PLAINTIFFS' RESPONSES TO DEFENDANTS' STATEMENT OF  
UNDISPUTED MATERIAL FACTS**

Plaintiffs provide the following responses to Defendants' Statement of Undisputed Material Facts:<sup>1</sup>

1. Plaintiff, the Tennessee State Conference of the National Association for the Advancement of Colored People ("NAACP"), is a membership organization in Tennessee. (Ex. 4, Morris Dep., R. 151-4, at PageID # 1325.)

**Response:** Undisputed.

2. The NAACP advocates for political, education, health, and social rights. (Ex. 4, Morris Dep., R. 151-4, at PageID # 1325.)

---

<sup>1</sup> Plaintiffs respond substantively to Defendants' assertions that are relevant to Counts 4 through 6, pursuant to this Court's order denying Defendants' Motion for Summary Judgement as to Counts 1 through 3. See ECF No. 179 ¶ 1. The Parties have agreed that Defendants' assertions stated in paras. 26-36 herein are not material to Counts 4 through 6. Plaintiffs reserve the right to dispute the sufficiency and materiality of these assertions at a later time.

**Response:** Undisputed.

3. The NAACP does not keep track of whether any of its members have a felony conviction. (Ex. 4, Morris Dep., R. 151-4, at PageID# 1331.)

**Response:** Disputed. While Plaintiff does not have a formal tracking system for members with felony convictions, Plaintiff Tennessee Conference of the NAACP (“TN NAACP”) is aware of members who have felony convictions. Class Representative and Plaintiff, Leola Scott, for example, has past felony convictions and is a member of and the Civic Engagement Chair for the Dyersburg Chapter of the TN NAACP. ECF No. 151-10, Scott Dep. at 26:2-5, 49:17-24. Therefore, to the extent that Defendants suggest that Plaintiff TN NAACP does not know of members with felony convictions, disputed.

4. More specifically, the NAACP does not keep track of members that were convicted of a felony during the grace period. (Ex. 4, Morris Dep., R. 151-4, at PageID# 1367.)

**Response:** Disputed. While Plaintiffs do not have a formal tracking system for members with felony convictions, TN NAACP disputes that there are no members with grace period convictions. Therefore, to the extent that Defendants suggest that there are no members with grace period felony convictions, that is unsupported by the cited source and is disputed.

5. The NAACP sets up tables at voter registration events and holds public education workshops on the COR process. (Ex. 4, Morris Dep., R. 151-4 at PageID# 1317-18, 1368-70.)

**Response:** Disputed in part. Plaintiffs do not dispute that TN NAACP sets up tables at voter registration events and holds public education workshops on the COR process as two examples of its activities. To the extent that Defendants suggest that these are the *only* rights restoration

activities that TN NAACP engages in, disputed. Among other activities, TN NAACP members also assist people through the COR process, including taxiing people to government agencies to get COR forms filled out or to find documentation for felony convictions. ECF No. 156-2, Sweet-Love Decl. ¶ 16.

6. The only expenses for these events are volunteers' time and gas money. (Ex. 4, Morris Dep., R. 151-4 at PageID# 1369, 1376.)

**Response:** Disputed. Volunteer time and gas money are two examples of expenses that the TN NAACP and its members spend at voter registration events and public education workshops on the COR process. Among other costs, TN NAACP members will also accompany individuals who are attempting to seek CORs and will occasionally help pay for records from county clerks of court and for the clerks' time spent procuring the records. ECF No. 156-2, Sweet-Love Decl. ¶ 16.

7. There is no evidence that the NAACP has identified a member or a third party that was convicted between January 15, 1973, and May 17, 1981 (the "grace period") or prior to January 15, 1973. (See Ex. 4, Morris Dep., R. 151-4, at PageID# 1331-67; Ex. 14, NAACP First Interrogatory Response, R. 151-14, PageID# at 1857-78; Ex. 15, Attachments to NAACP Third Interrogatory Response, R. 151-15, PageID# 1879-86; Ex. 16, NAACP Third Interrogatory Response, R. 151-16, at PageID# 1887- 1901.)

