

and leave Plaintiffs to their proof. Defendants deny the allegations of the fourth, fifth and sixth sentences of this paragraph of the Amended Complaint.

3. Defendants admit that Tenn. Code Ann. § 40-29-203(a) addresses who may issue a COR but otherwise deny the allegations contained in this paragraph of the First Amended Complaint.
4. Denied.
5. Denied.
6. Denied.
7. Defendants are without knowledge or information sufficient to form a belief regarding the allegations in this paragraph of the First Amended Complaint and leave Plaintiffs to their proof.
8. Denied.
9. Denied.
10. Denied.
11. The implication that Defendants are not presently acting in a constitutional manner is denied.

JURISDICTION AND VENUE

12. Defendants admit that Plaintiffs bring their claim under the statutes and rules stated in this paragraph. Defendants deny that Plaintiffs state a valid claim in this case.
13. Defendants deny that this Court has jurisdiction over Plaintiffs' claims.
14. Defendants admit that if this Court has subject-matter jurisdiction over this case, venue in the Middle District of Tennessee is proper.

FACTUAL BACKGROUND

15. Defendants admit that Tenn. Const. art. I, § 5, provides in relevant part that “the right of suffrage, as hereinafter declared, shall never be denied to any person entitled thereto, except upon conviction by a jury of some infamous crime, previously ascertained by law, and judgment thereon by court of competent jurisdiction.” Defendants further admit that *Gaskin v. Collins*, 661 S.W.2d 865, 867-68 (Tenn. Ct. App. 1983), held that the exceptions to the right of suffrage are not self-executing and that the legislature must have declared a crime, which forms the basis for disenfranchisement, infamous before the disenfranchised individual was convicted of the crime. Otherwise, Defendants deny the allegations contained in this paragraph of the Amended Complaint.
16. Admitted.
17. Admitted.
18. Admitted.
19. Defendants admit that, beginning in 1986, convictions for certain felonies result in permanent disenfranchisement. Otherwise, Defendants deny the allegations contained in this paragraph of the Amended Complaint.
20. Defendants admit that the rights-restoration process has changed over the years. The remainder of this paragraph of the Amended Complaint is denied.
21. It is admitted that the Certificate of Restoration of Voting Rights (COR) was created in 2006. The remainder of this paragraph of the Amended Complaint is denied.
22. Denied.
23. Denied.

24. Defendants admit that Tenn. Code Ann. § 40-29-203(a) addresses who may issue a COR but otherwise deny the allegations contained in this paragraph of the First Amended Complaint.
25. Defendant admits that Tenn. Code Ann. § 40-29-205 provides: “The coordinator of elections shall prepare a certificate of voting right restoration form and the written statement explaining the form and the procedure by which a person can apply for a voter registration card and become eligible to vote as required by this part. The coordinator shall be responsible for printing and distributing a sufficient number of the forms to the department of correction, the board of parole and any other authority that may discharge a person to whom this part applies.” Otherwise, Defendants deny the allegations contained in this paragraph of the Amended Complaint.
26. Defendants admit that Tenn. Code Ann. § 40-29-293(c) provides: “A certificate of voting rights restoration issued pursuant to subsection (a) shall be sufficient proof that the person named on the certificate is no longer disqualified from voting by reason of having been convicted of an infamous crime.” Otherwise, Defendants deny the allegations contained in this paragraph of the Amended Complaint.
27. Defendants admit that Tenn. Code Ann. § 49-29-203(d) provides: “Any person issued a certificate of voting rights restoration pursuant to this section shall submit the certificate to the administrator of elections of the county in which the person is eligible to vote. The administrator of elections shall send the certificate to the coordinator of elections who shall verify that the certificate was issued in compliance with this section. Upon determining that the certificate complies with this section, the coordinator shall notify the appropriate administrator of elections and, after determining that the person is qualified to vote in that county by using the same verification procedure used for any applicant, the administrator

shall grant the application for a voter registration card. The administrator shall issue a voter registration card and the card shall be mailed to the applicant in the same manner as provided for any newly issued card.” Otherwise, Defendants deny the allegations contained in this paragraph of the Amended Complaint.

