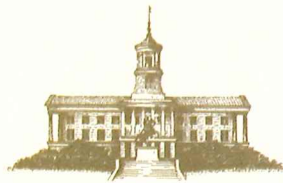


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**Tennessee
State Senate**

NASHVILLE

MEMBER OF COMMITTEES:

GOVERNMENT OPERATIONS

ENERGY, AGRICULTURE AND
NATURAL RESOURCES

LEADERSHIP:

MINORITY CAUCUS VICE CHAIR

The Honorable Kristen Clarke
Assistant Attorney General, Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: Violations of the Voting Rights Act, National Voter Registration Act, the Ku Klux Klan Act, and the Fourteenth Amendment to the United States Constitution

Dear Assistant Attorney General Clarke:

Voting rights are under siege in Tennessee. We have reached a crisis point culminating in a series of illegal and unconstitutional decisions made by the Secretary of State and his appointed state coordinator of elections (“Coordinator”),¹ with the tacit approval (and possibly encouragement) of the Tennessee Attorney General. We urge the Department of Justice to immediately open an investigation into the decisions made here in Tennessee and to bring appropriate legal action to vindicate the rights of Tennesseans, who have had their right to vote restored by state law but have had their exercise of that right illegally obstructed.

While Tennessee law permits restoration of voting rights through a straight-forward administrative procedure, the Tennessee Secretary of State has imposed an illegal, *de facto* procedure that injects obstacles, delay, and extralegal standards that prevent virtually any eligible applicants from exercising the voting rights restored by law. Most glaringly, the Secretary of State now illegally conditions voting rights restoration on the restoration of gun rights, which would bar many applicants from *ever* being eligible for restoration due to federal and state firearms laws.

Executive Summary

On January 23, 2024, the Coordinator publicly confirmed the State had taken unprecedented steps to deny numerous applications by those who took the requisite steps to restore their voting rights and had adopted a policy that would permanently bar tens of thousands of Tennesseans who are legally eligible to vote from exercising that right. Because state law restores

¹ The coordinator of elections (“Coordinator”) is appointed by the Tennessee Secretary of State and “serve[s] at the pleasure of the secretary of state and for such compensation as the secretary of state determines.” Tenn. Code Ann. § 2-11-201(a). Election policies established by the Coordinator are subject to the concurrence of the Secretary of State. *Id.* § 2-11-201(c). The Tennessee Secretary of State is appointed by a majority vote of the General Assembly for four-year terms. Tenn. Const. art. 3 § 17. Tre Hargett, a former state representative, has served as secretary of state since January 2009 when Republicans first obtained a majority in the General Assembly. Mark Goins, also a former state representative, has served as Coordinator of Elections since 2009.

these individuals to their suffrage rights, the illegal policy and actions of state actors place an unconstitutional burden on the fundamental voting rights of our citizens in violation of the Due Process and Equal Protection guarantees of the United States Constitution. We believe these actions likewise may constitute violations of the Voting Rights Act of 1965 (“VRA”),² the National Voter Registration Act of 1993 (“NVRA”), and potentially the Ku Klux Klan Act of 1871 (the “KKK Act”).

Tennessee law provides two distinct methods for re-enfranchisement for those deprived of suffrage due to a conviction for an infamous offense: (1) judicial restoration of full citizenship rights by a Tennessee circuit court or (2) administrative restoration of voting rights issued by incarcerating or parole authorities (“Discharging Authorities”) at the completion of an individual’s sentence or discharge from supervision.³ State law directs applicants to submit either a certified copy of the court order restoring citizenship (“Restoration Order”) or the certificate of restoration (“COR”) issued by the Discharging Authority to their county elections administrator. The county election administrator must submit the documents to the Coordinator, who is responsible for verifying these documents were issued by those with the statutory authority to do so. *Id.* §§ 40-29-105(c)(5, 7); 40-29-203(a, d). Upon that verification, the voter registration application is to be processed using the procedures applicable to any other applicant, and the county election administrator “shall issue” a voter registration card. *Id.*

While these statutes only authorize the Coordinator to perform narrow, ministerial functions following issuance of a Restoration Order or COR, the Coordinator has manipulated its narrow role to unlawfully erect insurmountable barriers between eligible voters and the ballot box. *See* Secretary of State, Eligibility to Vote after a Felony Conviction (Jul. 21, 2023) (copy attached) [hereinafter “Secretary of State Policy” or “Policy”].

First, rather than the two distinct pathways to restoration of voting rights provided by law, the Secretary of State Policy mandates that applicants must complete *both* judicial restoration and administrative restoration. Applicants must first obtain a Restoration Order, after petitioning the circuit court, submitting certified records demonstrating eligibility, producing evidence on the merits, affording prosecutors an opportunity to object, and participating in an evidentiary hearing. If the circuit court exercises its discretion to grant a Restoration Order restoring voting rights, that is somehow insufficient under this new policy. Instead, the applicant must return to their Discharging Authority and start the administrative process from scratch. The Discharging Authority must make an inquiry related to outstanding financial obligations potentially owed by the applicant and certify the results of this inquiry prior to providing applicants a COR. Only then may the applicant submit the COR to their county election official. For the small percentage of applicants who make it through this obstacle course, the COR is then forwarded to the Coordinator where it will likely be found insufficient for voter eligibility. *But see id.* § 40-29-203(c) (“A

²We note here that the Sixth Circuit Court of Appeals has never opined as to whether the VRA can be used to challenge a felony disenfranchisement scheme, though the Sixth Circuit did note in *Wesley v. Collins* that the felony disenfranchisement statute at issue there “[did] not violate the Voting Rights Act.” 791 F.2d 1255, 1261 (6th Cir. 1986).

³Discharging authorities include prison wardens or other agents or officers of the incarcerating authority that discharge applicants from custody, parole officers or other agents or officers of the supervisory authority that discharge applicants from supervision, or the pardoning authority. *See* Tenn. Code Ann. § 49-20-203(a); *see also id.* § 49-20-202(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.”).

Second, the Coordinator has appointed himself to exercise quasi-legislative and quasi-judicial power over voter eligibility decisions and to insulate his decisions from meaningful review or oversight. Rather than perform the ministerial functions directed by law, the Coordinator makes its own factual and legal findings about who is and who should be eligible to vote. Rather than verifying whether a Restoration Order or COR were issued by appropriate authorities as required by law, the Coordinator treats these orders and certifications as prerequisites subject to final determination by the Coordinator himself. In doing so, the Coordinator assumes an unconstitutional authority to limit the legal effects of judicial orders and disregards his statutory obligation to verify lawfully issued CORs, thus blocking citizens whose voting rights have been restored from registering or voting.

