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, 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 FRENSLEY [Class Action]

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PLAINTIFF'S REPLY BRIEF IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT ON COUNTS FOUR AND SIX

Plaintiff TN NAACP respectfully submits this reply brief in response to Defendants' opposition to Plaintiff's Motion for Summary Judgment on Counts Four and Six. ECF No. 180 (Defs. Br.).

I. Plaintiff Has Standing.

To prove injury in fact, an organization must show that the defendants' practices "perceptibly impair[]" its ability to engage in mission-furthering activities or cause a "drain on its resources." *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982). "There is no requirement . . . that an organization rely on any particular type of evidence" to show a perceptible impairment. *Equal Rts. Ctr. v. Equity Residential*, 798 F. Supp. 2d 707, 725 (D. Md. 2011).

Plaintiff has made this showing based upon sworn declaration and deposition testimony of its senior officers. ECF No. 156-2 (Sweet-Love Decl.); ECF No. 151-4 (Morris Dep.). Far from "speculative," Defs. Br. at 9, this evidence details the voter registration activities crucial to TN NAACP's mission that are affected by the challenged forms and policies. Sweet-Love Decl. ¶¶ 8-10; Morris Dep. at 17:19-18:15, 20:25-21:9. It makes clear that TN NAACP provides registration assistance to people with felony convictions, Sweet-Love Decl. ¶ 8, *all* of whom must register to vote using paper registration forms that lack information sufficient to determine their eligibility, *id.* ¶ 11, and *all* of whom are subject to Defendants' policy of rejecting such valid applications absent additional documentation, ECF No. 155 (Pl. SOF) ¶¶ 37-42. The evidence also describes, in detail, how Defendants' forms and procedures make it more time-consuming and costly to deliver this assistance, Sweet-Love Decl. ¶¶ 12-16, and thereby cause diversion of scarce volunteer time and money away from other activities, *id.* ¶¶ 17-18. This is more than ample evidence to

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prove actual, concrete, and particularized injury to TN NAACP's activities beyond mere setback to its "abstract social interests." *Havens*, 455 U.S. at 379.[1]

Defendants claim that TN NAACP must identify specific voters it assisted who were subject to the challenged rejection policy. Defs. Br. at 9. Not so. Organizational standing asks only whether the plaintiff engages in activities that are "perceptibly impaired" by the challenged practice. *Havens*, 455 U.S. at 379. The impairment need not be quantifiable or large. *See Crawford*, 472 F.3d at 951 ("The fact that the added cost has not been estimated and may be slight does not affect standing, which requires only a minimal showing of injury."), *aff'd*, 553 U.S. at 189 n.7; *OCA*, 867 F.3d at 612 (Article III injury "need not measure more than an identifiable trifle" because it is "qualitative, not quantitative, in nature") (citations omitted). TN NAACP does not track each person it has helped register to vote across its dozens of local branches, ECF No. 151-4 (Morris Dep.) at 72:7-19, but its volunteers regularly help individuals with felony convictions register to vote. Sweet-Love Decl. ¶ 8. That assistance demands greater resources because *every* person with felony convictions, whether they are eligible or not, must use paper forms that the State rejects absent documentation, *id.* ¶¶ 11, 12. This is enough.

Defendants insist on a showing of "imminent threat of future injury." Defs. Br. at 9. But Plaintiff's claims are predicated on "present ongoing harm," which is sufficient to obtain injunctive

[1] Courts have regularly found similar facts and evidence are sufficient to prove standing of voter advocacy organizations, like TN NAACP, to challenge policies that make it harder to register or vote. *See, e.g.*, *Common Cause Indiana v. Lawson*, 937 F.3d 944, 952 (7th Cir. 2019) (NAACP had standing where affidavit showed new voter purge law would require greater resources to assist voters dropped from rolls) (citing more cases); *Crawford v. Marion Cnty. Election Bd.*, 472 F.3d 949 (7th Cir. 2007), *aff'd,* 553 U.S. 181, 189 n.7 (2008) (political party had standing where voter ID law would compel the party to turn out supporters discouraged from voting); *OCA-Greater Houston v. Texas*, 867 F.3d 604, 612 (5th Cir. 2017) (organization had standing at summary judgment for "not large" injury of spending more time to inform voters about new law instead of usual GOTV activities); *see also Black Voters Matter Fund v. Raffensperger*, 508 F. Supp. 3d 1283, 1292 (N.D. Ga. 2020); *Namphy v. DeSantis*, 493 F. Supp. 3d 1130, 1138 (N.D. Fla. 2020).