**Response:** Disputed. Plaintiffs dispute this assertion to the extent that Defendants suggest that there are no TN NAACP members who have grace-period convictions or convictions prior to January 15, 1973. Additionally, Plaintiffs dispute that they have not identified any "third party" who has a grace-period conviction or convictions prior to January 15, 1973. The record is replete

with individuals who fall into these categories. *See, e.g.*, Ex. 14 (Grace Period and Pre-1973 Compilation). Moreover, whether TN NAACP has identified a “third party” that was convicted during these time periods is irrelevant to any claim or defense. TN NAACP’s standing does not depend on identifying any third party, and TN NAACP is not otherwise required to identify a third party to state its claims. Therefore, this assertion is disputed as immaterial.

8. Tennessee’s voter registration application provides the following information about applying to vote with a felony conviction:

If you have had a felony conviction, your eligibility to register and vote depends upon the crime you were convicted of and the date of your conviction. To assist in processing your application, provide the required information in box 4 and any responsive documents you have. For more information about this process, call 1-877-850-4959 or visit [sos.tn.gov/restoration](https://sos.tn.gov/restoration).

*Tennessee Mail-In Application for Voter Registration*, Tennessee Secretary of State, <https://sos-tn-gov-files.tnsosfiles.com/forms/ss-3010.pdf> (last visited July 23, 2021).

**Response:** Disputed in part. Plaintiffs do not dispute that the voter registration application posted on the Secretary of State’s website at <https://sos-tn-gov-files.tnsosfiles.com/forms/ss-3010.pdf> on July 23, 2021 included the above text.

Plaintiffs dispute this assertion to the extent that Defendants suggest that the voter registration form has always included this language, or even that there is only one version of the voter registration in use. *See* Pl. SOF, ECF No. 155 ¶ 32 (noting continued use of old inaccurate registration form in at least Knox, Hamilton, and DeKalb Counties); *see also* Ex. 10 at DEF002344 (June 29, 2023 Submission of Old Form in Humphreys County). For example, the voter registration form posted on the Secretary of State’s website at the time the complaint was filed stated in relevant part: “To register to vote: . . . you must not have been convicted of a felony, or

if you have, your voting rights must have been restored.” *See* ECF No. 1-2 at 2 (Tenn. Mail-in Form, Ex. B).

Plaintiffs also dispute this assertion to the extent that the above text suggests that the included link, “[sos.tn.gov/restoration](https://sos.tn.gov/restoration)”, was functional since July 23, 2021. The link listed on the Tennessee voter registration form, has periodically been down throughout the course of this litigation. *See, e.g.*, Pl. Mot. for Summ. J. (“Pl. MSJ”) Ex. 12, ECF No. 156-21; *Page Not Found*, Internet Archive Wayback Machine, <https://web.archive.org/web/20220711141623/https://sos.tn.gov/restoration> (last visited Sept. 18, 2023) (showing that “[sos.tn.gov/restoration](https://sos.tn.gov/restoration)” did not exist as of July 11, 2022). To the extent that Defendants suggest that this website has always been active, that is unsupported by the cited source and is disputed.

9. Box 4 of the voter registration application is labeled “Felony Conviction,” and it asks, “Have you ever been convicted of a felony?” *Id.*

**Response:** Disputed in part. Plaintiffs do not dispute that the voter registration application posted on the Secretary of State’s website at <https://sos-tn-gov-files.tnsosfiles.com/forms/ss-3010.pdf> on July 23, 2021 included the above text. To the extent that Defendants imply that the voter registration form has always included this language, or even that there is only one version of the voter registration in use, that is unsupported by the cited source and is disputed. *See* Pl. MSJ, ECF No. 154 at 13-16; *see also* Ex. 10 at DEF002344 (June 29, 2023 Submission of Old Form in Humphreys County).

10. It provides a parenthetical explaining, “If expunged, answer ‘no.’” *Id.*

**Response:** Disputed in part. Plaintiffs do not dispute that the voter registration application posted on the Secretary of State’s website at <https://sos-tn-gov-files.tnsosfiles.com/forms/ss-3010.pdf> on July 23, 2021 included the above text. To the extent that Defendants suggest that the voter registration form has always included this language, or even that there is only one version of the voter registration in use, that is unsupported by the cited source and is disputed. *See* Pl. MSJ, ECF No. 154 at 13-16; *see also* Ex. 10 at DEF002344.

