

**IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
30TH JUDICIAL DISTRICT, MEMPHIS**

**THE TENNESSEE BLACK VOTER
PROJECT, BENJAMIN A. GASTEL**

Petitioners,

v.

**SHELBY COUNTY ELECTION
COMMISSION,**

Defendant.

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) **Case No:** _____
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**VERIFIED PETITION TO OBTAIN PUBLIC RECORDS PURSUANT TO T.C.A. 10-7-
503 et seq.**

1. In an effort to improve Tennessee’s worst-in-the-nation voter turnout rate and its similarly abysmal voter registration rate, Petitioner, the Tennessee Black Voter Project—a coalition of over a dozen Tennessee community, labor, and nonprofit organizations working to overcome institutional barriers that have depressed civic engagement in communities of color throughout the State—launched a historic statewide drive to register voters ahead of the November 2018 election, and ultimately submitted over 35,000 voter registration applications to the Shelby County Election Commission (“SCEC”). Ex. E. The SCEC’s Administrator of Elections, Linda Phillips, however, has stated that over 55% of the forms received since August are “invalid.” Ex. B. As Congressman Steve Cohen, who represents Shelby County, recently stated of this alarmingly high rate: “[w]hen an election commission tells you that the majority of voter registration applications it has received are invalid, that begs serious questions.” Ex. F. “Our nation has an

ugly history of voter suppression, especially when it comes to African American voters, and we need to ensure that voting rights are protected.” *Id.*

2. Petitioners, the Tennessee Black Voter Project and its counsel, Benjamin A. Gastel, bring this action under the Tennessee Public Records Act, seeking answers to the same serious questions raised by Congressman Cohen—why the SCEC has deemed over half of voter registration forms it received invalid, whether valid registration forms are potentially being wrongly rejected, and what the SCEC is doing to ensure that voters can effectively exercise their statutory right to correct incomplete or deficient registration forms on or before Election Day so they can still vote in the upcoming election.

3. Given these circumstances, the Tennessee Black Voter Project sought to identify those registrants whose applications were determined to be invalid—in order to provide guidance and assistance in taking appropriate steps to correct their applications by or on Election Day. To facilitate this effort, the Tennessee Black Voter Project, through its counsel, Mr. Gastel, submitted a request under the Tennessee Public Records Act for access to records indicating which voter registration applications the SCEC deemed invalid and the reason(s) for those determinations, including, among other records, the registration forms received since July 1, 2018 that have been rejected or deemed incomplete.

4. Despite Petitioners’ efforts and expressed willingness to cooperate with the SCEC to help identify and review the requested records in the most efficient and least disruptive manner possible, including narrowing the scope of the request as appropriate, the SCEC has refused to permit timely inspection of relevant voter registration applications and has so far failed to provide any alternative source of the requested information. Petitioners, therefore, bring this action under the Tennessee Public Records Act challenging the SCEC’s denial of access to public records that

the SCEC has readily available and that are crucial to the Tennessee Black Voter Project's efforts to assist thousands of Tennesseans in securing their fundamental right to vote in the upcoming election. In light of the fast-approaching November 6 election, the beginning of early voting on October 17, and the narrowing window of time in which affected Tennesseans may correct alleged deficiencies in their voter registration applications, Petitioners seek expedited consideration and resolution of their claim.

PARTIES

5. Petitioner the Tennessee Black Voter Project is a non-partisan coalition of over a dozen Tennessee community, labor, and nonprofit organizations, including the Memphis branch of the National Association for the Advancement of Colored People and the Equity Alliance. The Tennessee Black Voter Project's objective is to support Tennessee citizens through voter registration and voter turnout initiatives in order to overcome institutional barriers that have led to low levels of civic engagement in communities of color throughout the State. In addition to providing voter education, it launched a historic statewide drive to register voters ahead of the November 2018 election. As a result of these efforts, the Tennessee Black Voter Project ultimately submitted over 35,000 voter registration applications to the SCEC. Because the SCEC Administrator has since stated that many of the registration forms the SCEC received are invalid, on October 5, 2018, the Tennessee Black Voter Project, through counsel, submitted a public records request to the SCEC for records regarding which forms were deemed invalid and the reason(s) for those determinations. The Tennessee Black Voter Project sought these records in order to assist eligible voters in curing any incomplete or deficient registration forms and to determine if there were any incorrect determinations of invalidity.

6. Petitioner Benjamin A. Gastel is a citizen of the State of Tennessee. On October 5, 2018, Mr. Gastel, on behalf of the Tennessee Black Voter Project, submitted a public records request to the SCEC, to which he attached his valid Tennessee driver's license. *See* Ex. A.

7. Defendant SCEC is a board or commission functioning under the laws of the State of Tennessee and charged with overseeing and administering all elections for all public offices in Shelby County, including the processing of voter registration applications and maintenance of voter registration files.

JURISDICTION AND VENUE

8. This Court has jurisdiction over this action because it is a matter involving a citizen of Tennessee who requested the right of personal inspection of a Shelby County record as provided in Tennessee Code Annotated § 10-7-503 and whose request has been in whole or in part denied.

9. Venue is proper in this Court under Tennessee Code Annotated § 10-7-505(b), which provides that a petition challenging denial of access to public records may be filed in the chancery court for the county in which the county records sought are situated. Also, as detailed below, a substantial portion of the actions giving rise to this action occurred in Shelby County, and the Defendant maintains its principal office in Shelby County. Tenn. Code Ann. § 20-4-104.

FACTUAL ALLEGATIONS

10. Under both Tennessee and federal law, voters may register by mail using postal card forms. Tenn. Code Ann. § 2-2-115; 52 U.S.C. § 20505. Federal law requires that states make such “forms [. . .] available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.” 52 U.S.C. § 20505(b).

11. Once a voter registration form is submitted to the SCEC, the Administrator determines whether the registrant is entitled to register to vote. Tenn. Code Ann. § 2-2-120. Applicants who are citizens of the United States and residents of Tennessee, who are 18 years of age or older, and who have not been convicted of certain felonies are qualified to register to vote. Tenn. Code Ann. § 2-2-102.

12. After the Administrator reviews the voter registration application, there are at least three potential outcomes. First, the Administrator may determine that the applicant is entitled to register to vote, in which case the Administrator will mail a registration card to the voter and add her name to the State's voter registration records. Tenn. Code Ann. § 2-2-124. Second, the Administrator may determine that the applicant is ineligible to be registered to vote, in which case the Administrator must notify the registrant of the determination and the reason therefor, write the reason on the back of the original registration record, and file the application alphabetically in a binder of rejected registrations. The "rejected" applicant then has a right to appeal the rejection to the SCEC. Tenn. Code Ann. § 2-2-125. Third, the Administrator may determine that the voter registration form is deficient, even though the applicant may otherwise be eligible to register to vote. In this circumstance, Tennessee law expressly provides that an otherwise qualified voter may correct a deficient but timely-filed registration application if the voter files a completed registration application or otherwise corrects the deficiency on or before the next regularly scheduled November general election. Tenn. Code Ann. § 2-2-109(a).