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and declaratory relief. *Shelby Advocs. for Valid Elections v. Hargett*, 947 F.3d 977, 981 (6th Cir. 2020). The challenged rejection policy has been in effect since 2014. ECF No. 181 (Defs. Resp. to Pl. SOF) ¶ 39. It was already inflicting harm when Plaintiff filed suit. As Plaintiff has no plans to stop assisting voters with felony convictions with voter registration, the harm will continue so long as the policy (or its remnants) remains in place. *See* Ex. 1 (2d Sweet-Love Decl.) ¶¶ 3-6.

Defendants' failure to include legally required information on voter registration forms also impairs Plaintiff's registration activities.[2] Every person with a felony TN NAACP assists *must* use one of these deficient forms, which increases the overall time the organization must spend to assist such voters because it requires volunteers to inform applicants of eligibility requirements, which is more than the time that would be expended if the forms listed this information. Sweet-Love Decl. ¶¶ 11-12; Ex. 1 ¶¶ 9-14. Defendants' deficient forms also contribute to the culture of confusion about when a person with a felony conviction is eligible to vote, which requires TN NAACP to expend extra resources organizing public education events dedicated to voters with felony convictions. Ex. 1 ¶¶ 15-16. TN NAACP has established standing for Counts Four and Six.

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II. Plaintiff is Entitled to Summary Judgment on Count Four.

Defendants do not dispute key facts proving Tennessee's voter registration forms lack information required by federal law. ECF No. 181 (Defs. Resp. to Pl. SOF) ¶¶ 18-31, 35. There is no dispute that the forms fail to specify that grace-period conviction are not infamous and thus never disqualify a person from voting. *Id.* ¶ 20. There is no dispute that the forms fail to specify that pre-January 15, 1973 convictions are not infamous except in the rare circumstance when the

[2] While TN NAACP primarily uses the state form to assist voters, it does use the Federal Form at voter registration drives held at large-scale events that draw people from outside Tennessee. *See* Ex. 1 ¶ 8. Assistance is also open to Federal Form users who are forced to produce documentary proof of eligibility under the challenged policy. ECF No. 151-4 (Morris Dep.) at 11:2-4.

crime was among 21 *potentially* infamous crimes *and* the court expressly rendered the person infamous. *Id.* ¶ 21. And there is no dispute that versions of the form, still in use,[3] falsely indicate that all felony convictions are disqualifying until voting rights have been restored. *Id.* ¶¶ 29-30.

Defendants instead claim that their forms satisfy the NVRA's information requirements because "instructions on the forms specify that the absence of a conviction for an *infamous* felony is an eligibility requirement." Defs. Br. at 18 (emphasis added). This is incorrect as a factual matter. While the latest version states that eligibility to register to vote depends on the crime and date of conviction, no form states that only "infamous" crimes are disqualifying. Nor would such a statement remedy the informational deficit as a legal matter. Tennessee's forms must "inform applicants . . . of voter eligibility requirements," 52 U.S.C. § 20507(a)(5), and "specif[y] each eligibility requirement," §§ 20508(b)(2)(A), 20505(a)(2). When Congress says specify, it means more than bare identification of or reference to a requirement—it mandates explicit detail and precision. ECF No. 182 (Pl. Resp. to Defs. Mot. Summ. J.) at 11-12.

The two cases interpreting these provisions are distinguishable and unpersuasive. Defs. Br. at 19-20. In *Byrd*, Florida's registration form was found to be sufficiently detailed where it indicated when a felony does not render a person ineligible to vote, which, under Florida law, is a single circumstance: restoration of rights. No. 4:23-cv-165 (N.D. Fla. July 10, 2023), ECF No. 36 at 5. The extra information the plaintiffs sought to include—*methods* of voting rights restoration—were "not themselves voter eligibility requirements" but rather "preconditions" to regaining the right to vote that the NVRA did not require the state to specify. *Id.* at 5, 6 ("The restoration of rights remains the eligibility requirement for felons."). Unlike the *Byrd* plaintiffs, TN NAACP

[3] Though Knox, Hamilton, and DeKalb counties have corrected their websites to no longer link to the old form (since Plaintiff filed the instant motion), Defs. Br. at 17-18, there is no dispute the old forms remain in use. ECF No. 155 (Defs. Resp. to Pl. SOF) ¶ 29; *see also* ECF No. 185-10 at 4.