Third, the Coordinator has imposed an extralegal requirement that no applicant may have their voting rights restored without first obtaining a court order restoring their full gun rights. **Because of existing state and federal law that prevents an exceptionally large class of citizens from ever possessing a firearm, this decision permanently disenfranchises tens (or possibly hundreds) of thousands of Tennesseans in one fell swoop.**

Making gun rights restoration a prerequisite to voting rights restoration has no basis in Tennessee law. The statutory provisions governing restoration of citizenship do not address gun rights at all. Nor should they, because the Tennessee Supreme Court and Tennessee General Assembly have persistently distinguished between gun rights and the citizenship rights subject to restoration. *See State v. Johnson*, 79 S.W.3d 522 (Tenn. 2002) (collecting statutes). The state’s gun restrictions, like those imposed by federal law, turn on prior criminal convictions without regard to a finding of infamy, whereas the loss of suffrage and associated rights of citizenship is only constitutionally permissible upon a conviction for an *infamous* offense. *See* Tenn. Const. art. i § 5; Tenn. Code Ann. § 40-20-112. The Coordinator has no legal basis to adopt its own substantive rule for voter eligibility, much less a rule that contradicts the plain meaning of numerous statutes, the binding precedents of the Tennessee Supreme Court, as well as protections enshrined in both the Tennessee and United States Constitutions.

We refer this matter to you based not only on the severity of the illegal conduct and the difficulty for applicants (often indigent former felons) to mount a challenge addressing the full range of conduct implicated, but also due to the reasonable probability that relief may otherwise prove elusive. There is no procedure for applicants denied their rights in this process to challenge the Coordinator’s decision – for the understandable reason that the law does not contemplate the Coordinator exercising such authority in the first place. Even if attempted, the purported record for any individual denial would unlikely reveal the dragnet of delays, complications, and obstacles applicable to this class of eligible voters and applicants. The improper “gun rights” prerequisite to voting rights restoration appears in no statute, regulation, rule, policy, or publication. Instead, we learned about this new rule only after January 2024 media reports revealed this rule contributed to an unprecedented number of failed restoration applications in recent months. The difficulty of obtaining review or relief, along with the absence of transparency, warrant an investigation that is

both independent of state government and committed to the vindication of the civil rights of Tennessee citizens deprived of their right to vote.

Felony Disenfranchisement in Tennessee

As in many other states, felony disenfranchisement in Tennessee is rooted in a long and sordid tradition of intentional discrimination and racism. Tennessee's constitutional provisions authorizing such disenfranchisement were adopted during the peak of slavery in Tennessee and represent a long tradition of anti-democratic efforts to prevent minorities from voting in our State. Just like poll taxes, literacy tests, and grandfather clauses, felony disenfranchisement has long been weaponized to prevent minorities from voting. The actions of the Secretary of State simply represent the most recent step in a long and shameful history.

Even before the changes described above, Tennessee's disenfranchisement scheme and barriers to reenfranchisement was staggering in impact. Tennessee denies the right to vote to approximately **471,592** of its citizens because of felony convictions, accounting for **more than 9% of the total voting age population** of Tennessee. *See* The Sentencing Project, Locked Out 2022: Estimates of People Denied Voting Rights Due to a Felony Conviction at Table 2.⁴ This represents the **second highest rate of disenfranchisement in the country**, just behind Mississippi at 10.69%. **Tennessee, however, leads the nation in disenfranchisement of its Black citizens, at a staggering rate of just over 21%, or over 1 in 5 Black citizens of voting age.** *Id.* at Table 3. Tennessee also leads the nation in disenfranchisement of its Latinx population, doing so at a rate of 8.18% of its voting age population. *Id.* at Table 4.

While the constitutional authority for disenfranchisement has a long history, the expansive impact is of more recent vintage. Before January 15, 1973, Tennessee defined a specific class of infamous crimes that resulted in disenfranchisement. A conviction before January 15, 1973 only disqualifies a person from voting if the conviction is for one of approximately twenty specific crimes⁵ listed in state law at the time *and* the judge made a specific finding rendering the crime "infamous" at the time of conviction. Thus, one convicted of horse thievery could be disenfranchised if there was a specific finding made by the judge, but one convicted of a homicide offense was never subject to disenfranchisement. In 1973, Tennessee eliminated even these offenses, meaning that anyone whose only felony conviction falls between January 15, 1973 and May 17, 1981 (commonly referred to as the "grace period") was never disqualified from voting and thus is eligible and should be able to register and vote.

It was only in 1981 that Tennessee extended disenfranchisement to all felonies. *See* Tenn. Code Ann. § 40-20-112 (requiring upon conviction of "any felony" the defendant shall be adjudicated as "infamous and be immediately disqualified from exercising the right of suffrage").⁶

⁴ Available at: <https://www.sentencingproject.org/reports/locked-out-2022-estimates-of-people-denied-voting-rights/>

⁵ These enumerated crimes were: Abusing a female child; Arson and felonious burning; Bigamy; Bribery; Burglary; Felonious breaking into a business house, outhouse other than a dwelling house; Felonious breaking and entering a dwelling house; Larceny; Horse stealing; Robbery; Stealing bills of exchange or other valuable papers; Receiving stolen property; Counterfeiting; Forgery; Destroying a will; Incest; Rape; Sodomy; Buggery; Perjury; Subornation of perjury.

⁶ The finding of infamy also leads to disqualification from seeking or holding public office, unless the "person's citizenship rights have been restored by a court of competent jurisdiction." *See* Tenn. Code Ann. § 40-20-114.

Thus, all felony convictions since May 17, 1981 result in loss of the right to vote, until that right has been restored. *Id.* In addition, the General Assembly adopted a provision in its election code that purported to broadly apply this policy retroactively. *E.g., id.* § 2-19-139 *held unconstitutional in part by Gaskin v. Weeks*, 661 S.W. 2d 865 (Tenn. 1983) (finding unconstitutional the attempted retroactive application of statutory prohibition); *id.* § 2-19-143, *held unconstitutional in part by May v. Carlton*, 245 S.W.3d 340 (Tenn. 2008) (similar).

Notwithstanding its “first in the nation in disenfranchisement” status, Tennessee has recently accelerated its efforts to criminalize voting and make rights restoration work more difficult. As discussed above, last year the Secretary of State made it exponentially harder for formerly incarcerated people to restore their voting rights. In late 2023, a district attorney in Clarksville, TN (approximately 50 miles northwest of Nashville) indicted at least 10 people for registering, attempting to register, or voting while allegedly ineligible because of a past conviction, and it is possible that there will be more prosecutions to come. This follows a pattern of criminalizing attempts to register or vote when people fail to navigate the byzantine procedures for restoration, such as the prosecution of people like Pamela Moses.