28. Defendants are without sufficient knowledge or belief sufficient to form a belief regarding the allegations contained in the first sentence of this paragraph of the Amended Complaint and leave Plaintiffs to their proof. Otherwise, Defendants deny the allegations contained in this paragraph of the Amended Complaint.

PARTIES

I. Plaintiffs

A. Organizational Plaintiffs

29. Defendants are without knowledge or information sufficient to form a belief regarding the allegations in this paragraph of the Amended Complaint and leave Plaintiffs to their proof. It is denied that the TN NAACP is a proper party.
30. Defendants are without knowledge or information sufficient to form a belief regarding the allegations in this paragraph of the Amended Complaint and leave Plaintiffs to their proof.
31. Defendants are without knowledge or information sufficient to form a belief regarding the allegations in this paragraph of the Amended Complaint and leave Plaintiffs to their proof.
32. Denied.
33. Denied.
34. Denied.
35. Defendants are without knowledge or information sufficient to form a belief regarding the allegations of this paragraph of the Amended Complaint and leave Plaintiffs to their proof.
36. Denied.

37. Defendants are without knowledge or information sufficient to form a belief regarding the allegations of this paragraph of the Amended Complaint and leave Plaintiffs to their proof. However, Defendants deny that there is a “lack of procedural due process.”

38. Denied.

39. Defendants are without knowledge or information sufficient to form a belief regarding the allegations of this paragraph of the Amended Complaint and leave Plaintiffs to their proof.

B. Individual Plaintiffs

40. Defendants are without knowledge or information sufficient to form a belief regarding the allegations contained in this paragraph of the Amended Complaint and leave Plaintiffs to their proof.

41. Defendants are without knowledge or information sufficient to form a belief regarding the allegations contained in this paragraph of the Amended Complaint and leave Plaintiffs to their proof.

42. Defendants are without knowledge or information sufficient to form a belief regarding the allegations of this paragraph of the Amended Complaint and leave Plaintiffs to their proof. Defendants are without knowledge or information sufficient to form a belief regarding the allegations of this paragraph of the Amended Complaint and leave Plaintiffs to their proof.

43. Defendants are without knowledge or information sufficient to form a belief regarding the allegations of this paragraph of the Amended Complaint and leave Plaintiffs to their proof.

44. Defendants are without knowledge or information sufficient to form a belief regarding the allegations of this paragraph of the Amended Complaint and leave Plaintiffs to their proof.

45. Defendants are without knowledge or information sufficient to form a belief regarding the allegations of this paragraph of the Amended Complaint and leave Plaintiffs to their proof.

46. Defendants admit that the individual Plaintiffs seek to represent a class of allegedly similarly situated Tennessee residents.

II. Defendants

47. Admitted.

48. Defendants deny that Lisa Helton is currently the Commissioner of the Department of Correction. Defendants admit the second sentence of this paragraph of the Amended Complaint and further admit that the Commissioner supervises TDOC employees. Otherwise, Defendants deny the allegations contained in this paragraph of the Amended Complaint.

49. Defendants admit the allegations contained in the first sentence of this paragraph of the Amended Complaint. Otherwise, Defendants deny the allegations contained in this paragraph of the Amended Complaint.

50. Admitted.

FACTS

I. Defendants deny the statements made in this heading of the Amended Complaint.

51. Denied.

52. Denied.

53. Defendants deny the allegations contained in this paragraph, including all its subparts, of the Amended Complaint.

i. Initiating a COR Request

54. Denied.

55. Defendants admit that CORs are requested at a local level. Otherwise, Defendants deny the allegations contained in this paragraph of the Amended Complaint.

56. Denied.
57. Denied.
58. Denied.
59. Defendants admit the first sentence of this paragraph of the Amended Complaint. Otherwise, Defendants deny the allegations contained in this paragraph of the Amended Complaint.
60. Denied.
61. It is admitted that sometimes probation and parole offices will only complete the part of a COR related to conviction and release date. Otherwise, Defendants deny the allegations contained in this paragraph of the Amended Complaint.
62. Denied.
63. Defendants admit the allegations contained in the last sentence of this paragraph of the Amended Complaint. Defendants are without knowledge or information sufficient to form a belief regarding the remaining allegations contained in this paragraph of the Amended Complaint and leave Plaintiffs to their proof.
64. Defendants are without knowledge or information sufficient to form a belief regarding the allegations contained in this paragraph of the Amended Complaint and leave Plaintiffs to their proof.
65. Denied.
- ii. Refusals to Issue CORs*
66. Denied.
67. Defendants are without knowledge or information sufficient to form a belief regarding the allegations contained in this paragraph of the Amended Complaint and leave Plaintiffs to their proof.