13. Indeed, overall voter registration in Shelby County surged to unprecedented levels this year as a result of the high level of voter interest in the upcoming election and outreach efforts by various groups, including the Tennessee Black Vote Project. The SCEC Administrator stated that while Shelby County typically "would expect to get 10,000 forms in a mid-year election

cycle,” the County “received nearly 30,000 since registration re-opened after the August election.” Ex. B. In a report to the SCEC, the Administrator stated that her office was “drowning in [voter registration] forms” and that she was “frantically looking for temps[.]” Ex. C, at 1.

14. Further, according to statements by the SCEC Administrator to the media, the Administrator has determined that approximately 55% of these submitted applications are “invalid.” *See* Ex B. While the exact meaning of “invalid” is not clear, it appears that “invalid” applications may include: a) duplicate voter registration forms (e.g. registration forms submitted by registrants who were already validly registered to vote), b) registration forms submitted by persons determined by the Administrator to have been convicted of a disqualifying felony, and c) registration forms determined by the Administrator to be “incomplete.” *See id.*; *see also* Ex. C. According to the Administrator, many of the voter registration forms determined to be “invalid” were submitted by the Tennessee Black Voter Project. For example, the Administrator stated that approximately 40% of voter registration forms submitted by the Tennessee Black Voter Project and processed by the SCEC by the end of September were “incomplete.” *See* Ex. C.

15. On information and belief, there exists no published guidance from the SCEC or the Secretary of State regarding the procedures and criteria for determining whether a voter registration form is deficient or incomplete.

16. On information and belief, there also exists no published guidance from the SCEC or the Secretary of State regarding the procedures and criteria for determining whether a voter registration form was submitted by an applicant with a disqualifying felony conviction.

17. The SCEC’s alarmingly high invalidation rate raises serious concerns about whether valid registration applications are being wrongly rejected and whether the SCEC is properly notifying affected applicants of the status of their voter registration applications and, as

required by Tennessee law, permitting them to correct any deficiencies on those applications on or before Election Day so they are not wrongfully deprived of their fundamental right to vote. Indeed, it is likely that there are thousands of otherwise qualified voters in Shelby County who have submitted timely but deficient voter registration applications to the SCEC and who therefore have a right to correct the deficiency and vote in the November 6 election.

18. The Tennessee Black Voter Project, through its voter turnout initiatives, seeks to help ensure that this group of affected applicants are aware of their statutory right to correct any alleged deficiencies in their voter registration applications by or on Election Day. The Tennessee Black Voter Project also seeks to assist affected applicants in taking the necessary steps to cure any alleged deficiencies in their voter registration applications by or on Election Day so that they may still exercise their right to vote in the upcoming election.

19. This outreach effort by the Tennessee Black Voter Project is particularly important—and could mean the difference between empowerment and disenfranchisement—in light of the fact that, on information and belief, there exists no published guidance from the SCEC or the Secretary of State instructing otherwise qualified voters, who submitted a timely but deficient voter registration form, how they may correct the deficiency on or before Election Day.

20. On October 5, 2018, to enable Petitioner Tennessee Black Voter Project to identify and assist Tennesseans whose voter registration applications have been rejected or deemed deficient or incomplete, Petitioner Gastel served a public records request under the Tennessee Public Records Act upon counsel to the Administrator. Ex. A. Petitioners' request explained that they sought the records for the purpose of determining which applications submitted by the Tennessee Black Voter Project have been determined to be deficient or rejected, so that the

Tennessee Black Voter Project could identify and provide guidance and assistance to this group of would-be registrants.

21. Petitioners specifically requested to inspect and/or copy the following documents:

- a. "All registration notification forms or other records issued by the [SCEC] since July 1, 2018 advising the applicant that the applicant's registration has been rejected or is incomplete. To the extent that a compilation or compilations exist which contain the information set forth in the registration notification forms (to include the applicant's name, address, status as rejected or incomplete, and the reason for rejection or being deemed incomplete), we request such compilation or compilations (for example, a spreadsheet, mail merged document, or database extract)."
- b. "All voter registration forms received since July 1, 2018 that have been rejected or deemed incomplete by the [SCEC]."
- c. "Any document or other record issued by the Secretary of State or the [SCEC] providing instruction or guidance on how a qualified voter may correct a deficient but timely filed mail registration form on or before the November 6th election, including but not limited to how a qualified voter may correct a deficient registration form at their polling place."
- d. "Any document or other record issued by the Secretary of State or the [SCEC] providing instruction or guidance on criteria for determining whether or not a registration application is deemed incomplete or rejected."
- e. "Any document or other record issued by the Secretary of State or the [SCEC] providing instruction or guidance for determining whether or not a registration application has been submitted by an individual convicted of a disqualifying felony."
- f. "Any document or other record issued by the [SCEC] containing the most up to date count of any of the following: a) the number of voter registration forms left to be processed by the Commission; b) the number and/or percentage of forms deemed incomplete; c) the number and/or percentage of forms rejected; d) the number and/or percentage of Tennessee Black Voter Project Forms deemed incomplete; e) the number and/or percentage of Tennessee Black Voter Project Forms rejected based on past felony conviction."

Ex. A, at 2-3.

22. Petitioners' request also acknowledged the significant amount of work facing the SCEC in the period preceding the election and highlighted their shared interest in ensuring that the

SCEC is able to complete the processing of all voter registration forms prior to the start of the early voting period on October 17, 2018. Accordingly, Petitioners' request made clear that they were more than willing to discuss and work with the SCEC to determine how to obtain the information they sought in the most efficient and least disruptive manner possible, including, if necessary, narrowing the scope of the records sought to be reviewed. The SCEC, however, has declined to meaningfully engage with Petitioners to seek a mutually agreeable accommodation of their requests.

23. On October 9, 2018, counsel for the SCEC informed Petitioners that the SCEC would not permit inspection or copying of voter registration forms that have been rejected or deemed incomplete by the SCEC, citing the need to redact social security numbers and other sensitive information. Ex. D. Counsel for the Administrator indicated to counsel of the Tennessee Black Voter Project, after members of the Tennessee Black Voter Project appeared at the SCEC to review voter registration forms, that the SCEC would only make voter registration forms deemed invalid available for inspection after the election on November 6, 2018.