Voting Rights Restoration in Tennessee

Despite all felonies in Tennessee resulting in a loss of voting rights, **all persons convicted of a felony in Tennessee have a statutory right to restore their voting rights after meeting the statutory conditions to do so**, except for those convicted of a few specifically enumerated felonies.⁷

Tennessee law establishes two distinct pathways for individuals to have their voting rights restored after serving their sentence for any infamous crime. First, individuals can petition the circuit court for juridical restoration of their rights of citizenship, including the right to vote, the right to seek or to hold public office, and the right to serve on a jury. *See* Tenn. Code Ann. § 40-29-101 *et seq.* Second, individuals can seek administrative restoration of their voting rights. *See* Tenn. Code Ann. § 40-29-201 *et seq.* This administrative process was established in 2006 to provide a less costly and time-intensive procedure to obtain a more limited remedy.⁸

A. Court-Ordered Restoration of Citizenship Rights

Tennessee law has long authorized a judicial proceeding to provide for restoration of the rights of citizenship. Tenn. Code Ann. § 40-29-101 *et seq.*; *see also* 1851-52 Tenn. Pub. Acts. ch. 30. Court-ordered restoration requires (1) submission of a petition, (2) notice to the district attorney

⁷ These are (1) convictions between July 1, 1986 and July 1, 1996 of first-degree murder, aggravated rape, treason, or voter fraud; (2) convictions between July 1, 1996 and July 1, 2006 of any degree of murder or rape, treason, or voter fraud; and (3) convictions after July 1, 2006 of any degree of murder or rape, treason, voter fraud, bribery under T.C.A. § 39-16-1, misconduct involving a public official or employee under T.C.A. § 39-16-4, interference with government operations under T.C.A. § 39-16-5, or any felony sexual offense under T.C.A. § 40-39-202 where the victim was a minor. *See* T.C.A. § 40-29-204.

⁸ The Secretary of State Policy converts voting rights to the *final* right of citizenship to be restored effectively by the Coordinator after all other rights have been restored by the courts. By the absurd logic of this policy, one convicted of a felony is restored to their right to seek and hold office as Governor, representative, judge, or other public official in Tennessee *before* they are permitted to exercise the right to vote.

in the applicant's county of residence and the in the county of conviction, (3) an opportunity for the district attorney to object; (4) and an evidentiary hearing before the circuit court. *Id.* § 40-29-105(c). This procedure applied to restoration of citizenship rights from the 19th century through the mid 1980s. Since 1986, the General Assembly has adopted three significant changes.

In 1986, the legislature adopted an administrative procedure for restoration of the full rights of citizenship. This procedure was only authorized for ten years, but is preserved in Tennessee code for persons convicted between July 1, 1986 and July 1, 1996. *Id.* § 40-29-105(b). Upon the service or expiration of their sentence or final release from supervision by the board of parole, an agent of the Discharging Authority issues a certificate, which would be presented to county election administrators to register to vote. *Id.* In 1996, the legislature abandoned this procedure for restoration of citizenship and restored a modified version of the circuit court process for restoration of citizenship.

For all convictions from 1996 to present day, individuals may petition for restoration in circuit court. *Id.* § 40-29-105(c). As opposed to the historic practice, the circuit court restoration proceeding for post-1996 convictions are subject to a presumption that the petitioner's rights will be restored and may be granted on the face of the petition, though that presumption is rebuttable if the person is ineligible or for good cause. *Id.* § 40-29-105(c)(3). This 1996 amendment also specifies the mechanics for individuals seeking to register to vote. The applicant may present a certified copy of the court order to their county election administrator, who after verifying the order, "*shall issue* the person a voter registration card entitling the person to vote." *Id.* § 40-29-105(c)(7) (emphasis added).

Notably, the role of the Coordinator is minimal in this statutory process. The clerk of court sends a copy of the order to the Coordinator. *Id.* § 40-29-105(c)(5). And in processing the voter registration application, the county election administrator "shall verify with the coordinator of elections that the order *was issued.*" *Id.* § 40-29-105(c)(7) (emphasis added). The Coordinator receives and retain copies of these court orders when issued and then, in response to county administrator requests, the Coordinator verifies whether the order "was issued." To perform this limited function, the Coordinator is neither required *nor authorized* to analyze the order, evaluate its implications, or determine how much effect it should be given.

B. Administrative Restoration of Voting Rights

In 2006, the General Assembly adopted a simpler, administrative mechanism to restore individual's suffrage rights. *Id.* § 40-29-201. While an individual's right to run for or hold public office or serve on a jury can only be restored through the court proceeding described above, the legislature adopted a Certificate of Voting Rights Restoration ("COR") that could be used by someone released from custody or discharged from supervision to register to vote. *Id.* This administrative mechanism was modeled after the system that had been made applicable for full restoration of citizenship between 1986-1996, which made individuals automatically eligible for a certificate restoring their rights upon the conclusion of their criminal sentence.

Upon completion of their sentence or parole supervision, an eligible applicant may request and "shall be issued" a certificate of voting rights restoration ("COR"). *Id.* § 40-29-203(a). This

statute specifies different Discharging Authorities, who may issue CORs for individuals who complete their sentence. Pardoning authorities may issue CORs to those who are eligible due to their receipt of a pardon. *Id.* §§ 40-29-203(a)(1), 40-29-202(a)(1). Wardens or other agents of the incarcerating authority shall issue CORs upon individual's release from custody. *Id.* §§ 40-29-203(a)(2), 40-29-202(a)(2). Parole officers or other agents of the supervisory authority shall issue CORs to individuals upon discharge from supervision. *Id.* §§ 40-29-203(a)(3), 40-29-202(a)(3).

Even this more streamlined, administrative procedure imposes a significant barrier to formerly incarcerated persons, because Tennessee is one of a handful of states that require financial obligations to be met before formerly incarcerated persons are eligible to register or vote. These *de facto* poll taxes—combined with an inefficient and chaotic rights restoration bureaucracy—were already more than sufficient to keep tens of thousands of our citizens from regaining their voting rights before the new Secretary of State Policy. The statute governing administrative restoration of suffrage establishes exclusions prohibiting some individuals who otherwise meet the statutory qualifications for a COR from being eligible to apply for a voter registration card. The exclusions apply where the applicant (1) has not paid restitution to the victim or victims of the offense ordered as part of their sentence, (2), has not satisfied any court costs assessed at the conclusion of their trial, or (3) is not current on all child support obligations. *Id.* § 40-29-202(b).⁹ The statute does not specify any administrative mechanism for this information to be collected, submitted, or analyzed by the Discharging Authorities – nor by the Coordinator who only verifies the CORs after they are issued.

As with the processing of Restoration Orders issued by circuit courts, the Coordinator is only authorized to perform narrow mandatory functions related to administrative restoration of voting rights. First, the Coordinator is responsible for “prepar[ing] a certificate of voting rights restoration form,” a written explanation for how one uses the COR to register to vote, and 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.” *Id.* § 40-29-205. After the CORs are issued by Discharging Authorities, the COR constitutes “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.” *Id.* § 40-29-203(c). Second, when a COR is submitted by an applicant to their county election administrator, the Coordinator verifies whether the COR “was issued in compliance with [§ 40-29-203], which specifies the Discharging Authority required to issue CORs for each class of eligible applicants. *Id.* § 40-29-203(d). After

⁹ The 2006 statute only included the first and third statutory exclusions. The second exclusion was adopted via a 2010 enactment and may be waived if a “court has made a finding at an evidentiary hearing that the applicant is indigent at the time of application.” *Id.* § 40-29-202(b)(2). Notably, Tennessee is one of only ten states to condition voting rights restoration on such financial obligations and the *only* state in the union to condition restoration of voting rights on satisfaction of outstanding child support payments.