68. Denied.

iii. No Written Decisions

69. Defendants admit that there is no requirement to explain in writing why a requestor is ineligible to have his or her rights restored. Otherwise, Defendants deny the allegations of this paragraph of Plaintiffs' Amended Complaint.

70. Denied.

71. Denied.

72. Defendants admit that Tenn. Code Ann. § 40-29-202(b) provides that a person requesting a COR must have paid all restitution and “[b]eginning September 1, 2010, notwithstanding subsection (a), a person shall not be eligible to apply for a voter registration card and have the right to suffrage restored, unless the person has paid all court costs assessed against the person at the conclusion of the person’s trial, except where the court has made a finding at an evidentiary hearing that the applicant is indigent at the time of application.”. Otherwise, Defendants are without knowledge or information sufficient to form a belief regarding the remaining allegations of this paragraph of the Amended Complaint and leave Plaintiffs to their proof.

73. Defendants are without knowledge or information sufficient to form a belief regarding the allegations of this paragraph of the Amended Complaint and leave Plaintiffs to their proof.

74. Defendants are without knowledge or information sufficient to form a belief regarding the allegations of the first and second sentences of this paragraph of the Amended Complaint and leave Plaintiffs to their proof. Defendants deny the allegations of the last sentence of this paragraph of the Amended Complaint.

75. Denied.

iv. No Interpretation Guidelines

76. Denied.
77. Denied.
78. Defendants are without knowledge or information sufficient to form a belief regarding the allegations of this paragraph of the Amended Complaint and leave Plaintiffs to their proof.
79. Defendants are without knowledge or information sufficient to form a belief regarding the allegations of this paragraph of the Amended Complaint and leave Plaintiffs to their proof.
80. Defendants deny the allegations contained in the last sentence of this paragraph of the Amended Complaint. Otherwise, Defendants are without knowledge or information sufficient to form a belief regarding the allegations of the first two sentences of this paragraph of the Amended Complaint and leave Plaintiffs to their proof.
81. Defendants deny the allegations of the first sentence of this paragraph of the Amended Complaint. Otherwise, Defendants are without knowledge or information sufficient to form a belief regarding the remaining allegations of this paragraph of the Amended Complaint and leave Plaintiffs to their proof.
82. Defendants deny the allegations of the first and last sentences of this paragraph of the Amended Complaint. Otherwise, Defendants are without knowledge or information sufficient to form a belief regarding the remaining allegations contained in this paragraph of the Amended Complaint.
83. Defendants are without knowledge or information sufficient to form a belief regarding the first sentence of this paragraph of the Amended Complaint. Otherwise, Defendants deny the allegations in this paragraph of the Amended Complaint.
84. Defendants are without knowledge or information sufficient to form a belief regarding the allegations of this paragraph of the Amended Complaint and leave Plaintiffs to their proof.
85. Denied.

v. *Denials for immaterial reasons*

86. Denied.

87. Denied.

88. Denied.

89. Denied.

90. Regarding the first sentence of this paragraph of the Amended Complaint, Defendants admit only that additional undisclosed felonies are grounds for denying a COR. Otherwise, Defendants deny the allegations of this paragraph of the Amended Complaint.

91. Defendants admit that the Elections Division has the ability to communicate with the issuing authority. Otherwise, Defendants deny the remaining allegations of this paragraph of the Amended Complaint.

92. Defendants admit that CORs may be denied because they are incomplete. Otherwise, Defendants deny the remaining allegations of this paragraph of the Amended Complaint.

93. Denied.

vi. *No Appeals*

94. Denied.

95. Denied.

96. Defendants are without knowledge or information sufficient to form a belief regarding the allegations of the sentences 2–4 of this paragraph of the Amended Complaint and leave Plaintiffs to their proof. Otherwise, Defendants deny the allegations contained in this paragraph of the Amended Complaint.