24. While Petitioners shares the SCEC's interests in both protecting the confidentiality of registrants' social security numbers and in minimizing any administrative burden or disruption to the SCEC in granting Petitioners' request, in compliance with the Tennessee Public Records Act, those interests can be fully accommodated while also ensuring timely access to public records that are crucial for the Tennessee Black Voter Project's efforts to help secure the right to vote of thousands of Tennesseans. For example, it is common in election litigation for state and local governments to produce election records containing sensitive, confidential information (including social security and driver's license numbers) subject to a protective order or confidentiality agreement. The same means can be used here. Indeed, reports indicate that the Administrator will

be allowing members of other community groups, including the League of Women Voters and the Church of the River, to “come in and help go over applications filled out improperly.” Ex. G, at 1; Ex. H.

25. Moreover, Petitioners’ public records request also sought other types of SCEC records that are unlikely to contain social security numbers but would provide the necessary information for purposes of assisting registrants whose voter registration applications have been deemed deficient (e.g. the identity of the applicant, the determination whether the application is rejected or deficient, and the reason for such determination). For example, Petitioners sought access to notice letters that the SCEC mailed to applicants informing them of whether their applications were rejected or deemed incomplete, or documents (such as mail merge files or database extracts) used to generate such letters.

26. To date, the SCEC has not responded in writing to Petitioners’ request for these alternative records. Instead, the SCEC’s counsel has represented to Petitioners that he is unaware of whether or not the SCEC possesses responsive records and would provide a response once it was determined whether the SCEC had such records.

27. As a result of the SCEC’s wrongful denial of Petitioners’ public records request, thousands of eligible Tennesseans who submitted timely, but allegedly deficient, or incomplete voter registration applications, may be deprived of an opportunity to correct their applications so that they can still exercise their right to vote in the November 6 election. Petitioners, therefore, respectfully requests that the Court grant expedited relief to ensure prompt access to the requested public records.

CAUSE OF ACTION

Petition for Judicial Review of Action Taken to Deny Access to Records pursuant to Tenn. Code Ann. § 10-7-505

28. Petitioners reallege and incorporate by reference the allegations in paragraphs 1-27.

29. The Tennessee Public Records Act provides that “[a]ll state, county and municipal records shall, at all times during business hours, . . . be open for personal inspection by any citizen of this state” Tenn. Code Ann. § 10-7-503(a)(2)(A). The purpose of the Act is to give the fullest possible public access to public records. Through its provisions, the Act serves a crucial role in promoting accountability in government through public oversight of governmental activities. *Memphis Publ'g Co. v. Cherokee Children & Family Servs., Inc.*, 87 S.W.3d 67, 74 (Tenn. 2002).

30. “Public records” is defined as follows: “all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental entity.” Tenn. Code Ann. § 10-7-503(a)(1)(A)

31. Petitioners requested to view or copy voter registration forms received by the SCEC since July 1, 2018 that the SCEC rejected or deemed incomplete. Such records are public records under the Tennessee Public Records Act.

32. The SCEC has denied Petitioners the right of personal inspection of such records.

33. The SCEC has not promptly made available such records for inspection.

34. The SCEC’s position that it cannot timely provide access to the requested records entirely frustrates the purpose of Petitioners’ goal in seeking the information by preventing them

from identifying and providing guidance and assistance to registrants seeking to vote in the November 6 election, but whose registration forms were deemed deficient or rejected. Petitioners have no adequate alternative means of identifying such registrants or determining the disposition of such registrants' applications.

35. If the SCEC is not enjoined from denying Petitioners the right of personal inspection of the requested records, Petitioner Tennessee Black Voter Project will suffer immediate and irreparable harm in its efforts to support citizens through voter registration and voter turnout initiatives so that they are represented and heard.

36. Such irreparable harm may include, but is not limited to, the threat that individuals who have submitted timely but allegedly incomplete forms may be required to vote provisional ballots instead of exercising their right to cure deficiencies in timely submitted voter registration forms under Tenn. Code Ann. § 2-2-109(a). The casting of a provisional ballot may lead to unnecessary disenfranchisement of voters who would be able to cure deficiencies and avoid the hassle and time-consuming process of voting provisionally.

37. The Court is empowered to exercise full injunctive remedies and relief to secure the purposes and intentions of the Tennessee Public Records Act. Tenn. Code Ann. § 10-7-505(d).

38. The Court should exercise its equitable authority and order Defendant to immediately permit Petitioners to inspect and copy voter registration forms received by the SCEC since July 1, 2018 that have been rejected or deemed incomplete by the SCEC, subject to an appropriate protective order prohibiting the collection, retention, or dissemination of confidential information contained in such records.

39. In the alternative, the Court should exercise its equitable authority to order Defendant to provide for inspection and copying other records in its custody containing the

information sought by Petitioners (e.g. the identity of the applicant, the determination whether the application is rejected or is incomplete, and reason for such determination), including but not limited to letters that the SCEC mailed to applicants informing them of whether their applications were rejected or deemed incomplete, or documents (such as mail merge files or database extracts) used to generate such letters.

PRAYER FOR RELIEF

Based upon the above allegations, Petitioners pray for the following:

- A. That the Court issue an order requiring Defendant to immediately show cause why the Petition should not be granted;
- B. That the Court declare that Petitioners are entitled to inspect and copy voter registration forms that have been rejected or deemed incomplete by the SCEC, subject to a protective order, and to inspect and copy other records in the SCEC's custody containing the information sought by Petitioners (e.g. the identity of the applicant, the determination whether the application is rejected or is incomplete, and reason for such determination).
- C. That the Court issue an injunction ordering Defendant to immediately permit Petitioners to inspect and copy voter registration forms received by the SCEC since July 1, 2018 that have been rejected or deemed incomplete by the SCEC, subject to an appropriate protective order prohibiting the collection, retention, or dissemination of confidential information contained in such records.
- D. In the alternative, that the Court issue an injunction ordering Defendant to immediately permit Petitioners to inspect and copy other records in its custody containing the information sought by Petitioners in voter registration forms received by the SCEC since July 1, 2018 that have been rejected or deemed incomplete by the SCEC (e.g. the identity

of the applicant, the determination whether the application is rejected or is incomplete, and reason for such determination).

- E. That the Court award Petitioners attorneys' fees, court costs, fees, and taxes; and
- F. That the Court award any other and further relief as this Court deems appropriate or which is allowed for in law or equity.