These carve-outs were challenged as improper wealth criteria in an action asserting a number of constitutional claims. The district court determined that these criteria were appropriate, and that decision was upheld on appeal. *See Johnson v. Bredesen*, 624 F.3d 742, 747 (6th Cir. 2010). The Court determined that rational basis was the appropriate standard of review because reenfranchisement procedures neither implicate a fundamental right to vote nor target a suspect class and found these statutory criteria served legitimate state interests. *Id.* (“We find that the state's interests of encouraging payment of child support and compliance with court orders, and requiring felons to complete their entire sentences, including paying victim restitution, supply a rational basis for the challenged statutory provisions sufficient to pass constitutional muster.”); *but see id.* (Moore, J., dissenting) (maintaining these wealth-based criteria for reenfranchisement lacked a rational basis and constituted an improper poll tax barred by the 24th Amendment).

the county election administrator verifies the COR with the Coordinator, “[t]he administrator shall issue a voter registration card. *Id.*

The Secretary of State’s Obstruction of Voting Rights and Voting Rights Restoration

A. The Illegal De Facto Process Required for Voting after Restoration of Rights.

In July 2023, the Secretary of State issued a new policy that bears almost no resemblance to the statutory requirements outlined above. Under the above statutes, an applicant submits a Restoration Order **or** a COR to their county election administrator. Upon the ministerial verification that either documents were issued by courts or appropriate Discharging Authorities, the applicant should be able to register and vote. In practice, the State requires any applicant seeking to vote to obtain both a Restoration Order **and** a COR before permitting their registration. *See* Secretary of State Policy (“[r]egaining the right to vote after a felony conviction is a two-step process.”). Under this policy, the applicant must first receive a pardon or have their full rights of citizenship by the circuit court and second meet the administrative requirements for having their suffrage rights restored. *Id.*

For those who seek court-ordered restoration, this policy prevents them from receiving the lawful remedies of that procedure and bars eligible voters from exercising their voting rights. For those who seek or could seek more expedited administrative restoration of voting rights, this policy frustrates the statutory purpose of providing a streamlined administrative process and prohibits those who are eligible or would be eligible to vote under Tennessee law from effectively exercising the franchise.

Every applicant person is now *de facto* required to (1) submit a petition for restoration of full citizenship rights, (2) participate in an evidentiary hearing in the circuit court, (3) prevail by having the court restore their rights of citizenship; (4) then submit a COR to the Discharging Authority, which must include a certified copy of the court ordered restoration of citizenship;¹⁰ (5) the Discharging Authority must conduct an inquiry sufficient to certify whether the applicant owes restitution or court costs stemming from their conviction; (6) the applicant then submits the COR to the county election administrator who must submit this form to the Coordinator; (7) the Coordinator reviews the Discharging Authority’s certifications to assess compliance the statutory exclusions stemming from restitution and court costs; (8) the Coordinator then verifies with the Department of Human Services that the applicant is current on any child support obligations; (9) the Coordinator conducts a review to ensure that the court order restoring rights of citizenship is sufficient to restore their “full citizenship rights”; and (10) where all of these conditions are met, the Coordinator verifies that the county election administrator may process the individual’s application for a voter registration card.

The statute presumes that applicants will obtain CORs upon their release from custody or discharge from supervision – and that these requirements will be assessed ministerially. But the Coordinator has frustrated this purpose in numerous ways. Under the Policy, the applicant does not seek a certificate from the Discharging Authority upon the discharge of their sentence. Instead,

¹⁰ Apparently, the State will permit those pardoned by the Governor or President of the United States to skip these first four steps of the process.

they must complete a lengthy judicial (or pardon) process and only then return to the Discharging Authority for issuance of a COR. Even then, the form COR cannot be prepared by Discharging Authorities based on sentencing information within their control and possession. Instead, the Discharging Authorities are directed to make affirmative certifications about the status of financial obligations assessed, paid, and owed in 95 different county courts. No statute directs or authorizes Discharging Authorities to undertake investigations with county courts or directs county courts to provide this information to Discharging Authorities to facilitate this task assigned by the Coordinator.¹¹ Moreover, not every Discharging Authority has the capacity to perform the inquiry assigned by the Coordinator or is willing to certify to information outside their legal purview.

The illegal obstacle course imposed by the Coordinator improperly delays lawful voters from exercising their restored right to vote. Through its design of the state-sanctioned form certificate¹² and its verification procedures, the Secretary of State renders the issuance of CORs optional and discretionary whereas the statute mandates CORs “shall be issued” to eligible applicants upon request. Tenn. Code Ann. § 40-29-203(a). Individuals, who as a matter of law have the right to vote after the performance of administrative tasks by a handful of state actors, must now depend on three different state actors making discretionary decisions that break in favor of restored voting rights. They must petition and prove the merits to a judge, persuade a Discharging Authority to make certifications to information not in their possession or control, and then ultimately hope the Coordinator himself ultimately determines the Restoration Order and COR are sufficient. None of that is permitted, much less compelled, by Tennessee law.

Individuals who have had their voting rights restored by a lawfully issued Restoration Orders or lawfully issued CORs are being deprived of their fundamental voting rights through this illegal process. Other individuals with legal rights to restoration of voting rights are unlawfully delayed, dissuaded, or dismissed from having their rights restored and ultimately from registering and voting.

¹¹ To the extent Tennessee law requires proof that applicants are not subject to the § 40-29-202(b) statutory exclusions, any such review is properly undertaken prior to the issuance of CORs by Discharging Authorities *See* Tenn. Code Ann. § 40-29-203(a). These exclusions largely stem from unpaid remediation or court costs Tennessee maintains are part of the sentence being discharged. Indeed, this is the precise rationale offered and accepted to defend the constitutionality of these exclusions. *See Johnson v. Bredesen*, 624 F.3d 742, 747 (6th Cir. 2010) (“... requiring felons to complete their entire sentences, including paying victim restitution, supply a rational basis for the challenged statutory provisions sufficient to pass constitutional muster”). The Discharging Authorities charged with issuing CORs at the expiration of the applicants’ sentence should presumably be able to discharge the entirety of the sentence including any costs and remediation properly made part of the sentence and the final exclusion related to child support obligations is readily available via a database maintained by the Department of Human Services and does not necessitate the substantive oversight of the Coordinator.

¹² Unfortunately, the use of this form is bound up in a “decentralized, inaccurate, and inaccessible . . . system that fails to meet the basic demands of due process” and, as a result, is currently the subject of litigation in the Middle District of Tennessee. *See TN NAACP et al. v. Lee et al.*, Case No. 3:20-cv-01039 (M.D. Tenn.) (“Many eligible and potentially eligible Tennesseans have nowhere to go to begin the COR process, except to embark on what is often a wild-goose chase to find a local official willing to complete their COR. If they are actually able to find an official who will consider completing the COR, there are no uniform procedures for determining if that person meets the eligibility criteria. A person with the same facts surrounding their conviction and service of the terms of their sentence may get a different result depending on their county of conviction and which official in that county is making the determination of their eligibility. A refusal to fill out the COR comes with no statement of reasons; the person is simply turned away. There are no means to appeal.”)