11. Then, the form provides check boxes for “Yes” and “No.” *Id.* It further states, “If yes, provide the following information (if known).” *Id.*

**Response:** Disputed in part. Plaintiffs do not dispute that the voter registration application posted on the Secretary of State’s website at <https://sos-tn-gov-files.tnsosfiles.com/forms/ss-3010.pdf> on July 23, 2021 included the above text. To the extent that Defendants suggest that the voter registration form has always included this language, or even that there is only one version of the voter registration in use, that is unsupported by the cited source and is disputed. *See* Pl. MSJ, ECF No. 154 at 13-16; *see also* Ex. 10 at DEF002344.

12. Then, the form provides space for the applicant to list the crimes, dates, and place relating to the felony conviction. *Id.*

**Response:** Disputed in part. Plaintiffs do not dispute that the voter registration application posted on the Secretary of State’s website at <https://sos-tn-gov-files.tnsosfiles.com/forms/ss-3010.pdf> on July 23, 2021 included the above space. To the extent that Defendants suggest that the voter registration form has always included this space, or even that there is only one version of the voter

registration in use, that is unsupported by the cited source and is disputed. *See* Pl. MSJ, ECF No. 154 at 13-16; *see also* Ex. 10 at DEF002344.

13. Additionally, the form asks, “Have you received a pardon or had your voting rights restored?” *Id.* Immediately following, the form provides check boxes for “Yes” and “No.” *Id.*

**Response:** Disputed in part. Plaintiffs do not dispute that that the voter registration application posted on the Secretary of State’s website at <https://sos-tn-gov-files.tnsosfiles.com/forms/ss-3010.pdf> on July 23, 2021 included the above text. To the extent that Defendants suggest that the voter registration form has always included this language, or even that there is only one version of the voter registration form in use, that is unsupported by the cited source and is disputed. *See* Pl. MSJ, ECF No. 154 at 13-16; *see also* Ex. 10 at DEF002344.

14. Adjacent to the check boxes is an instruction stating, “If yes, provide copy of document.” *Id.*

**Response:** Disputed in part. Plaintiffs do not dispute that the voter registration application posted on the Secretary of State’s website at <https://sos-tn-gov-files.tnsosfiles.com/forms/ss-3010.pdf> on July 23, 2021 included the above text. To the extent that Defendants suggest that the voter registration form has always included this language, or even that there is only one version of the voter registration form in use, that is unsupported by the cited source and is disputed. *See* Pl. MSJ, ECF No. 154 at 13-16; *see also* Ex. 10 at DEF002344.

15. The form requires an oath or affirmation and a signature of the applicant. *Id.*

**Response:** Undisputed to the extent that Defendants assert that this “oath or affirmation” states: “VOTER DECLARATION: I, being duly sworn on oath (or affirmation), declare that the above address is my legal residence and that I plan to remain at such residence for an undetermined period of time and say that to the best of my knowledge and belief all of the statements made by me are true.” *Tennessee Mail-In Application for Voter Registration*, Tennessee Secretary of State, <https://sos-tn-gov-files.tnsosfiles.com/forms/ss-3010.pdf> (last visited October 5, 2023).

16. On the “Go Vote TN” online registration portal, an applicant cannot continue to fill out the voter registration application after checking “Yes” in response to the felony question. (Ex. 4, Lim Dep., R. 151-3, at PageID# 1259.)

**Response:** Disputed in part. Plaintiffs do not dispute that the online registration portal prevents an applicant from continuing to fill out the online voter registration application if they check “Yes” in response to the question: “Have you ever been convicted of a crime which is a felony in this state, by a court in this state, a court in another state, or a federal court?”. See *Welcome to the Tennessee Online Voter Registration System*, <https://ovr.govote.tn.gov/Registration/RegistrationDetails/BM> (last visited Oct. 6, 2023). However, in the cited source, Ms. Lim states that answering “Yes” to the felony question does stop the individual from going further “on the ‘Go Vote TN [website].’ It does not stop the person from submitting it at – we believe the Department of Safety still submits them.” ECF No. 151-3, Lim Dep. at 163:20-25. As such, to the extent that Defendant suggests that those who have tried to register to vote with a felony conviction have never been able to register online, or that the “felony question” on the online voter registration application provides sufficient clarity to the voter regarding their eligibility to register to vote online, that is unsupported by the cited source and is disputed.



[Proposed Fact Paragraph 17 Omitted from Defendants' Filing]

18. However, the individual will be automatically directed to use the paper voter registration application. *Online Voter Registration Portal*, Tennessee Secretary of State, <https://ovr.govote.tn.gov/Registration/RegistrationDetails/BM> (last visited July 24, 2023).