Dated: October 15, 2018

Respectfully submitted,

By: 

J. Gerard Stranch, IV (BPR #023045)
Benjamin A. Gastel (BPR #028699)
Anthony A. Orlandi (BPR #033988)
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SDul@perkinscoie.com

ATTORNEYS FOR PETITIONERS

**Pro Hac Vice to be Submitted*

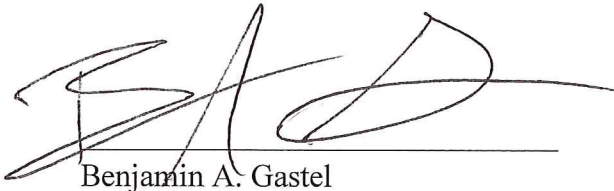
VERIFICATION AND AFFIDAVIT

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

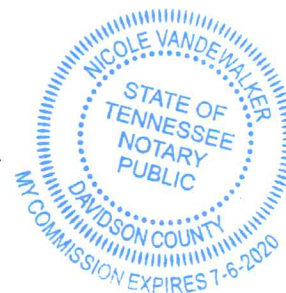
The undersigned, upon being duly sworn upon his oath deposes and testifies as follows:

1. That he is a citizen of the State of Tennessee and the petitioner in this action;
2. That he has read the petition and that the foregoing factual allegations contained in paragraphs 10-27 thereto are true and correct according to the best of his knowledge, information, and belief.


Benjamin A. Gastel

Sworn to and subscribed before me this 5th day of October, 2018.


Notary Public



My Commission Expires: 7-6-2020

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 15, 2018, the foregoing document was served via electronic mail upon:

Pablo A. Varela
Harris Shelton
40 South Main Street
Suite 2210
Memphis, TN 38103
pvarela@harrishelton.com

Megan Smith
Shelby County Attorney's Office
Vasco A. Smith, Jr. County Administration Building
160 N Main Street
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Megan.Smith@shelbycountyttn.gov

Attorneys for Shelby County Election Commission



Anthony A. Orlandi

STATE OF TENNESSEE 30th JUDICIAL DISTRICT CHANCERY COURT	<h2 style="margin: 0;">SUMMONS**</h2>	DOCKET NUMBER CH-_____
Plaintiff _____ The Tennessee Black Voter Project, et. al. _____	Defendant _____ Shelby County Election Commission _____	
<div style="display: flex; justify-content: space-between;"> <div style="width: 65%;"> TO: (NAME AND ADDRESS OF DEFENDANT) _____ Shelby County Election Commission _____ c/o Chairperson Robert Myers _____ 980 Nixon Dr. _____ Memphis, TN 38134 _____ _____ </div> <div style="width: 30%;"> Method of Service: <input type="checkbox"/> Shelby County Sheriff <input type="checkbox"/> Private Process Server <input type="checkbox"/> Out of County Sheriff* <input type="checkbox"/> Secretary of State* <input type="checkbox"/> Comm. Of Insurance* <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Other *Attach Required Fees </div> </div>		
<p>You are summoned to defend a civil action filed against you in the Chancery Court of Shelby County, Tennessee. Your defense to this action must be made within thirty (30) days from the date this summons is served upon you. You must file your defense with the Clerk of the Court and send a copy to the Plaintiff/Plaintiff's attorney at the address listed below. If you fail to defend this action within thirty (30) days of service, judgment by default may be rendered against you for the relief sought in the Complaint. Questions regarding this summons and the attached documents should be addressed to the Attorney/Plaintiff listed below.</p>		
Attorney for Plaintiff or Plaintiff if filing Pro Se: (Name, address & telephone number) _____ J. Gerard Stranch, IV _____ Branstetter, Stranch & Jennings, PLLC _____ 223 Rosa L. Parks Ave. Suite 200 _____ Nashville, TN 37203 (615) 254-8801 _____	ISSUED _____ of _____, 20_____ <div style="text-align: center;"> Donna L. Russell, Clerk and Master By: _____ Deputy Clerk & Master 140 Adams, Room 308 Memphis, TN 38103 </div>	
TO THE SHERIFF: _____ _____	Came to hand _____ day of _____, 20_____ Sheriff	
CERTIFICATION (IF APPLICABLE)		
I, Donna L. Russell, Clerk & Master of the Chancery Court in the State of Tennessee, Shelby County, do certify this to be a true and correct copy of the original summons issued in this case.	Donna L. Russell, Clerk & Master By: _____ <div style="text-align: right;">D. C. & M.</div>	

**Submit one original and one copy for each defendant to be served.



If you need assistance or accommodations because of a disability, please call the ADA Coordinator at (901)222-2341.

Notice of Personal Property Exemption:

TO THE DEFENDANT(S):

Tennessee law provides a ten thousand dollar (\$10,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer. Please state docket number on list.

RETURN OF SERVICE OF SUMMONS

I hereby certify that I **HAVE** served the within summons:

By delivering on the _____ day of _____, 20____ at _____ am/pm a copy of the summons and a copy of the Complaint to the following Defendant _____

at _____

Signature of person accepting service _____

By: _____
Sheriff or other authorized person to serve process

RETURN OF NON-SERVICE OF SUMMONS

I hereby certify that I **HAVE NOT** served the within summons:

To the named defendant _____ because _____

is (are) not to be found in this county after diligent search and inquiry for the following reason(s): _____.

This _____ day of _____, 20 _____

By: _____
Sheriff or other authorized person to serve process

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify and return that on the _____ day of _____, 20____, I sent, postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in case CH-_____ to the defendant _____. On the _____ day of _____, 20____, I received the return receipt, which had been signed by _____ on the _____ day of _____, 20____. The return receipt is attached to this original summons to be filed by the Chancery Court Clerk & Master.

Sworn to and subscribed before me on this _____ day of

_____, 20_____.

Signature of _____ Notary Public or _____ Deputy Court Clerk:

My Commission Expires:

Signature of Plaintiff, Plaintiff's attorney or other person
authorized by statute to serve process.

ATTACH RETURN

RECEIPT HERE

(IF APPLICABLE)

Nicole Vandewalker

From: Ben Gastel
Sent: Friday, October 5, 2018 3:56 PM
To: Pablo Varela
Cc: Berkon, Jonathan (Perkins Coie); Phillips, Linda; Young, Joe; Smith, Megan; Tischenko, Alexander G. (Perkins Coie); Anderson, Jacki (Perkins Coie)
Subject: Open Records Request
Attachments: 20181005155655656.pdf; 20181005155149956.pdf

Pablo,

Please find enclosed an open records request that we are sending in order to fully comply with the SCEC open records policy. Please feel free to call me if there are any questions or concerns.