B. Illegal and Unreviewable Determinations by the Coordinator of Elections

The Coordinator unlawfully exercises *de facto* authority to make final, unreviewable decisions before any applicant can register to vote. The restoration statutes provide little statutory responsibility or authority to the Coordinator. The entirety of the Coordinator's responsibilities for court-ordered restorations is (a) to receive and retain copies of orders restoring rights of citizenship that are submitted by circuit court clerks and (b) to verify that an order "was issued" upon receiving requests from county election administrators. *See* Tenn. Code Ann. § 40-29-105(c)(5), -105(c)(7). For administrative restoration, the responsibilities are more extensive, but still limited and ministerial in nature. The Coordinator is responsible for preparing, printing, and distributing the form COR to those statutorily authorized to issue them to eligible applicants and verifying that CORs submitted were issued by a entities lawfully permitted to do so. *Id.* §§ 40-29-205, 40-29-203(c). Nonetheless, the Secretary of State and Coordinator have used their narrow statutory roles to bend the statute beyond recognition.

As described above, the Coordinator manipulates its narrow administrative role in verifying the lawful issuance of CORs to constitute final decision making authority over whether CORs will be afforded their legal effect. Nothing in this statute authorizes the Coordinator to issue or revoke CORs. The Coordinator is not authorized by law or qualified to determine whether someone's criminal sentence has been fully satisfied, which is why the issuance of CORs is statutorily committed to other governmental Discharging Authorities. The Coordinator, however, designs the form certificate and procedures to retain final say on whether a COR issued by a lawful Discharging Authority shall be given legal effect. The Coordinator's form COR, released in conjunction with the July 2023 Policy, is hardly a certificate at all. It functions more like an application where the Discharging Authority gathers and certifies information to be evaluated by the Coordinator, even though no statute requires or permits the Coordinator evaluate whether each applicant has proven they are not subject to statutory exclusions set forth in § 40-29-202(b).

Even more troubling, under the Secretary of State Policy, lawful Restoration Orders are subject to review, limitation, and modification by the Coordinator. But the Coordinator's own decisions are effectively unreviewable. Under state law, judicial restoration of citizenship is within the exclusive jurisdiction of the Tennessee circuit courts and appealable only to the Tennessee Court of Appeals and Supreme Court. *See* Tenn. Code Ann. § 16-10-104. While the judicial restoration of rights has been understood as sufficient to restore a petitioner's voting rights since for over 170 years, the new policy transforms these orders into mere prerequisites for a final unreviewable determination to be made by the politically unaccountable Coordinator. This Policy not only delays when Restoration Orders become effective, but also limits their legal effect. While receipt of a Restoration Order makes one eligible to vote, the Policy converts the judicial relief to a prerequisite to begin the administrative restoration process, where the substance of the order is subject to review and modification by the Coordinator.

For example, the Coordinator evaluates whether these citizens judicially-restored to their rights are ineligible based on outstanding financial obligations discussed above. *See* Tenn. Code Ann. § 40-29-202(b). These statutory exclusions, however, only apply to those seeking administrative restoration of voting rights. *Compare id.* (applying exclusions to administrative

restoration of voting rights) *with id.* § 40-29-105(c) (setting out procedures for judicial restoration of citizenship rights, which contain no such prerequisite). The harm here is likely more in the delay and duplication of effort, as the consideration of outstanding remediation, court costs, and child support obligations are certainly relevant to a court's restoration of citizenship rights. But, by performing this administrative review subsequent to that undertaken by the court, the Coordinator empowers himself to make legal and factual assessments at odds with those of the Court.

The Coordinator also performs an illegal substantive review of the decisions made by the circuit court, reserving for himself the final decision about which rights are properly restored by the judges' orders. The coordinator does not merely confirm whether the order "was issued," which would be the full extent of the Coordinator's statutory authority. *Id.* § 40-29-105(c)(7). The Coordinator claims the authority to disregard an express Restoration Order or even such order's express dictate that voting rights be restored because the order does not fully restore the petitioner's *gun rights*. The Coordinator's review, modification, and limitation of judicial orders violates applicable Tennessee statutes and the separation of powers required by the state constitution.

C. The Unlawful Gun Rights Restoration Prerequisite to Restoring Voting Rights

Not content with leading the nation in disenfranchisement via statute as well as disenfranchisement via less obvious means (burdensome financial obligations, a Kafkaesque bureaucratic process, and a pattern of delay and bad faith when such practices are challenged in court), the State has now made disenfranchisement permanent by fiat by connecting gun rights to voting rights, despite taking the exact opposition position under oath in litigation.¹³

By making the restoration of gun rights a prerequisite to registering or voting, the Coordinator has inserted an extralegal obstacle that effectively prohibits most formerly incarcerated persons from exercising their restored voting rights or successfully seeking restoration in the first place. Pursuant to Tennessee law, a person convicted of a felony "of violence, an attempt to commit a felony crime of violence, or a felony involving use of a deadly weapon; or "has been convicted of a felony drug offense" may not possess any firearm. T.C.A. § 39-17-1307(b). Persons convicted of any felony may not possess a handgun. T.C.A. § 39-17-1307(c). The Tennessee Supreme Court has confirmed that judicial restoration of civil rights does not relieve the restrictions in § 39-17-1307(b) applicable to persons convicted of violent crimes or drug crimes. *See State v. Johnson*, 79 S.W.3d 522, 528 (Tenn. 2002).¹⁴ Moreover, under federal law, it is a felony for a person to possess a firearm if the person has been convicted "in any court" of "a crime

¹³ See The Tennessean, Jan. 23, 2024, "TN elections official: Before regaining right to vote, felons must be able to own a gun," available at <https://www.tennessean.com/story/news/2024/01/23/tennessee-voting-rights-officials-consider-linking-gun-voting-rights/72313073007/> ("At the time of the depositions, the Secretary of State's office did not consider gun rights as part of the "full rights of citizenship" necessary for voting. That interpretation had been explicitly held by the office in previous years as well, according to a training document read during Goins' deposition. "Note: Gun rights are also a citizenship right, but they involve overlapping federal laws so it's okay if those are not restored as long as the other citizenship rights are restored," Goins said, reading part the training document during his deposition." (emphasis added)).

¹⁴ Even a gubernatorial pardon by itself does not necessarily relieve firearms disabilities not subject to relief under the restrictions in § 39-17-1307(b).

punishable by imprisonment for a term exceeding one year.” *See* 18 U.S.C. § 922(g)(1). Thus, this federal law also blocks any Tennessee citizen convicted of a felony from possessing a gun.

The upshot of these laws is that there are certain classes of citizens who can never restore their gun rights and, as such, can now never restore their voting rights. This is an obvious clash with both the existing permanent disenfranchisement statutes as well as an unconstitutional and illegal burden on citizens’ statutory right to exercise their restored voting rights or to restoration itself under existing law. Tennessee law already specifies an explicit and limited number of offenses that qualify for permanent disenfranchisement. Drug offenses and other offenses resulting in the loss of gun rights are not on that list. By adopting this new “policy,” the State has illegally, unconstitutionally, and drastically expanded the list of crimes that now permanently disenfranchise Tennesseans.

