

**IN THE CHANCERY COURT OF TENNESSEE FOR THE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY**

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE
TENNESSEE STATE CONFERENCE and GLORIA
SWEET-LOVE

Petitioner

v.

THE STATE OF TENNESSEE GOVERNOR and
THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE

Respondent.

Case No. _____

**EMERGENCY PETITION FOR DECLARATORY JUDGMENT AND INJUNCTIVE
RELIEF**

TO THE HONORABLE CHANCELLORS OF DAVIDSON COUNTY CHANCERY COURT:

COME NOW Petitioners, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE TENNESSEE STATE CONFERENCE (“NAACP Tennessee”) and GLORIA SWEET-LOVE (collectively “Petitioners”) against THE STATE OF TENNESSEE GOVERNOR (the “Governor”) and THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE (the “General Assembly”) (collectively, “Respondents”), pursuant to Tennessee Rule of Civil Procedure 65, by and through their attorneys, Isaac Conner, Chudi Echetebe, Van D. Turner, Jr., Kristen Clarke, Myesha Braden, Anthony P. Ashton, for the purpose of respectfully showing the Court the following:

INTRODUCTION

1. This case involves a decision by Respondents to engage in unlawful late-decade congressional redistricting in violation of clear and unambiguous Tennessee statutory law and the mandates of the Tennessee Constitution.

PARTIES

2. Petitioner NAACP Tennessee is a unit of the National Association for the Advancement of Colored People, Inc. (“NAACP”), a national non-profit, non-partisan organization founded in 1909 with more than 2,200 chapters, branches, and units across the United States.

3. Petitioner Gloria Sweet-Love is the President of NAACP Tennessee, a lawful, registered, and active voter.

4. Respondent the Governor is the chief executive of Tennessee.

5. Respondent the General Assembly is the legislative body of Tennessee.

JURISDICTION AND VENUE

6. All events which form the basis of this Petition occurred in the State of Tennessee.

7. Venue is properly situated in Davidson County Chancery Court pursuant to Tenn. Code Ann. § 4-4-104.

8. This Court has jurisdiction over this matter pursuant to Tenn. Code Ann. § 16-11-103.

BACKGROUND

9. On May 1, 2026, the Governor called an extraordinary session via a proclamation dated May 1, 2026 (the “Proclamation”). The Proclamation provides, in relevant part:

I, Bill Lee, Governor of the State of Tennessee, by virtue of the power and authority vested in me by Article III, Section 9 of the Tennessee Constitution, do hereby call the One Hundred Fourteenth General Assembly of the State of Tennessee to meet and convene in extraordinary session at the Capitol in Nashville on May 5, 2026, at 2:00 p.m., Central Time, to consider and act upon legislation relative to: (1) the composition of Tennessee’s congressional districts; (2) making statutory changes that are necessary to effectuate changes to the composition of Tennessee’s congressional districts and to facilitate 2026 congressional elections; (3) making appropriations sufficient to provide funding for any legislation that receives final passage during the

extraordinary session or other appropriations sufficient to facilitate 2026 congressional elections; and (4) making appropriations sufficient to pay the expenses of the extraordinary session, including the expenses of carrying out any actions taken pursuant to this proclamation.

See Exhibit 1.

10. On May 5, 2026, at or about 2:00 p.m., Central Time, the General Assembly convened in extraordinary session at the Capitol in Nashville, pursuant to the Proclamation.

11. The timing of drawing Tennessee's congressional districts is governed by Tennessee law, including Section 2-16-102 of the Tennessee Code, which provides: "The general assembly shall establish the composition of districts for the election of members of the house of representatives in congress after each enumeration and apportionment of representation by the congress of the United States. ***The districts may not be changed between apportionments.***" (Emphasis added)."

12. The General Assembly established the composition of districts for the election of members of the House of Representatives in Congress after the 2020 enumeration.