Best,

Ben Gastel
Branstetter, Stranch & Jennings, PLLC
The Freedom Center
223 Rosa L. Parks Avenue, Suite 200
Nashville, TN 37203
P: 615.254.8801
F: 615.255.5419

BSJ BRANSTETTER
STRANCH & JENNINGS
PLLC

TENNESSEE:

CECIL D. BRANSTETTER, SR., 1920-2014
KARLA M. CAMPBELL*
BEN CASTEL*
TRICIA HERZFELD*
R. JAN JENNINGS*
JOE P. LENISKI, JR.
MIKE STEWART
JAMES G. STRANCH, III
J. GERARD STRANCH, IV
MICHAEL J. WALL

KENTUCKY:

DAVID SUETHOLZ*

THE FREEDOM CENTER
223 ROSA L. PARKS AVENUE, SUITE 200
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 254-8801
FACSIMILE (615) 255-5419
BSJFIRM.COM

515 PARK AVENUE
LOUISVILLE, KY 40208
TELEPHONE (502) 636.4333
FACSIMILE (502) 636.4342

3142 LOSANTIVILLE AVENUE, SUITE A
CINCINNATI, OH 45213
TELEPHONE (513) 381.2224
FACSIMILE (513) 381.2225

ASSOCIATES:

TENNESSEE:

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KENTUCKY:

DEVON N. R. OSER*

OHIO:

ALYSON STEELE BERIDON*
ERIC "RICK" GILL
PAMELA M. NEWPORT

OF COUNSEL:

ROBERT E. RICHARDSON, JR.*

October 5, 2018

VIA E-MAIL

Pablo Varela, Esq.
pvarela@harrisskelton.com

Re: Public Records Request

Pablo,

Thank you again for taking the time to speak with me and my colleagues this morning.

As we discussed, we were very surprised to learn that, according to the September 25, 2018 Shelby County Administrator of Elections Monthly Report, of the 4,834 forms processed by the Administrator "from the TN Black Voter project," 938 (19.4%) were declined "since our records indicated that those individuals had been convicted of a felony" and that nearly 40% were deemed incomplete.

The Tennessee Black Voter Project employs quality control measures to ensure that, to the maximum extent possible, voter registration forms submitted to county elections commissions contain sufficient information to enable the administrator to ascertain the qualifications of registrants. In particular, the 40% rate of incomplete forms is far higher rate than the Tennessee Black Voter Project's internal quality control process would suggest. The Tennessee Black Voter Project also trains its organizers to educate potential registrants about eligibility requirements related to past felony convictions.

{005128/18478/00458468.DOCX / Ver.1}

Page 1 of 4

We were also very concerned to learn that, as of September 25, approximately 18,567 paper forms were left to be processed before the beginning of the early vote period, and that the Administrator is “drowning in VR forms” and “frantically looking for temps.” We are particularly concerned with this backlog in light of the high rate of voter registration forms that have already been deemed incomplete or rejected. Time is running short for individuals with registrations deemed incomplete or rejected to be notified and given the opportunity to correct incorrect or omitted information.

In order for us to provide guidance and assistance to the subset of Tennessee Black Voter Project registrants whose forms have been deemed incomplete or have been rejected by the Commission, we need to determine which registrants fall into either of these categories, and the reason(s) why their registrations were deemed incomplete or were rejected. As we discussed, in order to do so, it is likely that we will need to inspect your client’s records. During our discussion, you indicated that you were not aware of the details of the process by which forms are deemed incomplete or rejected, or what kinds of records your client maintains containing information on which forms are deemed incomplete or rejected, and the reason(s) for such determinations. You agreed to make inquiries with your client today and get back to us as soon as possible.

As we discussed, we are well aware of the significant amount of work facing the Commission in the period preceding this election, and strongly share your client’s interest in ensuring that the Commission is able to complete the processing of all voter registration forms prior to the early voting period. We also understand that public records requests necessarily require some expenditure of time and resources by Commission staff. Accordingly, and as we discussed on our call, we are more than willing to engage with you regarding how we can obtain the information we seek in the most efficient and least disruptive manner possible, including narrowing the scope of the records that we seek to review.

In order to formalize our conversation this morning, I submit this request as a Tennessee citizen under the Tennessee Public Records Act (“TPRA”), Tenn. Code Ann. § 10-7-501 *et seq.*, and the National Voter Registration Act, 52 U.S.C. § 20507(i) (“NVRA”), to inspect and/or copy the documents described below at the earliest possible date.

1. All registration notification forms or other records issued by the Commission since July 1, 2018 advising the applicant that the applicant’s registration has been rejected or is incomplete. To the extent that a compilation or compilations exist which contain the information set forth in the registration notification forms (to include the applicant’s name, address, status as rejected or incomplete, and the reason for rejection or being deemed incomplete), we request such compilation or compilations (for example, a spreadsheet, mail merged document, or database extract).

2. All voter registration forms received since July 1, 2018 that have been rejected or deemed incomplete by the Commission.
3. Any document or other record issued by the Secretary of State or the Shelby County Elections Commission providing instruction or guidance on how a qualified voter may correct a deficient but timely filed mail registration form on or before the November 6th election, including but not limited to how a qualified voter may correct a deficient registration form at their polling place.
4. Any document or other record issued by the Secretary of State or the Shelby County Elections Commission providing instruction or guidance on criteria for determining whether or not a registration application is deemed incomplete or rejected.
5. Any document or other record issued by the Secretary of State or the Shelby County Elections Commission providing instruction or guidance for determining whether or not a registration application has been submitted by an individual convicted of a disqualifying felony.
6. Any document or other record issued by the Shelby County Elections Commission containing the most up to date count of any of the following: a) the number of voter registration forms left to be processed by the Commission; b) the number and/or percentage of forms deemed incomplete; c) the number and/or percentage of forms rejected; d) the number and/or percentage of Tennessee Black Voter Project Forms deemed incomplete; e) the number and/or percentage of Tennessee Black Voter Project Forms rejected based on past felony conviction.

We request that you provide documents in response to each request as soon as they are ready without waiting to complete your response to other requests. If it is necessary to segment and provide documents responsive to a particular request in waves, we request that you do so instead of waiting to provide access until all records are available.

Because you will continue processing and making determinations about whether voter registration forms are accepted, rejected, or incomplete after the sending of this letter, our requests to inspect and/or copy the categories of records described above are made on a continuing basis and are not limited to the records that exist as of the date of this letter. We propose to discuss how we can best work together to facilitate an ongoing inspection of records as they are processed by your office.

As used in this request, the term "records" includes, but is not limited to, all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, information stored or maintained electronically or other material, regardless of

{005128/18478/00458468.DOCX / Ver.1}

physical form or characteristics or any copy thereof (including electronic mail and text messages).

If you intend to deny this request in whole or part, please advise us in writing of the statutory exemption upon which you are relying or other basis for your denial. Please produce all records you can provide, even if you conclude that you are unable to comply with certain parts of the request. If a portion of any responsive record is confidential, please produce all non-confidential information. Finally, please inform us of any charges associated with these requests and the method of payment requested.

If you have any questions or concerns, please do not hesitate to call me at 615-254-8801 or email me at beng@bsjfirm.com. For completeness, I have also enclosed a copy of my TN Driver's License.