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does not seek further detail about the rights restoration process or preconditions to rights restoration, but rather specification of all three circumstances when a felony does not render a person ineligible to vote in Tennessee: (i) conviction in the grace period, (ii) conviction before January 15, 1973 absent express declaration of infamy, and (iii) restoration of rights.

In *Thompson*, a divided panel of the Eleventh Circuit held that Alabama was not required to list every disqualifying felony on its registration form where the list would be impractically long and always in flux. 65 F.4th 1288, 1308 (11th Cir. 2023). As Plaintiff has explained, the information missing here is, by contrast, limited and static. *See* ECF No. 182 at 17. *Thompson* is also unpersuasive in its approach to statutory interpretation. Where the terms of a statute are plain and unambiguous, as here, the inquiry "begins with the statutory text, and ends there as well." *Nat'l Ass'n of Mfrs. v. Dep't of Def.*, 138 S. Ct. 617, 631 (2018) (citation omitted). But the *Thompson* majority "never grapples with the text" or its plain meaning, and instead derives an atextual limiting principle from a conclusory application of the absurdity doctrine. 65 F.4th at 1334 (Rosenbaum, J., dissenting in relevant part); *id.* at 1308-09; *see also* ECF No. 182 at 18; *Crooks v. Harrelson*, 282 U.S. 55, 60 (absurdity canon is not to be applied to override the literal terms of a statute except under "rare and exceptional circumstances").

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To the extent this Court perceives any ambiguity in the NVRA's mandate to specify and inform or seeks guidance about what level of specificity is required, it must look to the statutory context. The NVRA's express purposes, surrounding provisions, and legislative history all indicate that "to specify" means to include information on the face of the form sufficient to enable applicants (including those with past convictions) to easily and privately determine their eligibility. *See* ECF No. 154 at 11-13. There is no exception or special standard for states that have relatively numerous or complex eligibility requirements—every requirement must be specified.

As Plaintiff has previously noted, that numerous individuals with prior convictions needlessly seek rights restoration despite already being eligible demonstrates that Tennessee's registration forms fail this minimum standard. *See, e.g.*, ECF Nos. 185-1–185-3.[4] Defendants offer *no evidence* that closing this informational gap would necessarily make the forms "unwieldy," "unusable" or "unworkable." Defs. Br. at 22. There is no genuine issue of material fact precluding summary judgment for Plaintiff on Count Four.

III. Plaintiff is Entitled to Summary Judgment on Count Six.

Defendants claim that Plaintiff has "changed the position it took in the Amended Complaint regarding Count Six." Defs. Br. at 23. Irony abounds. Plaintiff's legal claims in Count Six have been consistent since filing. The only shift in position is Defendants' recent policy reversal.

Count Six challenges Defendants' policy and practice of rejecting valid registration forms submitted by eligible applicants with felony convictions absent additional documentation proving their eligibility. ECF No. 102 ¶¶ 109-10, 163-64. When Plaintiff filed its complaint (and during the entirety of discovery), Defendants directed election officials to apply this policy to *all* registration forms on which an applicant indicates a felony conviction, hence the descriptor "blanket." *Id.* ¶¶ 163-164. Defendants admit that they maintained "blanket" application of this policy for years. *See* ECF Nos. 181 ¶ 39; 151-1 (Goins Decl.) ¶ 4. On July 21, 2023, Defendants released new guidance that, if followed as intended, would end the rejection policy for forms that indicate (i) a grace-period conviction or (ii) a pre-1973 conviction for a crime that is not on the list

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[4] Listing a phone number and weblink does not satisfy this standard. As explained, ECF No. 154 at 14 n.3, applicants most in need of conviction-related eligibility information (seniors and individuals serving sentences for non-disqualifying convictions) may have limited, if any, access a website and, in the case of incarcerated voters, phones. Having to call the State for specifics necessary to assess eligibility plainly means the form lacks those specifics. Also, the NVRA passed in 1993, before the Internet existed; it did not contemplate pointing applicants to a website.

of 21 possibly infamous crimes. *Id.* But applications from all other groups of eligible voters with felony convictions must still be rejected absent documentation. *Id.*

Defendants say the new guidance applies the rejection policy only to people with "infamous" felonies, asserting that indicates *in*eligibility. Defs. Br. at 24-25. But the new guidance still requires officials to reject forms from eligible voters who disclose a *non*-infamous pre-1973 conviction for one of the 21 *possibly* infamous crimes. *See* ECF No. 182 at 19-20. Even disclosure of an infamous crime does not indicate ineligibility when an applicant affirms on the form that their rights have been restored, yet Defendants continue to reject those valid applications too absent documentation, *id.*, violating the mandate to "ensure that any eligible applicant is registered to vote" upon timely submission of a "valid" form. 52 U.S.C. § 20507(a)(1).