13. May 2026 is a time between apportionments. Consequently, Section 2-16-102 bars the General Assembly from changing the congressional districts during the extraordinary session.

14. The Proclamation expressly provides that the May 5, 2026 extraordinary session is being convened "by virtue of the power and authority vested in [the Governor] by Article III, Section 9 of the Tennessee Constitution." Article III, Section 9 of the Tennessee Constitution provides, in its entirety: "[The Governor] may, on extraordinary occasions, convene the General Assembly by proclamation, in which he shall state ***specifically*** the purposes for which they are to convene; but they shall enter on ***no*** legislative business except that for which they were ***specifically*** called together." (Emphasis added).

15. The Proclamation does not mention Section 2-16-102 of the Tennessee Code or mention its repeal or suspension or specify a purpose of repealing Section 2-16-102. On May 4, 2026, Mark Goins, the Tennessee Coordinator of Elections, issued a memorandum to All County Election Commissioners (“Memorandum”). *See* Exhibit 2. Again, this Memorandum does not mention Section 2-16-102 of the Tennessee Code or mention its repeal or the residency requirement or its suspension.

16. The Memorandum, however, does detail a host of negative effects on voters due to the late-decade redistricting, *e.g.*: “Potential changes to congressional districts could impact voters across multiple counties. Because congressional districts are interrelated, a change to one district may necessitate changes to others. This has the potential to affect ballot styles, over assignments, notices, and election administration across the state.” The Memorandum also explains that the late-decade redistricting may require some counties to adjust their precinct boundaries, “triggering additional notice and publication requirements, including mailing notices to active voters whose polling places have changed.” The Memorandum further details that voters will be negatively affected with regard to the slate of potential candidate from which they may choose: “Due to the proximity of the election, the time period to issue and submit qualifying petitions will be compressed.”

17. Despite Section 2-16-102’s prohibition on late-decade redistricting and the Governor’s decision not to mention Section 2-16-102 in the Proclamation, on May 7, 2026, the General Assembly purported to engage in congressional redistricting.

18. During the extraordinary session, on May 5, 2026, State Senator of District 21 Jeff Yarboro pointed out, on the record, that late-decade redistricting was prohibited by Tennessee law and noted that the Governor’s primary obligation is ensure that the laws are faithfully executed.

He further pointed out that, by being asked to engage in the purported redistricting, the General Assembly was being asked to break the law.

19. In response, the General Assembly did not halt its efforts to engage in the prohibited redistricting. Instead, on May 5, 2026, SB7002 was introduced by Senator Jack Johnson of District 27 and HB7002 was introduced by Representative Cameron Sexton of District 25. The publicly available caption text for SB7002 and HB7002 provides: “Redistricting, Congressional - As introduced, removes prohibition on changing congressional districts between apportionments. - Amends T.C.A. Title 2, Chapter 16.”

20. In considering SB7002 and HB7002, the General Assembly violated Article III, Section 9 of the Tennessee Constitution, which provides “they shall enter on *no* legislative business except that for which they were *specifically* called together.” (Emphasis added).

21. Also on May 5, 2026, Senator Jack Johnson and Representative Cameron Sexton introduced SB7001 and HB7001, respectively. The publicly available caption text for SB7001 and HB7001 provides: “Congress - As introduced, suspends application of the requirement that candidates for United States House of Representatives meet the residency requirements for state senators and representatives contained in the Tennessee Constitution for the 2026 election. - Amends T.C.A. Title 2.” The bill summary provides: “In order to qualify as a candidate in a primary election for congress, present law requires, among other things, that the person resided in the county or district for one year immediately preceding the elections. This amendment creates an exception to such present law requirement for the 2026 primary election for the office of United States representative.”

22. Not only is suspension of the residency requirements not mentioned specifically in the Proclamation, such suspension is by no means necessary to draw new district maps. The

purpose of the residency requirements is obvious—they ensure a connection between the voters within a district and the person tasked with representing them. The purpose of the suspension appears wholly to allow the election of candidates who have no history of living in the district they seek to represent.