The Coordinator’s rationale is as preposterous as the rule itself. First, while the term “full rights” has been in Tennessee’s restoration provisions for 170 years, the Coordinator insists the inclusion of this term in the election code now means that voting is a right only restorable after every other right of citizenship has been restored. The legislature used the term “full citizenship rights” in statutes providing for restoration of suffrage adopted in 1851, 1996, and 2006 and referenced this same terminology in an election statute adopted in 1981. *See* Tenn. Code Ann. §§ 40-29-101, 40-29-105, 40-29-201, 2-19-143.¹⁵ But the Coordinator insists his 2023 analysis of this term should defeat the historic and fundamental purpose of the restoration statutes. The Coordinator compounds this tortured logic with the specious conclusion that one restricted in their gun rights does not enjoy the “full rights” of citizenship and thus must also be precluded from voting. The Coordinator points only to an inapposite Tennessee Supreme Court as compelling this change in law and policy, but that decision is expressly limited to its facts, did not touch on gun

¹⁵ Since 1981, the Election Code has included a provision stating no person convicted of an infamous crime shall be permitted to register to vote unless the person has been pardoned “or the person’s full rights of citizenship have otherwise been restored as prescribed by law.” *See* Tenn. Code Ann. § 2-19-143 *held unconstitutional in part by May v. Carlton*, 245 S.W.3d 340 (Tenn. 2008) (finding its retroactive application unconstitutional). When that statute was adopted in 1981, it referred to the sole procedure for restoration of voting rights “prescribed by law” at the time *i.e.*, the judicial restoration procedures set out in § 40-29-101, which references restoration of “full citizenship rights.” *See id.* §§ 2-19-143(a), 40-29-101(a). The administrative restoration of suffrage provisions, adopted in 2006, plainly prescribe by law a procedure for restoring voting rights that is not dependent on the restoration of other rights. *See id.* § 40-29-201 *et seq.* The State adhered to this clear statutory text from its adoption until the new Policy was issued in July 2023. Implausibly, the Secretary of State now maintains that administrative restoration should have always been viewed as a *supplemental* procedure employed *subsequent to* judicial restoration rather than a more limited alternative. This strained interpretation discards all recognized rules of statutory interpretation, would implicitly repeal the 1996 judicial restoration statute that makes restoration of suffrage a defined remedy, *id.* § 40-29-105(c)(5, 7), and would contradict the plain meaning and intent of the 2006 administrative restoration statute, *id.* § 40-29-201(c), all based on an undefined term in the more generic Title 2 statute adopted earlier than either specific restoration procedure, *id.* § 2-19-143(a). This so-called Policy, belies any text-based rationale by establishing a non-textual, cumulative procedure; conflicting with decades of practice, statutes, and case law that consistently stipulate that citizenship and suffrage can be restored while other disabilities stemming from conviction remain; and results in manifestly absurd outcomes where a person may be restored to the right to be elected Governor but still prohibited from voting in the election. The only consistency to this methodology is outcome-oriented disenfranchisement. *Cf.* Tenn. Code Ann. § 4-5-326 (rejecting deference to a state agency’s interpretation of a statute, instructing application of customary tools of interpretation, and resolving any ambiguities “against increased agency authority.”). If the bad faith of this Policy were not clear enough, the Coordinator confirms its discriminatory intent by using this contrivance to further limit restoration by importing a non-textual requirement that gun rights must be seen as part of the full rights of citizenship that must be restored prior to voting rights.

rights at all, and involved a peculiar combination of circumstances rarely applicable to the tens of thousands of Tennesseans who are now deprived of their right to vote.¹⁶

Nothing in the restoration of citizenship statutes or any other statute provides or even implies that restoration of citizenship rights such as the right to vote may be conditioned upon the prior restoration of gun rights. The statutes governing restoration of citizenship rights do not address gun rights at all. *See generally* Tenn. Code Ann. §§ 40-20-101 *et seq.*, 40-20-201 *et seq.* Nor should they, because the Tennessee Supreme Court has long distinguished between gun rights and the rights generally restored under Tennessee’s citizenship restoration procedures. *See State v. Johnson*, 79 S.W.3d 522 (Tenn. 2002).

In *Johnson*, a defendant challenged his trial court conviction for unlawful possession of a weapon on the grounds that he had his full rights of citizenship restored. A divided Court of Appeals had overturned the conviction, seizing on the same phrase now relied upon by the Coordinator. *See State v. Johnson*, 2001 WL 282571, at *2 (Tenn. Ct. Crim. App. Sep. 17, 2001) The Court of Appeals reasoned the defendant could not be prosecuted under Tennessee’s gun laws because he had been restored to his “full rights of citizenship.” *Id.* (emphasis supplied by the overturned Court of Appeals). The Supreme Court reversed, holding the legislature did not intend that the restoration of “full rights of citizenship” to automatically restore the individual’s gun rights. *Id.* at 528. The Court explained the legislature’s intent to allow an individual to have their citizenship rights fully restored and still remain subject to Tennessee firearms restrictions. *Id.* Numerous state laws likewise confirm this legislative intent to limit one’s right to own or possess a firearm “even when that felon has had his or her citizenship rights restored.” *See id.*; *see e.g.*, Tenn. Code Ann. §§ 39-17-1307, 39-17-1316, 39-17-1351.¹⁷

An individual’s gun rights are restricted under Tennessee law and many federal laws due to criminal convictions. *See, e.g.*, Tenn. Code Ann. § 39-17-1307(b)(1). A mere criminal conviction, however, is not sufficient for an individual to lose their voting rights under Tennessee’s Constitution. The deprivation of citizenship rights turns on a finding that the individual has

¹⁶ *See Falls v. Goins*, 673 S.W.3d 173 (Tenn. 2023). This case addressed a very specific and very different issue, i.e., whether a citizen living in Tennessee who had an out-of-state felony conviction expunged by an out-of-state pardon also had law go through the administrative restoration process to avoid the statutory exclusions imposed by state law. Tennessee (see T.C.A. § 40-29-202) or whether the pardon sufficed to restore the citizen to his pre-conviction status (and thus enable him to register to vote). The Court specifically noted: “We limit the scope of our analysis to these facts and these facts only. We express no opinion as to the outcome of a hypothetical case in which a person convicted of an infamous crime in another state regains citizenship and voting rights in that person’s state of prosecution before establishing residency and attempting to register to vote in Tennessee.” *Id.* at 178 (emphasis added). There is no reason this explicitly limited analysis should apply to convictions rendered infamous by Tennessee courts and subject to judicial or administrative restoration in Tennessee – or be interpreted expansively by the Coordinator to prohibit most formerly incarcerated persons from seeking or being restored to their voting rights.