97. Defendants deny the allegations of this first sentence of this paragraph of the Amended Complaint. Defendants are without knowledge or information sufficient to form a belief regarding the allegations sentences 2–4 of this paragraph of the Amended Complaint and

leave Plaintiffs to their proof but deny that the system is “dysfunctional.” Otherwise, Defendants deny the allegations of this paragraph of the Amended Complaint.

II. Defendants deny the statements made in this heading.

98. Defendants admit that 52 U.S.C. § 20507(a)(5) provides: “In the administration of voter registration for elections for Federal office, each State shall— . . . (5) inform applicants under sections 20504, 20505, and 20506 of this title of— . . . (A) voter eligibility requirements” Otherwise, Defendants deny the allegations contained in this paragraph of the Amended Complaint.

99. Defendants admit that 52 U.S.C. § 20508(b)(2)(A) provides: “The mail voter registration form developed under subsection (a)(2)— . . . (2) shall include a statement that—(A) specifies each eligibility requirement (including citizenship)” Defendants further admit that 52 U.S.C. § 20505(a)(2) provides: “In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 20508(b) of this title for the registration of voters in elections for Federal office.” Otherwise, Defendants deny the allegations contained in this paragraph of the Amended Complaint.

100. Denied.

101. Admitted.

102. Denied.

103. Denied.

104. Defendants only admit that the voter-registration form provides the language quoted in this paragraph of the Amended Complaint and that the form provides space to provide information on the crime of conviction, date of conviction, place of conviction, and

whether the requestor has received a pardon or restoration of voting rights. Otherwise, Defendants deny the allegations contained in this paragraph of the Amended Complaint.

105. Denied.

106. Denied.

107. Defendants admit the allegation contained in the first sentence of this paragraph of the Amended Complaint but otherwise deny the allegations contained in this paragraph of the Amended Complaint.

108. Defendants admit that Plaintiff Tennessee NAACP sent a letter but deny that the letter provided proper notice.

III. Defendants deny the statements in this heading.

109. Defendants admit that otherwise eligible felons whose only convictions are between January 15, 1973, and May 17, 1982, never lost the right to vote. Otherwise, Defendants deny the allegations contained in this paragraph of the Amended Complaint.

110. Defendants admit that individuals convicted of a felony and rendered infamous before January 15, 1973, lost the right to vote. Defendants admit that individuals convicted of a felony and not rendered infamous before January 15, 1973, did not lose the right to vote. Defendants further admit that individuals convicted of an infamous felony before January 15, 1973, may be required to present their criminal judgments or other documentation to determine whether the individual is eligible to vote. Otherwise, Defendants deny the allegation contained in this paragraph of the Amended Complaint.

111. Denied.

112. Denied.

113. Defendants admit that Plaintiff Tennessee NAACP sent a second letter but deny that the letter provided proper notice.

114. Defendants admit that Plaintiff Tennessee NAACP sent a third letter but deny that the letter provided proper notice.
115. Defendants admit that more than ninety days have elapsed since the letters described in the foregoing paragraphs have been sent but deny that the letters provided adequate notice.
116. Admitted.
117. Defendants deny Plaintiffs' characterization of the Court's Order and leave Plaintiffs to their proof.
118. Denied.

CLASS ALLEGATIONS

119. Defendants admit that Plaintiffs seek to bring this action on behalf of themselves and other allegedly similarly situated persons but deny that Plaintiffs have complied with Fed. R. Civ. P. 23(b)(2).
120. Defendants are without knowledge or information sufficient to form a belief regarding the allegations of this paragraph of the Amended Complaint and leave Plaintiffs to their Proof. But Defendants deny that Plaintiffs are entitled to class certification.
121. Defendants admit that the Plaintiffs seek only declaratory and injunctive relief but otherwise deny the allegations contained in this paragraph of the Amended Complaint.
122. Denied.
123. Denied.
124. Defendants admit the second sentence of this paragraph of the Amended Complaint but otherwise deny the allegations contained in this paragraph of the Amended Complaint.
125. Defendants deny the allegations contained in the first sentence of this paragraph of the Amended Complaint. Otherwise, Defendants are without knowledge or information

sufficient to form a belief regarding the allegations contained in this paragraph of the Amended Complaint.