23. In considering SB7001 and HB7001, the General Assembly violated Article III, Section 9 of the Tennessee Constitution, which provides “they shall enter on *no* legislative business except that for which they were *specifically* called together.” (Emphasis added).

24. On May 7, 2026, at about 1:20 p.m., the Assembly passed final legislation that was directed to the Governor. The Governor sought to ratify the illegitimate acts of the General Assembly by purportedly signing them into law.

25. NAACP Tennessee works to help fulfill the NAACP’s mission to achieve equity, political rights, and social inclusion by advancing policies and practices that expand human and civil rights, eliminate discrimination, and accelerate the well-being, education, and economic security of Black people and all persons of color.

26. As part of NAACP Tennessee’s mission, it engages in voter registration drives, voter education, including educating voters about their voting rights, candidates, and get-out-the-vote efforts.

27. NAACP Tennessee is a membership organization with members across Tennessee. Its membership includes lawfully registered voters who would necessarily be negatively affected by the late-decade redistricting in violation of Section 2-16-102 of the Tennessee Code and Article III, Section 9 of the Tennessee Constitution.

28. In addition to Gloria Sweet-Love, a lawful, registered, and active Tennessee voter, who will be affected in her personal capacity as a voter by the unlawful late-decade redistricting,

she also oversees the NAACP Tennessee’s voter registration drives and voter education efforts, including educating voters about candidates, and get-out-the-vote efforts.

COUNT I
DECLARATORY JUDGMENT

29. Petitioners incorporate by reference and re-alleges each and every preceding allegation, as though fully set forth herein.

30. Courts have the power under Tennessee law “to declare rights, status, and other legal relations whether or not further relief is or could be claimed.” Tenn. Code Ann. § 29-14-102(a).

31. Respondents must act pursuant to Respondents’ authority under the Tennessee Code and Tennessee Constitution and, but they have violated Section 2-16-102 of the Tennessee Code and Article III, Section 9 of the Tennessee Constitution.

32. Petitioners NAACP Tennessee and Gloria Sweet-Love request that this Court issue a declaratory judgment as to the lawfulness of the Governor’s and the General Assembly’s actions in purporting to engage in late-decade redistricting and request that this Court issue an appropriate injunction.

COUNT II
INJUNCTIVE RELIEF

33. Petitioners incorporate by reference and re-alleges each and every preceding allegation, as though fully set forth herein.

34. Tennessee Rule of Civil Procedure 65.03(1)(A) states that one must “clearly show that immediate and irreparable injury, loss or damage will result to the applicant before the adverse party can be heard in opposition” *See* Tenn. R. Civ. P. 65.03(1)(A).

A. Petitioners Are Likely to Prevail on the Merits

35. This case is staggeringly easy for this Court to decide. Pursuant to Section 2-16-102, mid-decade redistricting is impermissible. Furthermore, there is a one-year district residency requirement for candidates for the House of Representatives.

36. Next, the Proclamation expressly provides that the May 5, 2026, extraordinary session is being convened “by virtue of the power and authority vested in [the Governor] by Article III, Section 9 of the Tennessee Constitution.” *See* Proclamation. Article III, Section 9 of the Tennessee Constitution provides, in its entirety: “[The Governor] may, on extraordinary occasions, convene the General Assembly by proclamation, in which he shall state *specifically* the purposes for which they are to convene; but they shall enter on *no* legislative business except that for which they were *specifically* called together.”

37. Finally, the Proclamation does not specify the purpose of repealing Section 2-16-102, which forbids mid-decade redistricting, or suspension on the one-year residency requirement. Indeed, the Proclamation does not even mention Section 2-16-102 or the residency requirement. Thus, any actions dependent on such repeal or suspension are impermissible and should be enjoined.