Sincerely,


Ben Gastel

CC:

Jonathan Berkon
JBerkon@perkinscoie.com

Linda Phillips
Linda.Phillips@shelbycountyttn.gov

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Joe.Young@shelbycountyttn.gov

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BAJ

Shelby County voter registration applications surge, but many deemed invalid

Jamie Munks, Memphis Commercial Appeal

Published 7:00 p.m. CT Oct. 8, 2018 | Updated 12:10 p.m. CT Oct. 9, 2018



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(Photo: Brad Vest/The Commercial Appeal)

The Shelby County Election Commission has seen a surge in voter registration applications leading up to the Tuesday deadline, but a significant share of those applications have been invalid.

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July 13, 2018 - Noel Hutchinson, left, and his wife, Rebecca Hutchinson, vote on the first day of early voting at Mississippi Boulevard Christian Church. Hutchinson was a plaintiff in the lawsuit filed by the Memphis NAACP to open inner-city early voting sites at the start of early voting. (Photo: Brad Vest/The Commercial Appeal)

"Typically, I would expect to get 10,000 forms in a mid-year election cycle," Shelby County Election Commission Administrator of Elections Linda Phillips said. "We have received nearly 30,000 since registration re-opened after the August election."

A large share of the influx of voter registration applications has been duplicates of already-registered voters, incomplete applications, and applications from felons who can't vote or are otherwise unable to be processed.

As of the end of last week, about 55 percent of the voter registration applications submitted have been invalid, according to the commission

POLITICS: [Why is Tennessee dead last when it comes to voting? \(/story/news/politics/elections/2018/07/17/tennessee-elections-2018-politics-voting-voter-turnout/783348002/\)](https://www.commercialappeal.com/story/news/politics/elections/2018/07/17/tennessee-elections-2018-politics-voting-voter-turnout/783348002/)

The deadline to register to vote ahead of the Nov. 6 general election is Tuesday. (/story/news/2018/10/04/shelby-county-deadline-register-vote-nov-6-general-election-tuesday/1512161002/) Voter registration status can be checked at [govotetn.com](http://www.govotetn.com) (<http://www.govotetn.com>) or [shelbyvote.com](https://www.shelbyvote.com/) (<https://www.shelbyvote.com/>).

A number of groups, including I am a Voter and the Tennessee Black Voter Project, have submitted thousands of voter registration applications. The Tennessee Black Voter Project has submitted the most – nearly 9,000, as of Friday.

The Tennessee Black Voter Project worked with five local organizations, including Rise Up North Memphis and Up the Vote 901, to ramp up voter registration this election cycle. The statewide organization, based in Nashville, announced plans earlier this fall to register 55,000 Tennessee voters before the Oct. 9 deadline.

The Pew Elections Performance Index in 2016 ranked Tennessee 49th in the nation for voter registration.

Between the five local groups, there are upwards of 25 paid organizers, and also a number of volunteers, said Tequila Johnson, statewide manager of the Tennessee Black Voter Project.

10/12/2018

Shelby County sees sharp rise in voter registration form submissions, but many invalid

"We won't stop until tomorrow," Johnson said on Monday.

Voters in Shelby County will weigh in Nov. 6 on a number of federal, state and local races, and Tennessee voters will choose a new governor.

Applications to register to vote must be postmarked or received by the Shelby County Election Commission by Oct. 9, and absentee ballots must be requested from the commission by Oct. 30.

Residents with a Tennessee Driver's License or Tennessee Department of Safety ID can use the online system to register to vote or update their information, by visiting <https://ovr.govote.tn.gov/Registration/index/BM> (<https://ovr.govote.tn.gov/Registration/index/BM>).

Early voting runs from Oct. 17 to Nov. 1.

Jamie Munks covers Memphis city government and politics for The Commercial Appeal. She can be reached at 901-481-6416, jamie.munks@commercialappeal.com or on Twitter @journos_jamie_.

Read or Share this story: <https://www.commercialappeal.com/story/news/2018/10/09/shelby-county-sees-sharp-rise-voter-registration-form-submissions-but-many-invalid/1534796002/>



Shelby County Election Commission

Administrator of Elections Monthly Report September 2018

Voter and Candidate Services

- Today is **National Voter Registration Day**. We are doing drive through registration in 7 parks and have a table at the Benjamin Hooks Library. We will be back in the parks on Saturday from 10:00am until 4:00pm.
- The deadline to register is Tuesday, October 9, 2018 for the November 6th election.
- We are drowning in VR forms. We have processed 9,561 since we finished reconciliation from the August election. Of these, 6,649 are new. There are 1,804 that are incomplete. We declined 1,108 for various reasons. Included in that number were 4,834 forms from the TN Black Voter project. Of the TN Black Voter project forms, 938 of 19.4% were declined since our records indicated that those individuals had been convicted of a felony and nearly 40% were incomplete.
- We have an additional 18,567 paper forms to process. We are frantically looking for temps and those of you who are friendly with members of the County Commission, we are going to vastly overspend our temp and OT budgets, so you might warn them.
- All 276 UOCAVA ballots were sent by the deadline of September 22, 2018.
- New absentee ballot return envelopes have been printed with an Intelligent Mail Barcode that will direct the USPS automated equipment to sort the ballots to the correct post office.

Operations Department

- Early Voting is 100% staffed.

- Election Day voting is 80% staffed; as always we need Republicans to work in Memphis.
- The ballot was approved by the Coordinator's office last week. Getting a functional ballot with the number of candidates for governor was a bit of a challenge. Kudos to Carla for creating numerous versions until we finally got one that works.
- All voting machines have been cleared and set with the November election key.
- Train the trainer classes started yesterday. Early voting training starts October 9th. We have scheduled 70 Election Day training classes.
- Logic and accuracy testing on the voting machines will start September 26th.

Administrator

- We met with the voter that Councilwoman Robinson mentioned at the last meeting. As you may recall, the Councilwoman believed that the machine was changing the ballot. After the voter's first hand account of the incident, both we and the voter have a clear understanding of the human errors that lead to the machine displaying the wrong ballot for her split. **This was not a case of machine error, it was a series of human errors and an erroneous understanding of the process that lead people to an incorrect conclusion.** The machines worked as they are supposed to; bringing up the ballot that the card was encoded for. The pollworker, not having a good understanding of precinct splits, incorrectly encoded the access card and did this repeatedly.
- In your packet is a stapled packet of 13 sheets, one for each TN House district. The shows you which precincts are split, which may help in understanding how easily it is for pollworkers to encode the incorrect card. When someone uses the EPB to encode the card, it will be correct. The problem is, and this is particularly acute in primary elections, if a card has to be redone, human error comes into play as the pollworker has to encode the card on a handheld encoder; for some precincts, there are so many splits that they have to select the correct encoder and then the correct split. So, if you look at the packet, the more color on the page, the fewer the splits. This problem is worse in some house districts than

others. If you look at the last page of the handout – TN House District 99, you will see that there is only one split precinct; some of the voters in MIL01 are in TN House 99 and some are in TN House 86. However, if you look at Page 2 of the packet, which is TN House District 84, there are only two precincts that are not split. Most of the rest of the world redraws the precinct lines when redistricting occurs; it's not clear to me why this was not done.