126. Denied.

127. Denied.

CAUSES OF ACTION

COUNT ONE

128. Defendants incorporate their answers to the forgoing paragraphs by reference as if restated herein.

129. Denied.

130. Defendants admit only that *Matthews v. Eldridge*, 424 U.S. 319, 335 (1976), states: “[I]dentification of the specific dictates of due process generally requires consideration of three distinct factors: First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” Otherwise, Defendants deny the allegations contained in this paragraph of the Amended Complaint.

131. Defendants deny Plaintiffs’ characterizations of the case law.

132. Denied.

133. Denied.

134. Defendants admit that Tenn. Code Ann. § 40-29-203(a) addresses who may issue a COR but otherwise deny the allegations contained in this paragraph of the First Amended Complaint.

135. Denied.

136. Denied.

137. Denied.

138. Defendants admit the allegations contained in the first sentence of this paragraph of the Amended Complaint. Otherwise, Defendants deny the allegations contained in this paragraph of the Amended Complaint.

139. Denied.

140. Denied.

COUNT TWO

141. Defendants incorporate their answers to the forgoing paragraphs by reference as if restated herein.

142. Denied.

143. Denied.

144. Denied.

145. Denied.

COUNT THREE

146. Defendants incorporate their answers to the forgoing paragraphs by reference as if restated herein.

147. Denied.

148. Denied.

149. Denied.

150. Denied.

151. Denied.

152. Denied.

COUNT FOUR

153. Defendants incorporate their answers to the forgoing paragraphs by reference as if restated herein.
154. Denied.
155. Denied.
156. Denied.
157. Defendants admit that Plaintiff sent Defendants Hargett and Goins a letter but deny that the letter adequately informed Defendants of the assertion underpinning the claim described in Count Four of the Amended Complaint.

COUNT FIVE

158. Defendants incorporate their answers to the forgoing paragraphs by reference as if restated herein.
159. It is denied that Plaintiff felons have a fundamental right to vote. The remaining allegations are legal conclusions for which no response is required. To the extent a response is required, the allegations are denied.
160. Denied.
161. Denied.

COUNT SIX

162. State Defendants incorporate their answers to the forgoing paragraphs by reference as if restated herein.
163. Denied.
164. Denied.

165. Defendants admit that Plaintiff sent Defendants Hargett and Goins a letter but deny that the letter adequately informed Defendants of the assertion underpinning the claim described in Count Four of the Amended Complaint.
166. Defendants admit that Plaintiff sent Defendants Hargett and Goins a letter but deny that the letter adequately informed Defendants of the assertion underpinning the claim described in Count Four of the Amended Complaint.
167. Defendants admit that Plaintiff sent Defendants Hargett and Goins a letter but deny that the letter adequately informed Defendants of the assertion underpinning the claim described in Count Four of the Amended Complaint.
168. Denied.
169. **Any allegations not specifically referenced herein are hereby denied.**

PRAYER FOR RELIEF

- A. Defendants deny that Plaintiffs are entitled to any relief in this case.
- B. Defendants deny that Plaintiffs are entitled to any relief in this case.
- C. Defendants deny that Plaintiffs are entitled to any relief in this case.
- D. Defendants deny that Plaintiffs are entitled to any relief in this case.
- E. Defendants deny that Plaintiffs are entitled to any relief in this case.

AFFIRMATIVE AND OTHER DEFENSES:

1. The Court lacks subject-matter jurisdiction over the claims asserted in Plaintiffs' Complaint.
2. Plaintiffs fail to state a claim upon which relief can be granted, whether for the alleged violation of the guarantees of equal protection and due process or otherwise.
3. Sovereign immunity bars suit against Governor Lee.
4. Plaintiffs lack standing to maintain the claims raised in their Complaint.

5. Plaintiff Hendrix's claims are moot.
6. Plaintiffs' claims are non-justiciable.
7. Defendants are not 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.
8. 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 discovered.

Respectfully submitted,

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Attorney General and Reporter

/s/ Dawn Jordan
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been forwarded electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to the parties named below. Parties may access this filing through the Court's electronic filing system.

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s/ Dawn Jordan
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