38. When dealing with statutory interpretation, well-defined precepts apply. A court’s chief concern is to carry out legislative intent without broadening or restricting the statute beyond its intended scope. *Houghton v. Aramark Educ. Res., Inc.*, 90 S.W.3d 676, 678 (Tenn. 2002). In construing legislative enactments, a court presumes that every word in a statute has meaning and purpose and should be given full effect if the obvious intention of the General Assembly is not violated by so doing. *In re C.K.G.*, 173 S.W.3d 714, 722 (Tenn. 2005). When a statute is clear,

courts apply the plain meaning without complicating the task. *Eastman Chem. Co. v. Johnson*, 151 S.W.3d 503, 507 (Tenn. 2004).

39. The Court's obligation is simply to enforce the written language. *Abels ex rel. Hunt v. Genie Indus. Inc.*, 202 S.W.3d 99, 102 (Tenn. 2006). Indeed, Section 1-3-105(b) of the Tennessee Code provides: "As used in this code, undefined words shall be given their natural and ordinary meaning, without forced or subtle construction that would limit or extend the meaning of the language, except when a contrary intention is clearly manifest."

40. Here, the Court must give effect to Section 2-16-102's prohibition: "The districts may not be changed between apportionments." The language cannot be interpreted in any fashion other than that mid-decade redistricting is unlawful. The Court also must give effect to the one-year district residency requirement.

41. Next, as the Tennessee Attorney General has explained:

Courts must presume that the language in the Constitution has been used with sufficient precision to convey the intent of those who framed and adopted the language. *State ex rel. Sonnenburg v. Gaia*, 717 S.W.2d 883, 885 (Tenn. 1986). Since constitutional provisions must be taken literally unless the language is ambiguous, there is no need to resort to other means or rules of interpretation when the words are free from doubt and express plainly and clearly the sense of the framers. *Shelby County v. Hale*, 200 Tenn. 503, 292 S.W.2d 745, 748 (1956). . . . The common, ordinary meaning of "authorized" is to "empower" or "to give power or permission to" someone, or to "give legal or official approval for something."

Tenn. Atty. Gen. Op. 15-28 (March 18, 2015) (citing Merriam-Webster Online Dictionary); *see also State v. Deberry*, 651 S.W.3d 918, 925 (Tenn. 2022) (consulting dictionaries to give terms their "natural and ordinary meaning").

42. Accordingly, this Court must give effect to the plain meaning of Article III, Section 9's "specifically" language. Merriam-Webster Dictionary defines the adverb "specifically" as "in a specific manner : in a definite and exact way : with precision" and "used to indicate the exact

identity, purpose, or use of something.”¹ Merriam-Webster further notes that “specifically” is synonymous with “especially”—“in regard to something mentioned explicitly or in detail.”²

43. Because the Proclamation does not specifically mention Section 2-16-102 or its repeal, or the residency requirement or its suspension, the General Assembly’s actions with regard to Section 2-16-102 and the residency requirement are legally void and unenforceable. Consequently, the mid-decade redistricting is barred, the suspension of the residency requirement is ineffective, and Petitioners are likely to win on the merits of their claim.

B. Petitioners Will Be Irreparably Harmed Unless Respondents Are Enjoined

44. Unless Respondents are enjoined, NAACP’s members will be subjected to an unlawful redistricting scheme, affecting their voting rights going forward. In general, harm resulting from a denial of injunctive relief “is irreparable if it is not fully compensable by monetary damages.” *Overstreet v. Lexington-Fayette Urban Cnty. Gov.*, 305 F.3d 566, 578 (6th Cir. 2002).

45. On May 4, 2026, Mark Goins, the Tennessee Coordinator of Elections, issued a memorandum to All County Election Commissioners (“Memorandum”) detailing many of the harms that Petitioners will face if the illegitimate redistricting moves forward. *See* Exhibit 2. According to the Memorandum: “Potential changes to congressional districts could impact voters across multiple counties. Because congressional districts are interrelated, a change to one district may necessitate changes to others. This has the potential to affect ballot styles, over assignments, notices, and election administration across the state.”