- The Voting Machine Demonstration was held on September 20th and it went well. All of the manufacturers who have certified equipment were present. It has been asked if we could have an additional event; the answer to that is basically no if we have the slightest chance of getting the machines by August, 2019. (It took nearly four weeks to arrange this one, so trying another should shove our timetable back too far.) However, we did do a Facebook live video of each demonstration and those can be viewed on our Facebook page. I've not yet had time to analyze the comments people left. I did review the media coverage; there has been a disturbing increase in the number of people calling for voter marked and hand counted paper ballots. Most of these are from people who have absolutely no first hand experience with counting paper. I can tell you that hand marked and hand counted paper ballots are not an option for Shelby County unless getting the results 48 to 72 hours after the election is acceptable for everyone.
- There will be one additional deputy registrar class next week. Wednesday, October 3rd at 10:00am here at Nixon.
- The 3rd Quarter Newsletter is out; a copy is in your folders.
- Sometime on Tuesday, September 11th, our new web page had its' 500,000 page view since the launch of January 31, 2018.
- We launched our new VR system; I played with it and decided it was a vast improvement over our existing system and then left town.
- IT is developing an awesome new enhancement to our "What District Am I In?" tool; it will allow the voter to view a sample ballot precisely tailored to their residence address. I will sent you a link when it is up.

- Carla, Joe, and I attended the Election Center conference in New Orleans; it was an excellent experience. We all learned some very interesting things that we want to put into practice as soon as possible.
- Joe attended the National Election Security Summit in St. Louis September 10th & 11th. KnowInk and Everyone Counts also attended as did Tre Hargett, Mark Goins and Cliff Rodgers from TN. Topics discussed included resources from Homeland Security, physical security of buildings, sharing information and best practices for cyber security.
- The Election Assistance Commission will be coming to Shelby County to do an eight hour class on "Election Officials as IT Managers". We will be inviting other AOE's from the region to attend. We hope to confirm the date soon.
- We are working with Shelby County Schools and the I Am a Voter Collaborative on an event for SCS students who will be 18 by November 6th. On October 5th, there will be a field trip for those students to Mississippi Blvd Church to help them register, get photo ID and vote on a voting machine.
- We got a new copy machine at Nixon; it is a high speed color machine. We have also leased an additional machine for several months to help with some of the load. Stapling units have been installed on our two main machines.
- Days to Upcoming Events:
 - 2018 General Election – 42 Days

From: Pablo Varela
To: [Ben Gastel](#)
Subject: RE: Open Records
Date: Tuesday, October 09, 2018 4:06:22 PM
Importance: High

Ben,

Thank you for your email; however, it will not be possible today. Pursuant to Tenn. Code Ann. sec. 10-7-503, the voter registrations would be public records; however, pursuant to subsection (a)(5) information made confidential by state law shall be redacted prior to the document being made available for inspection or copying. Tenn. Code Ann. sec. 10-7-504 states identifying information such as addresses, telephone numbers, social security numbers and any other information that could reasonably be used to locate the whereabouts of an individual are confidential. Those documents are not currently redacted, therefore it is not possible for anyone to inspect them under an open records request at this time.

Best Regards,

Pablo Adrian Varela | Attorney at Law



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From: Ben Gastel [mailto:beng@bsjfirm.com]
Sent: Tuesday, October 09, 2018 2:49 PM
To: Pablo Varela
Cc: Berkon, Jonathan (Perkins Coie); Alex Agius
Subject: Open Records

Pablo,

Following up on our conversation, Alex Agius (cc'd here) is on the ground in Memphis and would like to come to the SCEC as soon as possible to review the voter registration forms that were rejected by the SCEC. Alex is not a lawyer and no lawyer will accompany her. Can she come today? If not, when can those records be ready for review/inspection?

Ben Gastel
Branstetter, Stranch & Jennings, PLLC
The Freedom Center
223 Rosa L. Parks Avenue, Suite 200

Nashville, TN 37203

P: 615.254.8801

F: 615.255.5419

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HEADLINES




Groups join forces to increase voter turnout in communities of color

by [PRIDE Newsdesk](#) • September 13, 2018



The Tennessee Black Voter Project is partnering with several community groups to reverse the state's worst in nation voter turnout. (photo by *Brendan Smialowski/AFP/Getty Images*)

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'An Invitation
to Rebuild
Public Trust'

Fourteen Tennessee community, labor and nonprofit organizations are joining forces to launch a historic statewide drive to register 55,000 voters ahead of the 2018 midterms and reverse the state's worst-in-the-nation voter-turnout. The effort aims to overcome the institutional barriers that have led to low levels of civic engagement in communities of color throughout the state.

In a push until Election Day, the Tennessee Black Voter Project, comprised of groups with deep experience building relationships and working with communities of color, will register, educate and mobilize Tennesseans across the state to increase civic participation.

"Black Tennesseans have faced extraordinary institutional barriers to voting that have led to entire communities being left out of the democratic process," said Tequila Johnson, statewide manager of the Tennessee Black Voter Project. "With this first-of-its-kind collaboration, we will generate excitement about voting, register tens of thousands of new voters, and help spark civic engagement for Tennesseans of color statewide."

The Tennessee Black Voter Project's statewide voter registration effort comes as community leaders have raised alarms about Tennessee's dismal voter engagement. According to a Pew Charitable Trusts' study from 2016, the state has the lowest voter turnout in the country, with only 28.5% of registered voters participating in the 2014 midterms. In the same election, Tennessee ranked 40th in voter registration. An analysis of U.S. Census data by WalletHub found that Tennessee ranked 43rd in the nation in Black voter turnout.

The Tennessee Black Voter Project includes 14 local community, labor, and nonprofit organizations, including the NAAACP, Urban League, the Tennessee Equity Project and the Equity Alliance.

- August 2018
- July 2018
- June 2018
- May 2018
- April 2018
- March 2018
- February 2018
- January 2018
- December 2017
- November 2017
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- December 2015
- November 2015
- October 2015
- September 2015
- August 2015

“Once we took a look at what we could accomplish with our combined resources and talents, joining this coalition was an easy decision,” said Monroe Woods Bolivar, Civic Engagement Committee Chair for the Tennessee Chapter of the NAACP. “We’re ready to harness the unprecedented momentum for racial, educational and economic equity we’re seeing in our churches, schools and communities. People are hungry for change, and they recognize voting is an important first step toward making that change happen.”