**Response:** Disputed in part. Plaintiffs do not dispute that the online application portal currently directs a person to use the paper voter registration application as provided at <https://ovr.govote.tn.gov/Registration/RegistrationDetails/BM> as of July 24, 2023. To the extent that Defendants suggest that individuals have always been automatically redirected to the paper application within the online voter registration portal, that is unsupported by the cited source and is disputed. To the extent that Defendants suggest that the paper application is a complete substitute for the online registration, or that paper forms are equally available as the online registration, this is unsupported by the cited source and disputed. To the extent that Defendants suggest that the online registration portal provides sufficient information regarding one's eligibility to vote after a felony conviction, this is unsupported by the cited source and is disputed. To the extent that this assertion suggests that those with non-disqualifying convictions are never able to register to vote online, or otherwise have not faced barriers to voter registration, that is unsupported by the cited source and is disputed.

19. Individuals convicted of a felony between January 15, 1973, and May 17, 1981, did not lose their right to vote. (Ex. 1, Goins Dec., R. 151-1, at PageID# 1091.)

**Response:** Disputed in part. Plaintiffs do not dispute that under Tennessee law, individuals convicted of a felony between January 15, 1973, and May 17, 1981, known as the grace period, never lost their right to vote. *Crutchfield v. Collins*, 607 S.W.2d 478 (Tenn. Ct. App. 1980). However, individuals within the grace period still face barriers to voter registration that have prevented them from accessing the ballot. For one, officials involved in rights restoration are often unaware that grace-period convictions are not disqualifying. For example, at least two Tennessee Department of Corrections regional directors, who are oversee officers that assist individuals with rights restoration, did not know that there even was a grace period in which individuals did not lose their right to vote. Ex. 15, Deposition of Rebecca Harvey (Harvey Dep.) at 60:1-3; 219:16-22 (stating no awareness of any grace period in which individuals did not lose their voting rights and no awareness of the child support requirement); Ex. 16, Deposition of Anthony Maxey (Maxey Dep.) at 43:4-8, 243:22-244:05, 245:16-20; 245:25-246:06 (stating no awareness of any grace period in which individuals did not lose their voting rights, nor that some convictions require a court order for restoration, nor that there are some dates for which a COR would not need to be submitted). The only written policy available to TDOC staff regarding CORs, Tennessee Department of Correction (“TDOC”) Policy 705.06, does not reference the grace period or explain how to assist voters with convictions during that period with their rights restoration. *See* Ex. 17, Deposition of Christopher Hill (Hill Dep.) at 58:09-58:11. Thus, to the extent that this assertion suggests that grace period individuals were never *unable* to vote, or otherwise have not faced barriers to voting, disputed.

20. Additionally, prior to January 15, 1973, individuals only lost their right to vote if the convicting court rendered the individual infamous. (Ex. 1, Goins Dec., R. 151-1, at PageID# 1093.)

**Response:** Disputed in part. Plaintiffs do not dispute that under Tennessee state law, an individual only lost their right to vote because of a felony conviction prior to January 15, 1973 if they were convicted of one of 21 crimes that could be rendered infamous *and* that the judgment of conviction included a statement that rendered their crime “infamous.” *Crutchfield*, 607 S.W.2d at 480. To the extent that Defendants suggest that a court was not required to render the conviction infamous, disputed.

Additionally, individuals within this group still face barriers to voter registration that have caused these individuals to be able to vote. As with grace-period convictions, there is also a lack of awareness and training for at least some officials tasked with filling out CORs, as well as a lack of written policy instructing officials at TDOC. Ex. 16, Maxey Dep. at 43:4-8, 243:22-244:05, 245:16-20; 245:25-246:06 (stating no awareness of any grace period in which individuals did not lose their voting rights, nor that some convictions require a court order for restoration, nor that there are some dates for which a COR would not need to be submitted); Ex. 18 (TDOC Policy 705.06, Hill Dep. Exhibit 6) (showing latest version of Policy 705.06 with no mention of pre-1973 convictions). Thus, to the extent that this assertion suggests that grace period individuals were never *unable* to vote, or otherwise have not faced barriers to voting resulting from Defendant Goins and Hargett’s policies, disputed.