¹⁷¹⁷ Restoration of citizenship has taken on some importance for the application of federal gun laws because certain federal statutes cease to apply when individuals have their civil rights restored. *See, e.g. United States v. Cassidy*, 899 F.2d 543, 549 (6th Cir. 1990) Thus, a restoration of citizenship and voting rights by a state can be relevant to these federal restrictions. It is an absurd circularity, however, for Tennessee to condition citizenship rights like voting on the restoration of gun rights when other laws condition certain gun rights on the restoration of the rights of citizenship. The occasional relevance of restoration of citizenship to the application of gun laws does not disturb Tennessee’s historic treatment of voting as the fundamental right of citizenship recoverable through restoration of citizenship. *See id.* (distinguishing “all rights and privileges from rights accorded “by virtue of citizenship, which include the right to vote, the right to seek and hold public office and the right to serve on a jury”).

committed an “infamous” offense. *See* Tenn. Const. art. i § 5 (“the right of suffrage . . . shall never be denied to any person entitled thereto, except upon conviction by a jury of some infamous crime.”). For most of Tennessee’s history, only a subset of felonies were deemed infamous. The post-1981 practice of adjudicating every felony conviction as constituting an “infamous” offense may have blurred but did not erase this constitutional distinction. It is the adjudication of an “infamous crime” that leads to an individual being disenfranchised, and the primary purpose of the statutory procedure for restoration of citizenship rights is extinguishing the civil disabilities resulting from the “infamous offense.” Restoration of citizenship or voting rights does not purport to erase the conviction altogether for all purposes. Nor does it preclude the legislature from enacting laws that treat the individual differently due to a prior conviction.¹⁸

There is no legal basis for making gun rights restoration a prerequisite for voting rights restoration. Nor is there any legal authorization for the Coordinator to impose a non-statutory prerequisite that limits the effect of otherwise lawful court orders and CORs. Numerous individuals, who have had their fundamental right to vote lawfully restored, are prevented from registering and voting due to the illegal policy and actions of the Secretary of State and Coordinator, seemingly with at least the tacit support of other state officials.

Violations of Federal Statutes and Constitution

These radical changes, detailed above, violate the VRA, the NVRA, potentially the KKK Act, and create unconstitutional barriers to the franchise for individuals with felony convictions, including individuals with felony convictions **who never lost the right to vote in the first place, as well as individuals who have had their voting rights restored under Tennessee law but remain ineligible to vote.**

As explained herein, these changes are unconstitutional and violate federal law, including but not limited to the NVRA, the VRA, and—potentially—the KKK Act. By refusing to honor Tennessee’s rights restoration statutes (T.C.A. § 40-29-201 *et seq.*), the Secretary of State is violating the NVRA’s basic requirement that the “administrator of voter elections . . . shall (1) ensure that any eligible applicant is registered to vote in an election . . .” 52 U.S.C. § 20507. These practices also violate Section 2 of the VRA in that they disproportionately impact Tennesseans of color. 52 U.S.C. § 10301. In similar manner, these actions violate the Fourteenth Amendment’s guarantees of due process and equal protection. Finally, we believe DOJ’s investigation may uncover a conspiracy between the Secretary of State, certain local District Attorneys, the Attorney General’s Office, and potentially other state and local officials in violation of 42 U.S.C. § 1985. We believe that such actions have been taken to “depriv[e], either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws” and/or “to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote” (particularly in the case of the wrongful prosecutions of persons with past convictions who vote, attempt to register, and/or register to vote under the mistaken

¹⁸ For instance, one convicted of a crime committed “in the person’s official capacity” and “while that person is holding an elected office” is permanently disqualified from seeking or holding public office. *Id.* § 40-20-114 That disqualification applies “even if the person’s citizenship rights have been restored.” *Id.* Though not restored to the “full rights” of citizenship as that phrase is interpreted by the Coordinator, such individuals are authorized to vote. *Id.*

belief that they were eligible, which we believe may be coordinated at the local level with the State Attorney General's Office and/or the Secretary of State).

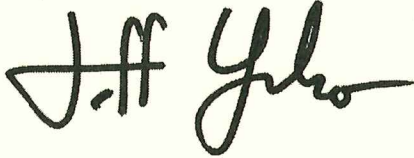
Though legislators, it is plain that legislative enactments are not being applied consistent with their intended or natural meaning and we have sufficient reason to believe other state-based remedies will prove ineffectual or counter-productive. We look forward to the Department of Justice's investigation into these matters and actions to rectify them as soon as possible. Tens of thousands of Tennessee voters are counting on it.



Rep. Caleb Hemmer




Senator Charlane Oliver



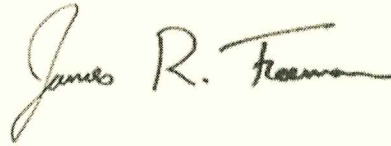
Senator Jeff Yarbrow



Rep. Sam McKenzie



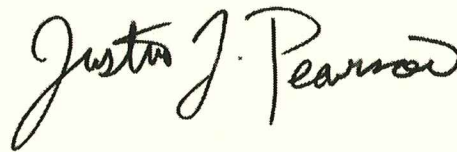
Rep. Vincent Dixie



Rep. Bob Freeman



Senator Heidi Campbell



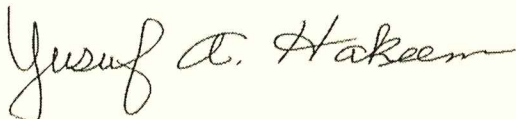
Rep. Justin J. Pearson



Rep. Aftyn Behn



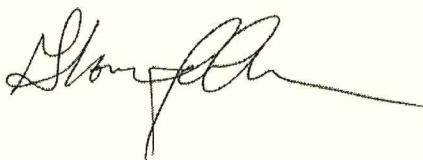
Rep. Bo Mitchell



Rep. Yusuf Hakeem



Rep. Torrey Harris



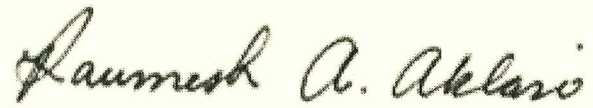
Rep. Gloria Johnson



Rep. John Ray Clemmons



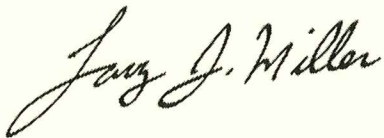
Rep. Jason Powell



Senator Raumesh Akbari



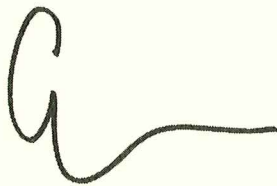
Rep. Johnny Shaw



Rep. Larry Miller



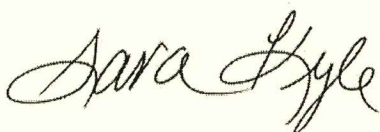
Senator London Lamar



Rep. Antonio Parkinson



Rep. Harold Love Jr.