Defendants' rejection policy also violates the "accept and use" requirement, 52 U.S.C. § 20505(a)(1), as undisputed evidence shows the policy is applied to users of the Federal Form whenever election officials learn the applicant has a felony conviction, even though a felony conviction is not reliable evidence of ineligibility in Tennessee, and Federal Form users attest to their eligibility. ECF No. 181 ¶¶ 40-41; ECF No. 154 at 22-28. Defendants say this claim was not stated in the complaint but overlook paragraph 164, which does exactly that. ECF No. 102 ¶ 164.

As for the state form, Plaintiffs do not dispute that states have some discretion. But there are strict limits on that discretion, among them that state mail-in registration forms may require "only such identifying . . . and other information . . . as is *necessary* to . . . assess the eligibility of the applicant and to administer voter registration. 52 U.S.C. § 20508(b)(1) (emphasis added). Defendants' reliance on *McKay v. Thompson*, 226 F.3d 752 (6th Cir. 2000), is misplaced, as that case did not concern a requirement for voters to provide documentation beyond the form itself. *Fish v. Kobach*, 840 F.3d 710 (10th Cir. 2016), is more instructive. There, applying an analogous

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necessity provision for motor voter forms,[5] the Tenth Circuit held Kansas failed to show any need for documentary proof of citizenship beyond attestation on a registration form. *Id.* at 739.

Here, Defendants offer no evidence of the necessity of their burdensome documentation requirement beyond stereotypes casting people with prior convictions as untrustworthy. Defs. Br. at 28. As to their claim that people with felony convictions could make a mistake as to their eligibility status—so could any voter, which is likely why the NVRA requires states to clearly specify eligibility criteria on their registration forms. *Supra* Sec. II. These are not sufficient reasons to impose undue burdens on certain applicants to deliver information the State does not need, already has, or could as easily obtain to verify eligibility. *See* ECF No. 154 at 24-28. Defendants' recent guidance further undermines these unsupported justifications and makes clear that attested statements on the form itself can supply all the State needs (and more) to verify eligibility.

Finally, the evidence shows Defendants' rejection policy violates the requirement that voter registration policies be "uniform" and "nondiscriminatory." 52 U.S.C. § 20507(b)(1). The policy is non-uniform and discriminatory *on its face* because it imposes unjustified registration burdens on a single class of applicants not imposed on others. These burdens are severe, as obtaining required documents can take substantial time, impose costs, and preclude eligible applicants from exercising their right to vote in elections. *See* ECF No. 182 at 24-22.

IV. Count Six is Not Moot.

Defendants' recent guidance does not render Count Six moot. Defs. Br. at 12-16. Defendants must show that (1) their actions have "completely and irrevocably eradicated the

[5] Even if the minimum necessity provision in *Fish* is more stringent than the provision here, Defs. Br. at 26-27, the provisions' parallel syntax limiting information to "only" that which is necessary means the State here too must make a clear factual showing that documentary proof beyond the registration form itself is necessary to assess eligibility and administer voter registration. *Compare* 52 U.S.C. § 20508(b)(1) *with* § 20504(c)(2)(B). Defendants make no such showing.

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effects of the alleged violation," and (2) the challenged policy "cannot reasonably be expected to recur." *Cleveland Branch, N.A.A.C.P. v. City of Parma*, 263 F.3d 513, 530-31 (6th Cir. 2001). They cannot show that their new guidance *fully* resolves Plaintiff's claim where it leaves categories of eligible voters subject to the unlawful rejection policy. *Supra* Part III; ECF No. 154 at 30. As Plaintiff retains a concrete interest, Defendants' mootness claim fails on this element alone.