21. On July 21, 2023, the Tennessee Secretary of State and the Division of Elections announced policy revisions for the processing of voter registration applications for individuals

with felony convictions prior to January 15, 1973, and for individuals with felony convictions between January 15, 1973, and May 17, 1981. (Ex. 1, Goins Dec., R. 151-1, at PageID# 1091-94.)

**Response:** Disputed in part. Plaintiffs do not dispute that on July 21, 2023, the Tennessee Secretary of State and the Division of Elections sent out a document outlining their new process for processing voter registration applications for individuals with felony convictions prior to January 15, 1973, and for individuals with felony convictions between January 15, 1973, and May 17, 1981. However, to the extent that this assertion suggests that the document reflects an accurate interpretation of state or federal law, disputed.

22. The Division of Elections issued a memorandum to the county election commission in Tennessee to provide clarity and avoid rejection of voter registration applications for individuals who did not lose their voting rights. (Ex. 2., Memo on Older Felonies, R. 151-2, at PageID# 1095.)

**Response:** Disputed in part. Plaintiffs do not dispute that “Memo on Older Felonies” was sent to county election commissions. To the extent that Defendants assert that this memo “provide[s] clarity” (or was intended to do so) and “avoid[s] rejection” of eligible voter registration applicants, that is unsupported by the cited source and is disputed.

23. This memorandum instructs county election commissions to process voter registration applications for individuals in two categories: (1) individuals with pre-January 15, 1973, convictions that did not commit an infamous crime and (2) individuals with convictions between January 15, 1973, and May 17, 1981. (Ex. 2., Memo on Older Felonies, R. 151-2, at PageID# 1095-96.)

**Response:** Disputed in part. Plaintiffs do not dispute that the memorandum includes instructions to elections official in processing felony convictions during the applicable time period. To the extent that Defendant asserts that the instructions included in the memorandum are lawful, disputed.

To the extent that Defendants assert that these instructions accurately describe how these convictions are disqualifying, disputed. If a person was convicted before January 15, 1973, they are only disenfranchised if that conviction is one of 21 specifically enumerated crimes *and* the judgment of conviction included a statement that rendered their crime “infamous.” *Crutchfield*, 607 S.W.2d at 480. It is not that the crime itself is an infamous crime, but rather that a specific crime is only disenfranchising if the individual’s judgement of conviction includes a statement rendering that specific crime as “infamous.” *See id.* Defendants’ memorandum does not mention this, stating only that “[i]f an individual indicates on the face of their registration that they were convicted of one of the above felonies [listing which crimes are eligible to be declared infamous] prior to January 15, 1973, and declared infamous, the form must be rejected unless the applicant has had their rights restored.” ECF No. 151-2 at 1-2 (PageID#1095-96) (Memo on Older Felonies). Defendants’ memorandum does not instruct county election commissions regarding how an individual would know if their conviction was rendered “infamous,” nor how they might find this out. Nor does the revised Voter Registration Appeal Form, cited in the Memo on Older Felonies, discuss this fully, stating that an individual is eligible if the “felony conviction was before January 15, 1973, and the judgement did not declare [the applicant] infamous. ([The applicant] did not lose [their] voting rights.”), without mention that only *some* felony convictions may be rendered infamous. Ex. 13 at DEF001097 (2023 Voter Registration Appeal Request). As such, to the extent that this assertion suggests that the memorandum provides accurate instructions regarding the

restoration process for individuals within the applicable time period, that is unsupported by the cited source and is disputed.

24. The memorandum also provides a list of infamous crimes for the county election commissions to reference when reviewing a voter registration application listing a pre-January 15, 1973 felony conviction. (Ex. 2., Memo on Older Felonies, R. 151-2, at PageID# 1096.)

**Response:** Disputed in part. Plaintiffs do not dispute that the memo includes a list of crimes which can be rendered infamous. To the extent that Defendants assert a conviction for such crimes is disqualifying on its own, disputed. As discussed, Plaintiffs' response to Paragraph 23, it is not simply that a conviction for any of the crimes listed in the "Memo on Older Felonies" that disqualifies the individual from voting, but that the judgement of conviction included a statement rendering a conviction for one of the crimes listed as "infamous." *Crutchfield*, 607 S.W.2d at 480. Plaintiffs aver that it is not accurate to label these as "infamous crimes," and it would be more accurate to describe them as those crimes which are eligible to be rendered infamous.