46. The Memorandum also explains that the late-decade redistricting may require some counties to adjust their precinct boundaries, “triggering additional notice and publication

¹ <https://www.merriam-webster.com/dictionary/specifically#dictionary-entry-1> (last checked 5/4/2026)

² <https://www.merriam-webster.com/dictionary/specifically#synonyms> (last checked 5/4/2026).

requirements, including mailing notices to active voters whose polling places have changed.” The Memorandum further details that voters will be negatively affected with regard to the slate of potential candidate from which they may choose: “Due to the proximity of the election, the time period to issue and submit qualifying petitions will be compressed.”

47. Furthermore, because of the illegitimate suspension of the one-year district residency requirement for candidates, voters can expect candidates with little or no ties to the district. Thus, candidates from foreign districts, who do not share the interests of district residents, can affect or even win a district’s election.

48. Because primaries are imminent and the general election is a mere six months away, Petitioners will suffer immediate and irreparable non-monetary harm if Respondents’ unlawful actions are not enjoined.

C. The Balance of the Equities Strongly Favor and Respondents’ Actions Do Not Benefit the Public.

49. Finally, the equities at stake also tip sharply in Petitioners’ favor. Any act that violates the Tennessee Constitution is not within “the authority of the state,” because “the power of the state is limited by the state and federal constitutions.” *Colonial Pipeline Co. v. Morgan*, 263 S.W.3d 827, 850 (Tenn. 2008). Under no circumstances can Respondents’ actions, which violate Tennessee statutory and constitutional provisions, be considered a benefit to the public for whom the statutory and constitutional provisions were enacted.

PRAYER FOR RELIEF

WHEREFORE, THE AFORE-DESCRIBED PREMISES CONSIDERED, Petitioners National Association for the Advancement of Colored People Tennessee State Conference and Gloria Sweet-Love pray:

A. That its Petition be received and filed and that process issue to Respondent according to law, to appear before this Honorable Court within the time prescribed by law, and to then and there plead, answer, or otherwise defend this Petition;

B. For a declaration that, during the extraordinary session that was convened on May 5, 2026, at or about 2:00 p.m., Central Time, the General Assembly violated Article III, Section 9 of the Tennessee Constitution by entering on legislative business for which they were not specifically called together;

C. For a declaration that Section 2-16-102 of the Tennessee Code prohibits the late-decade redistricting that the General Assembly purported to engage in during the extraordinary session;

D. For a declaration that the purported repeal of Section 2-16-102 of the Tennessee Code as set forth in SB7002 and HB7002 is void *ab initio*.

E. For a declaration that the purported suspension of residency requirements as set forth in SB7001 and HB7001 is void *ab initio*.

F. For a declaration that any purported redistricting arising out of the extraordinary session is void;

G. For an injunction barring the Governor, the General Assembly, and anyone acting at their direction or on their behalf from taking any step in furtherance of any purported redistricting arising out of the extraordinary session, including, but not limited to, sending notices to voters based upon the illegitimately derived congressional district boundaries arising out of the extraordinary session or conducting any elections, including primaries, using the illegitimately derived congressional districts arising out of the extraordinary session;

H. For costs of this cause; and

I. For other such general relief to which National Association for the Advancement of Colored People Tennessee State Conference and Gloria Sweet-Love may be entitled under the facts and circumstances of this case.

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DECLARATION

I, GLORIA SWEET-LOVE, PRESIDENT of THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE TENNESSEE STATE CONFERENCE, pursuant to Tennessee Rule of Civil Procedure 72, do declare under penalty of perjury that the foregoing statements and allegations contained herein are true, correct and accurate to the best of my knowledge, information, and belief:

NAACP TN STATE CONFERENCE

/s/ Gloria Sweet-Love

GLORIA SWEET-LOVE

ITS PRESIDENT

DATE: May 7, 2026

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May 7, 2026

Respectfully submitted,

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