Further, Defendants do not show that the challenged action cannot be reasonably expected to recur. Although government officials' voluntary cessation is treated with more solicitude than actions by private parties, they still bear the "'heavy burden' of making 'absolutely clear' that [they] could not revert back to [their challenged policy]." *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 582 U.S. 449, 457 n.1 (2017). And "[w]hile all government action receives *some* solicitude, not all actions enjoy the same *degree* of solicitude." *Speech First, Inc. v. Schlissel*, 939 F.3d 756, 768 (6th Cir. 2019) (emphasis added). Whether the action could not reasonably be expected to recur depends on the totality of the circumstances, including how the action was executed, and if the change was regulatory, "whether the regulatory process[] leading to the change involved legislative-like procedures or were ad hoc, discretionary, and easily reversible actions." *Id.* When discretion to make the change lies with a single agency or individual, bare solicitude is insufficient for the government to meet its burden. *Id.*

The totality of the circumstances here warrants minimal solicitude. *First*, discretion to issue (and reverse) the guidance rests solely with Defendants. Defs. Br. at 15-16. In his carefully worded declaration, Defendant Goins does not state in clear terms that he *will not* change course, only that he has no present "intention" to do so. ECF No. 180-1 ¶ 10. However much this statement binds his discretion, a successor can easily reverse course. *Second*, this guidance apparently resulted from "internal discussions," *id.*, a process bearing none of the hallmarks of legislative decision-

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making like notice and public comment. *See A. Philip Randolph Inst. v. Husted*, 838 F.3d 699, 713 (6th Cir. 2016), *rev'd on other grounds*, 138 S. Ct. 1833 (2018). Though more formal procedures were available, *e.g.*, T.C.A. §§ 4-5-201 *et seq.* (rulemaking), Defendants did not use them.

Third, the timing is suspect. *Speech First*, 939 F.3d at 769; *Husted*, 838 F.3d at 713. Defendants issued their guidance more than *five years* after receiving notice of a violation, more than two years after the case was filed, days after dropping out of settlement talks, and less than two weeks before dispositive motions were due. Beyond listing a handful of events since 2018 that would normally demand time and attention from a state's chief election officer, Defendant Goins provides no credible explanation for waiting to make the change until two years into litigation. ECF No. 180-1 ¶¶ 7-10. Defendant Goins also identifies the *Falls v. Goins* decision as an impetus for the new guidance. That cannot be. *Falls* concerned the preconditions for voting rights *restoration*, not the voter registration procedures at issue in Count 6.

Fourth, Defendants have provided no evidence that their new guidance is being implemented. The memorandum itself is vague; it tells election officials to "process[]" certain registration forms but contains no instruction to cease requiring documentation as a condition of acceptance. ECF No. 156-20. Defendants indicate no steps taken to train election officials on the new guidance, despite it being a significant departure from years of established practice. Defendants also continue to defend the lawfulness of the pre-July 2023 policy they claim to have abandoned. Defs. Br. at 13 n.1; *see Speech Now*, 939 F.3d at 770.

In sum, Defendants' explanation of their voluntary cessation is insufficient to satisfy their "formidable burden of showing that it is absolutely clear the allegedly wrongful behavior could not reasonably be expected to recur." *A. Philip Randolph Inst.*, 838 F.3d at 712 (citation omitted). This Court thus retains jurisdiction to issue Plaintiff's requested relief as to Count Six.

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Dated: October 25, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 25, 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:

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EXHIBIT 1

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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, et al.,	)	
Plaintiffs,	)	**No. 3:20-cv-01039** **Class Action**
v.	)	**Judge Campbell** **Magistrate Judge Frensley**
WILLIAM LEE, et al.,	)	
Defendants	)	

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SECOND DECLARATION OF GLORIA JEAN SWEET-LOVE IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Pursuant to 28 U.S.C. § 1746, I, Glorida Jean Sweet-Love, declare as follows:

1. I am competent to make this declaration.

2. I have served as the President of the Tennessee Conference of the National Association for the Advancement of Colored People ("TN NAACP") since about 1995.

3. In my previous declaration, I testified that promoting voter registration and turnout are the primary activities through which TN NAACP furthers its mission to eliminate race-based discrimination by securing political, educational, social, and economic equality rights and ensuring the health and well-being of all persons. I submit this supplemental declaration to clarify that this remains true and will be true at least as long as discriminatory barriers to voting exist in Tennessee.

4. Promoting voter registration and turnouthas been a crucial part of TN NAACP's work for the last 25 to 50 years. We have no plans to stop an activity so integral to our mission anytime in the foreseeable future.