25. The memorandum also mentions an updated Voter Registration Rejection Appeal Form that provides allows an appealing individual to indicate that they did not lose their right to vote because they fall in one of the aforementioned categories. (Ex. 2., Memo on Older Felonies, R. 151-2, at PageID# 1095.)

**Response:** Disputed in part. Plaintiffs do not dispute that the "Memo on Older Felonies" mentions the updated Voter Registration Rejection Appeal Form. To the extent that Defendants assert that the memo "provides" or "allows" an appealing individual to indicate that they did not lose their

voting rights because they fall into a specific category, that is unsupported by the cited source and is disputed.

26. On June 29, 2023, the Tennessee Supreme Court issued its opinion in *Falls v. Goins*, -- S.W.3d---, No. M2020-01510-SC-R11-CV, 2023 WL 4243961 (Tenn. 2023).

**Response:** The parties agree that this assertion is immaterial to Counts 4 through 6.

27. On July 21, 2023, the Tennessee Secretary of State and the Division of Elections also announced policy revisions regarding the COR process. (Ex. 1, Goins Dec., R. 151-1, at PageID# 1091.)

**Response:** The parties agree that this assertion is immaterial to Counts 4 through 6.

28. The guidance on the COR process was revised to require:

A person convicted of a felony in a Tennessee court, an out-of-state court, or a federal court must:

1. Have been pardoned by a Governor, U.S. President, or other appropriate authority of a state or have had full rights of citizenship restored as prescribed by law, **and**
2. Have paid all restitution to the victim or victims of the offense order by the court as part of the sentence, if any; **and**
3. Have paid all court costs assessed, if any, unless the court made a finding of indigency; **and**
4. Is current in all child support obligations, if any.

(Ex. 5, COR Memo, R. 151-5 at PageID# 1393.)

**Response:** The parties agree that this assertion is immaterial to Counts 4 through 6.

29. The COR form has been updated to reflect this policy change. (Ex. 7, COR Form, R. 151-7, at PageID# 1396-97).

**Response:** The parties agree that this assertion is immaterial to Counts 4 through 6.

30. The Division of Elections also issued a frequently asked questions document. (Ex. 6, FAQs, R. 151-6, at PageID# 1395.)

**Response:** The parties agree that this assertion is immaterial to Counts 4 through 6.

31. No evidence has been produced that the individual Plaintiffs have been pardoned by a governor or had their full rights of citizenship restored with regard to all of their convictions. (Amended Complaint, R. 102, PageID 621-26; Ex. 8, Weare Dep., R. 151-8, at PageID# 1398-1455; Ex. 9, Tournier Dep., R. 151-9, at PageID# 1467-1541; Ex. 13, Scott Dep., R. 151-10 at PageID# 1555-1652; Ex. 11, Perry Dep., R. 151-11, at PageID# 1668-1718; Ex. 12, Hendrix Dep., Vol. I and II, R. 151-12, at PageID# 1728-1811; Exhibit 13, Gray Dep., R. 151-13, at PageID# 1815-50 ).

**Response:** The parties agree that this assertion is immaterial to Counts 4 through 6.

32. No evidence has been produced that the NAACP has identified a member or a third party that has been pardoned or had their full citizenship rights restored regarding all of their convictions. (See Ex. 4, Morris Dep., R. 151-4, at PageID# 1331-67; Ex. 14, NAACP First Interrogatory Response, R. 151-14, PageID# at 1857-78; Ex. 15, Attachments to NAACP Third Interrogatory Response, R. 151-15, PageID# 1879-86; Ex. 16, NAACP Third Interrogatory Response, R. 151-16, at PageID# 1887- 1901.)



**Response:** The parties agree that this assertion is immaterial to Counts 4 through 6.

33. Parole and probation officers (“PPOs”) fill out and issue certificate of restoration forms to eligible offenders. (Ex. 18, Exhibit 4 to Ricci Dep., R. 151-18, at PageID# 2044-46.)

**Response:** The parties agree that this assertion is immaterial to Counts 4 through 6.

34. PPOs have detailed instructions about how to fulfill their responsibility to “assis[t] eligible offenders in the restoration of their voting rights” provided by Tennessee Department of Correction policy 705.06. (Ex. 18, Exhibit 4 to Ricci Dep., R. 151-18, at PageID# 2044-46.)