Senator Sara Kyle

Tennessee Secretary of State
Tre Hargett



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Mark Goins
Coordinator of Elections

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MEMORANDUM

To: County Election Commissions

From: Mark Goins *Mark Goins*
Coordinator of Elections

Date: July 21, 2023

Subject: Restoration of Voting Rights

In a recent case, *Falls v. Goins*, No. M2020-01510-SC-R11-CV (Tenn. Jun. 29, 2023), the Tennessee Supreme Court held that to restore one's voting rights in Tennessee, a person convicted of an infamous crime in another state who had not regained the right to vote in the other state must comply with the provisions set forth in Tenn. Code Ann. § 2-19-143(3) and the additional requirements of Tenn. Code Ann. §§ 40-29-201 through 40-29-205 requiring a two-step process. Although the Court indicated that the holding in *Falls v. Goins* was limited to the facts before them, the application of the holding to other governing statutes requires the same interpretation to those convicted of a felony in both federal and Tennessee state courts because the statutory language that applies to in-state and federal felonies closely aligns with the statutory language at issue in *Falls v. Goins*.

Therefore, 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 ordered 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.

In light of this interpretation of the voter restoration statutes, we will stop using the existing Certificate of Restoration of Voting Rights (COR) – SS-3041 (Rev. 3/20) and begin using the COR included with this memo. With the use of the revised COR, you will note the following changes:

1. The first box of the form must be completed by the individual wanting to have voting rights restored. This section of the form collects the applicant's name, identifying information, contact information, and whether the individual received a pardon or has had full rights of citizenship restored.
2. The second box requires an agent of your organization to provide information about the felony conviction, restitution, if any, and court costs, if any.

Specifically, in BOX #2, the proper authority/agent must provide the following information:

a) Felony Conviction Information:

- List the crime(s) for which the applicant was convicted. If the applicant has more than one felony, a separate COR must be used for each felony conviction.
- The statute for the felony offense for which the applicant was convicted.
- The month, date, and year the applicant was convicted of the felony.
- The applicant's TOMIS ID No., County of Conviction, and the Case Number of the felony conviction.

b) Restitution:

- Check the appropriate box as it relates to any restitution that was or was not assessed to the applicant.
- Sign and print the agent's name and provide the agent's contact information.

c) Court Costs:

- Check the appropriate box as it relates to any court costs that were or were not assessed to the applicant.
- Sign and print the agent's name and provide the agent's contact information.

For the person to have voting rights restored, the person must submit evidence of either a Pardon by the appropriate authority, or evidence of the person's full rights of citizenship having been restored, such as by a court. A copy of the applicable document must be submitted with the COR. If the person has had full citizenship rights restored by a court, then a certified copy of the court order is required.

A person who submits a COR without evidence of either a Pardon by the appropriate authority, or evidence of the person's full rights of citizenship having been restored must be instructed to provide evidence of either one of these requirements.

If you have any questions about this revised process, do not hesitate to contact my office.

Thank you for your diligence and assistance in restoring the voting rights of eligible individuals previously convicted of a felony.



CERTIFICATE OF RESTORATION OF VOTING RIGHTS for Persons Convicted of a Felony on or after May 18, 1981

This includes any federal or state felony conviction
both within Tennessee or from another state.

Eligibility

You must 1) have been pardoned by a Governor, U.S. President, or other appropriate authority of a state, or 2) have had your full rights of citizenship restored as required by law; and 3) not owe restitution to the victim(s); 4) have paid all court costs assessed against you, if any, unless the court made a finding you were indigent; and 5) be current in all child support obligations, if any.

1. To Be Completed by Applicant:

I hereby attest that the following is true and correct, to the best of my knowledge:

a. _____
Last Name First Name Middle Name

DOB: _____ - _____ - _____ SSN: _____ - _____ - _____
Month Day Year

b. _____
Residential Address City State County

_____ Phone Number _____ Email Address (Optional)

c. Check one:

- I have been pardoned by a Governor, U.S. President, or other appropriate authority of a state (Copy attached.); or
- My full rights of citizenship have been restored as required by law. (Copy attached. If a court order, it must be a certified copy.)

Signature: _____ Date: _____

2. To Be Completed by an Agent of the Pardoning Authority, an Agent or Officer of the Incarcerating Authority, or a Probation/Parole Officer or Agent of the Supervising Authority.

a. _____ / _____ / _____
Felony Offense Conviction Statute(s) Month/Date/Year of Conviction

_____ TOMIS ID, if Applicable _____ County and State of Conviction _____ Case Number

b. Restitution

I hereby certify that the following is true and correct: (check one)

- Restitution is not owed; or
- Restitution ordered by the court is owed; or
- For Federal Convictions Only, 18 U.S.C. § 3613(b) applies in this case and therefore the liability to pay has expired.

Signature: _____ Date: _____
Printed Name: _____ Title: _____
Address: _____ Phone Number: _____

c. Court Costs

I hereby certify that the following is true and correct: (check one)

- Court costs are not owed; or
- Court costs ordered by the court are owed; or
- The court has made a finding at an evidentiary hearing that the above individual is indigent at the time of application.

Signature: _____ Date: _____
Printed Name: _____ Title: _____
Address: _____ Phone Number: _____

Instructions for Completing the Certificate of Restoration

In order to complete any section of this form, the agent must have access to the information being attested to on this form.

1. In **SECTION #1**, the applicant must provide the requested information and a signature attesting to the information provided.

NOTES for 1.c.:

- If the applicant received a pardon by a Governor, U.S. President, or other appropriate authority of a state, a copy of the pardon must be attached to the application.
 - If the applicant had full rights of citizenship restored, a copy of the instrument restoring the full rights of citizenship must be attached to the application. If that instrument is a court order, a certified copy of such order must be attached to the application.
2. In **SECTION #2**, the proper authority/agent must provide the following information:
 - a. Felony Conviction Information:
 - List the crime(s) for which the applicant was convicted.
 - The statute for the felony offense for which the applicant was convicted.
 - The month, date, and year that the applicant was convicted of the felony.
 - The applicant's TOMIS ID No., County and State of Conviction, and the Case Number of the felony conviction.
 - b. Restitution:
 - Check the appropriate box as it relates to any restitution that was or was not assessed to the applicant.
 - Sign and print the agent's name and provide the agent's contact information.
 - c. Court Costs:
 - Check the appropriate box as it relates to any court costs that were or were not assessed to the applicant.
 - Sign and print the agent's name and provide the agent's contact information.

Persons convicted of any of the following, cannot have their voting rights restored:

- Between July 1, 1986, and June 30, 1996 – first degree murder, aggravated rape, treason, or voter fraud
- Between July 1, 1996, and June 30, 2006 – murder, rape, treason, or voter fraud
- On or after July 1, 2006 – Any of the above, or any degree of murder or rape or any felony offense under TCA Title 39, Chapter 16, parts 1, 4, or 5; or any sexual offense under TCA § 40-39-202(20) or any violent sexual offense under TCA § 40-39-202(30) designated as a felony and where the victim of such offense was a minor

Instructions to the Applicant Seeking to have His or Her Voting Rights Restored:

- After completion, the original form must be filed with the local county election commission office in the county the applicant desires to register to vote.

NOTICE

A person is not eligible to apply for a voter registration card and have their voting rights restored unless the person is current in all child support obligations. Before restoring the voting rights of an applicant, the Coordinator of Elections will verify with the Department of Human Services that the applicant does not have any outstanding child support payments or arrearages.