The Tennessee Black Voter Project is part of the Proud Voter Challenge to register and mobilize all Tennesseans, including women, veterans and young people. The Proud Voter Challenge is a nonpartisan, nonprofit coalition, which aims to equip its more than three-dozen member organizations with the tools and training to execute voter registration and increase voter participation.

Across the state, elected officials and civic leaders, including Rev. James Turner and Rev. Earle Fisher welcomed the effort.

“The lack of civic engagement is a major issue in our state, especially in communities in color,” said Rev. James Turner, pastor at the New Hope Baptist Church in Nashville and president of the Interdenominational Ministers Fellowship. “Voter registration is the first step to overcoming institutional barriers, engaging the disengaged and increasing civic participation. The Tennessee Black Voter Project is an important piece of the Proud Voter Challenge and exactly what our state needs to promote a culture of active political participation that is vital to our democracy.”

Tags: [groups join forces](#) [midterm elections](#)

[Tennessee Black Voter Project](#)

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Congressman Cohen Seeks Answers from Shelby County Election Commission



October 11, 2018 | Press Release

Follows Commission claim that 55 percent of voter

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https://cohen.house.gov/media-center/press-releases/congressmen-cohen-seeks-answers-shelby-county-election-commission[10/15/2018 2:54:37 PM]

registration applications are invalid

WASHINGTON – Congressman Steve Cohen late yesterday sent a letter to the Shelby County Election Commission about its procedures for processing applications following the Commission’s [assertion](#) that 55 percent of the voter applications it had received were invalid. Congressman Cohen is a senior member of the House Judiciary Committee, which oversees the Voting Rights Act. A copy of the letter can be found [here](#).

“When an election commission tells you that the majority of voter registration applications it has received are invalid, that begs serious questions,” said Congressman Cohen. “Our nation has an ugly history of voter suppression, especially when it comes to African American voters, and we need to ensure that voting rights are protected. Mindful of [what’s going on in Georgia](#), where 53,000 registration applications are being held up – 70 percent of which are from African Americans -- we must ensure that no Tennessean’s right to vote is compromised.”

Specifically, Congressman Cohen asked the Commission:

- What is the Commission doing to ensure that all applications are processed before early voting begins on October 17, 2018?
- What is the Commission doing, if anything, to inform eligible citizens, whose applications are incomplete, what is required for them to complete their applications?
- What is the Commission doing, if anything, to inform felons who have filed applications to vote, and who are eligible to have their voting rights restored, what is required for them restore their voting rights and complete an application to vote?

###

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9th District, Civil Rights, Government Reform, Judiciary,

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Shelby elections administrator promises Cohen she'll process new voter registrations

By [Sam Stockard](#)

Updated: October 15, 2018 1:07 PM CT

Shelby County's elections administrator is guaranteeing her office will process some 33,000 new voter-registration applications before early voting starts on Wednesday, after being queried by U.S. Rep. Steve Cohen.

"I am doing everything in my power to make sure all of these registration forms are processed," said Linda Phillips, administrator of elections. "We will get them all done."

The Shelby County Election Commission added personnel and equipment to handle the influx of registrations since the August primary and is operating at capacity to make sure all of the forms it has received are processed by early voting, according to Phillips.

In addition, a group from the League of Women Voters was to come in and help go over applications filled out improperly by calling people to notify them about problems with their applications, according to the election office. People who don't have a listed phone number or working number were to be notified by mail.



Phillips previously told The Daily Memphian that handling the large number of applications is difficult, in part, because of repeat applications. For instance, one person at the same address registered 26 times online. Countywide, Shelby had 556,889 registered voters as of September, including those active and inactive.

**Shelby County administrator
of elections Linda Phillips**



U.S. Rep. Steve Cohen

“Our staff is working very hard, and we will comply with the law,” said Shelby County Election Commission Chairman Robert Meyers.

Phillips and Meyers responded to questions in a letter sent last week by Cohen, a Memphis Democrat, about the commission’s procedures for handling applications following her assertion that 55 percent of them were invalid, according to reports.

“When an election commission tells you that the majority of voter registration applications it has received are invalid, that begs serious questions,” said Cohen, a senior member of the House Judiciary Committee, which oversees the

Voting Rights Act. “Our nation has an ugly history of voter suppression, especially when it comes to African-American voters, and we need to ensure that voting rights are protected.”

Cohen alluded to events in Georgia where 53,000 voter registrations, 70 percent of which are from African-Americans, are being held up. He said Shelby County “must ensure no Tennessean’s right to vote is compromised.”

In his letter addressed to Meyers, Cohen asked what steps the commission is taking to make sure all applications are processed before Wednesday; what it is doing to inform eligible voters what is required if their applications are incomplete; and what the commission is doing to inform felons who filed applications and are eligible to have their voting rights restored what they must do to complete a voting application.

Convicted felons, who are ineligible to vote, must go through a process before their voting rights are restored. The process is outlined on the commission’s [website](#), and the office has been offering public sessions on the procedure, according to Phillips. Those convicted of murder, rape or treason probably won’t be allowed to vote in Tennessee, but those who’ve completed restitution for other felonies are likely to be

able to register as long as they've been released from prison or jail and finished probation, paid court costs and restitution, and paid child support.

"We want every person who is eligible to vote to register and to participate in every election," she said.

Meanwhile, the Shelby County Democratic Party also urged the Election Commission to do "whatever it takes" to make sure all voter registrations are processed in time.

"There is massive local interest in this election, which is evidenced by the incredible number of voter registrations since just August of this year," party chairman Corey Strong said. "But we are concerned that the Election Commission will not process all of these registrations quickly enough to allow all eligible voters to participate in early voting. This would be unacceptable."

In light of Phillips' comments that registrations were three times the normal number and the commission had a small window from the voter registration deadline of Oct. 9-17 to process the applications, the office needs to expedite its efforts, Strong said.

"State law allows the election commission to bring in outside help and to pay overtime for workers to work around the clock if necessary," Strong said in a statement. "We must get these applications processed so that bona fide voters are not turned away from the polls."

Similar to Cohen, Strong cited alleged efforts in other states to hold turnout down and pointed toward a lawsuit against Georgia Republican Secretary of State Brian Kemp, who is accused of trying to suppress the turnout of African-American, Latino and Asian-American voters in his gubernatorial race against Democrat Stacy Abrams.

Strong also noted reduced voting hours, stringent voter ID laws, voter purges and gerrymandering in the Republican-controlled North Carolina Legislature as an effort to make it more difficult for minority voters to register and cast ballots.

TOPICS

LINDA PHILLIPS

STEVE COHEN

ROBERT MEYERS

COREY STRONG



Sam Stockard

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Team Upstream needs volunteers Monday and Tuesday at the Shelby County Election Commission to help verify voter registration forms. If you can help, call or email Betty Turner cousinbetty3@earthlink.net.

4:00 AM - 14 Oct 2018