**Response:** The parties agree that this assertion is immaterial to Counts 4 through 6.

35. TDOC guidance instructs that “[a]ll offenders” must be provided with a blank certificate-of-restoration form “upon discharge.” (Ex. 17 Ricci Dep., R. 151-17, at PageID# 1944, 1950.)

**Response:** The parties agree that this assertion is immaterial to Counts 4 through 6.

36. Applicants who are not immediately eligible upon discharge may later obtain a form once they become eligible. (See Ex. 17, Ricci Dep., R. 151-17, at PageID# 1944.)

**Response:** The parties agree that this assertion is immaterial to Counts 4 through 6.

Dated: October 10, 2023

Keeda Haynes, BPR No. 031518 Free  
Hearts  
2013 25th Ave. N,  
Nashville, TN 37208  
(615) 479-5530  
[keeda@freeheartsorg.com](mailto:keeda@freeheartsorg.com)

Phil Telfeyan  
Natasha Baker\*  
Equal Justice Under Law 400  
7th St. NW, Suite 602  
Washington, D.C. 20004  
(202) 505-2058  
[ptelfeyan@equaljusticeunderlaw.org](mailto:ptelfeyan@equaljusticeunderlaw.org)  
[nbaker@equaljusticeunderlaw.org](mailto:nbaker@equaljusticeunderlaw.org)

Respectfully submitted,

/s/ Charles K. Grant  
Charles K. Grant, BPR No. 017081  
Denmark J. Grant, BPR No. 036808  
BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, PC  
1600 West End Avenue, Suite 2000  
Nashville, TN 37203  
Telephone: (615) 726-5600  
Facsimile: (615) 726-0464  
[cgrant@bakerdonelson.com](mailto:cgrant@bakerdonelson.com)  
[dgrant@bakerdonelson.com](mailto:dgrant@bakerdonelson.com)

Blair Bowie\*  
Danielle Lang\*  
Alice C. Huling\*  
Valencia Richardson\*  
Aseem Mulji\*  
Ellen Boettcher\*  
Kate Uyeda, BPR No. 040531  
Campaign Legal Center 1101 14th St. NW,  
Suite 400  
Washington, DC 20005  
(202)-736-2200  
[BBowie@campaignlegal.org](mailto:BBowie@campaignlegal.org)  
[DLang@campaignlegal.org](mailto:DLang@campaignlegal.org)  
[AHuling@campaignlegal.org](mailto:AHuling@campaignlegal.org)  
[VRichardson@campaignlegal.org](mailto:VRichardson@campaignlegal.org)  
[AMulji@campaignlegal.org](mailto:AMulji@campaignlegal.org)  
[EBoettcher@campaignlegal.org](mailto:EBoettcher@campaignlegal.org)  
[KUyeda@campaignlegal.org](mailto:KUyeda@campaignlegal.org)

*Counsel for the Petitioners-Plaintiffs and the  
Class*

\* Admitted pro hac vice

**CERTIFICATE OF SERVICE**

I hereby certify that on October 10, 2023, a copy of the foregoing document was filed electronically. Notice of this filing will be served by operation of the Court's electronic filing system to counsel for parties below. Counsel for the parties may access these filings through the Court's electronic filing system:

DAWN JORDAN (BPR #020383)  
Special Counsel  
[dawn.jordan@ag.tn.gov](mailto:dawn.jordan@ag.tn.gov)

ANDREW C. COULAM (BPR #030731)  
Deputy Attorney General  
[andrew.coulam@ag.tn.gov](mailto:andrew.coulam@ag.tn.gov)

DAVID M. RUDOLPH (BPR #13402)  
Senior Assistant Attorney General  
[david.rudolph@ag.tn.gov](mailto:david.rudolph@ag.tn.gov)

ZACHARY BARKER (BPR #035933)  
Assistant Attorney General  
[zachary.barker@ag.tn.gov](mailto:zachary.barker@ag.tn.gov)

PABLO A. VARELA (BPR #29436)  
Assistant Attorney General  
[pablo.varela@ag.tn.gov](mailto:pablo.varela@ag.tn.gov)

ROBERT W. WILSON (BPR #034492)  
Assistant Attorney General  
[robert.wilson@ag.tn.gov](mailto:robert.wilson@ag.tn.gov)

Office of the Tennessee Attorney General  
Public Interest Division  
P.O. Box 20207  
Nashville, TN 37202  
*Attorneys for State Defendants*

/s/ Charles K. Grant  
Charles K. Grant