5. TN NAACP volunteers in local branch units and chapters throughout the state will continue to help people register to vote. This has included and will continue to include assistance to individuals with felony convictions.I am aware that that local branch units prioritize voter assistance for individuals with felony convictions because I am in regular contact with leaders of these units.During my time at TN NAACP, I have also personally assisted individuals with felony convictions register to vote.

6. TN NAACP offices and volunteers get regular calls from citizens with felony convictions seeking to understand their eligibility to register to vote and information about how to restore their voting rights. Many of the people who contact TN NAACP for such assistance have felony convictions because the communitywe serve is largely Black and brown, which we know is disproportionately impacted by prosecution and incarceration. For this reason, many of the voter events we organize, even if they are not initially intended to focus on people with prior convictions, end up involving advice about eligibility to vote after a conviction.

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7. As I stated in my previous declaration, individuals with prior felony convictions are not able to use the state's online voter registration portal, even if they are eligible to vote. Instead, individuals with prior felony convictions must use one of Tennessee's mail-in voter registration forms or the Federal Voter Registration Form ("Federal Form").

8. Although we primarily use Tennessee's voter registration forms in our registration work, there are regular events where we use the Federal Form. In particular, we use the Federal Form when we go to large-scale events that drawpeople from out of state, like the annual Southern Heritage Classic Cultural Celebration in Memphis. During our voter registration drives at these events, we frequently encounter and assist people who have past felony convictions.

9. Individuals we assist who have felony convictions often believe that a felony conviction is always disenfranchising in Tennessee and requires restoration of voting rights. This is not true. Felony convictions between January 15, 1973 and May 17, 1981 never result in loss of the right to vote. Felony convictions before January 15, 1973 do not result in the loss of the right to vote, unless the judge specifically stated the crime was "infamous" at the time of conviction. And individuals who were convicted of disenfranchising felonies but who have restored their voting rights are eligible to register to vote.

10. Individuals we assist who have felony convictions alsosometimesfeel hesitantto disclose the fact of a felony because of the shame and stigma surrounding conviction status in our communities.

11. These individuals with felony convictions who are eligible to register to vote should be able to determine their eligibility on their own based on information provided on the state's voter registration forms and the Tennessee-related instructions on the Federal Voter Registration Form ("Federal Form"). But none of these forms spell out when a person with a felony conviction is eligible to register to vote. The previous version of the state form had very sparse and inaccurate language about felony convictions.

12. We have observed that this lack of information and misinformation causes substantial confusion among people we assist that our volunteers are left to correct.When we helpsomeone with felony convictions register to vote,we have to spend more time with that voter to ask them when and where they were convicted, inform them of the eligibility requirements, and help these voters figure out whether they are eligible.

13. We cannot expect a person with a felony conviction to be able to determine whether they are eligible by looking at a registration form itself. When we inform people we

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assist that their felony conviction never resulted a loss of the right to vote, they are of course happy but also verysurprised to learn that they are eligible to vote. They will often also say something like: “You mean to tell me I could have been voting all these years.”

14. Tennessee’s refusal to specify eligibility criteria for voters with past convictions on its voter registration forms makes our effortto register and turnout voters harder and more time-consuming.

15. TN NAACP also regularly holds workshops and events, often in partnership with fraternal organizations and churches,specifically geared toward educating voters with prior felony convictions about Tennessee’s felony disenfranchisement rules and rights restoration process. These events are held in part to correct prevalent misunderstanding about when felony convictions do and do not impact voter eligibility, which is only aggravated by Tennessee’s failure to specify eligibility requirements relating to felony convictions on the state’s voter registration form and the Tennessee-specific instructions on the Federal Form.

16. These uninformative and inaccurate voter registration forms require TN NAACP to dedicate more time and resources to voter registration that we would and could dedicate to other mission-furthering activities outlined in my prior declaration, including turning out registered voters on Election Day.

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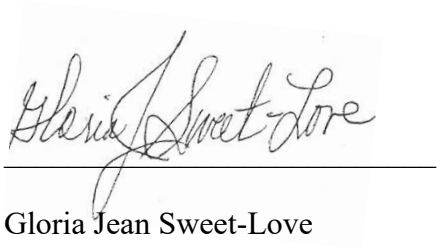
I declare under penalty of perjury that the foregoing is true and correct. This Declaration was executed October __25____, 2023.



Gloria Jean Sweet-Love