May 14, 2019

Via U.S. Mail and Electronic Mail

Hon. Tre Hargett, Secretary of State
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Nashville, TN 37243
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Mark Goins, Coordinator of Elections
312 Rosa L. Parks Ave., 7th Fl.
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Re: Notice of Noncompliance with the National Voter Registration Act of 1993

Dear Secretary Hargett and Coordinator Goins:

Pursuant to 52 U.S.C. § 20510(b), we write on behalf of our clients, the Tennessee State Conference of the N.A.A.C.P., Democracy Nashville/Democratic Communities, The Equity Alliance, and The Andrew Goodman Foundation, to inform you that the recently enacted Tennessee House Bill 1079 and Senate Bill 971 (2019) (hereinafter, "the New Law") violates the National Voter Registration Act of 1993 ("NVRA"), 52 U.S.C. §§ 20501-20510. The New Law is preempted by the NVRA because it is contrary to and frustrates Congress's purpose. Moreover, the New Law is invalid because it directly conflicts with the NVRA.

We additionally write on behalf of our clients to notify you that pre-existing aspects of Tennessee's laws and regulations governing voter registration, including Tenn. Comp. R. & Regs. 1360-02-11-.08, and the Tennessee state-specific instructions on the federal voter registration form and the state voter form regarding the eligibility of persons who have suffered a felony conviction to register to vote, likewise violate the NVRA.

Thus, we demand that you take adequate remedial action to comply with the NVRA within ninety days of the date of this letter. If you fail to do so, we and our clients reserve all of our legal rights under the NVRA to seek appropriate relief.

I. *The Relevant Provisions of the New Law*

The key sections of the New Law at issue here provide as follows:

- Tenn. Code Ann. § 2-2-142(a) requires that any person or organization that conducts "voter registration drives" in Tennessee "that attempt to register one hundred (100) or more people to vote" must first comply with a set of requirements, including pre-registration, the completion of a training program, and the filing of a sworn statement that the person or organization shall obey all state laws and procedures regarding the

registration of voters. § 2-2-142(a)–(d). Knowing and intentional violation of each requirement of this provision is a Class A misdemeanor punishable by 1 year in jail and/or a $2500 fine. § 2-2-142(f).

- Tenn. Code Ann. § 2-2-143(c)(4)(A) imposes a civil penalty ranging from $150 to $2000 for any person or organization filing 100 to 500 "incomplete" voter registration applications within a calendar year. For any person or organization filing more than 500 "incomplete" voter registration applications within a calendar year, the penalty is a maximum of $10,000. § 2-2-143(c)(4)(B). "Incomplete" is defined as "any application that lacks the applicant's name, residential address, date of birth, declaration of eligibility, or signature." § 2-2-143(b).

- Tenn. Code Ann. § 2-2-142(g) and 2-2-143(e) exempt "individuals who are not paid to collect voter registration applications" and "organizations that are not paid to collect voter registration applications and that use only unpaid volunteers to collect voter registration applications" from complying with the requirements in Tenn. Code Ann. 2-2-142 (preregistration) and 2-2-143 ("incomplete" forms) and from the criminal and civil penalties.

- Tenn. Code Ann. § 2-19-145(a) makes it a crime for any political committee or organization (including organizations conducting organized voter registration drives) to make *any* public communication "regarding voter registration status" unless such statement is accompanied by a disclaimer that such communication is not made in conjunction with or authorized by the secretary of state. A person or organization that establishes a "website for voter registration purposes" or a "voter lookup website" must display on the website a disclaimer that the "voter registration" or the "voter lookup" is not made in conjunction with or authorized by the secretary of state. § 2-19-145(b)(1)(2). The disclaimer must be "clear and conspicuous and prominently placed"—a disclaimer is not "clear and conspicuous" if it is "difficult to read or hear, or if its placement can be easily overlooked." § 2-19-145(d).

II. *The New Law Is Preempted Because It Is Contrary to and Frustrates the Congressional Purpose of the NVRA*

Congress enacted the National Voter Registration Act of 1993, 52 U.S.C. § 20501 *et seq*., pursuant to its authority under the Elections Clause of the Constitution. *See Arizona v. Inter Tribal Council of Ariz., Inc.,* 570 U.S. 1, 14–15 (2013) ("[T]he States' role in regulating congressional elections—while weighty and worthy of respect—has always existed subject to the express qualification that it terminates according to federal law") (internal quotation omitted); *League of Women Voters v. Newby*, 838 F.3d 1, 4 (D.C. Cir. 2016). Congress explicitly set out the statutory purposes of the NVRA in the text of the statute, and these statutory purposes include to "increase the number of eligible citizens who register to vote in elections" and "to enhance[ ] the participation of eligible citizens as voters." 52 U.S.C. § 20501(b)(1),(2). In the NVRA, Congress found that "discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation." 52 U.S.C. § 20501(a)(3). Moreover, the NVRA was expressly enacted to address and remedy barriers to voter registration. For

example, its Senate sponsors explained that while Congress could not address some factors that contribute to low voter turnout, "one—difficulties encountered by some who desire to register to vote—is susceptible to correction by legislation." S. Rep. 103-6, at 2 (1993). Similarly, the House Committee Report recognized that "[t]he unfinished business of registration reform is to reduce these obstacles to voting to the absolute minimum while maintaining the integrity of the electoral process." H.R. Rep. 103-9, at 3 (1993). As a result, the courts have repeatedly recognized that the NVRA protects the right of third-party voter registration organizations to conduct voter registration drives. *See Charles H. Wesley Educ. Found., Inc. v. Cox*, 408 F.3d 1349, 1353 (11th Cir. 2005) (holding that the "right to conduct voter registration drives is a legally protected interest" under the NVRA and that the NVRA "encourages voter-registration drives"). *See also League of Women Voters of Fla. v. Browning*, 863 F. Supp. 2d 1155, 1163 (N.D. Fla. 2012).

The New Law imposes burdensome requirements on individuals and non-governmental groups who conduct voter registration drives in Tennessee. It creates real barriers that will undermine the efforts of individuals and groups to expand the franchise in Tennessee, particularly in minority and underserved communities, in clear frustration of the purposes of the NVRA. The New Law imposes arbitrary, punitive, vague, and unnecessary requirements on individuals and groups who conduct voter registration activities such as pre-registration, training, filing a sworn statement to comply with state law, providing disclaimers for all public communications "regarding voter registration status," including "conspicuous and prominently placed" disclaimers on "voter registration" and "voter lookup" websites, and imposing severe civil and criminal penalties. These onerous requirements are imposed only on certain vaguely defined "paid" individuals and groups, though the disclaimer applies to all organizations regardless of whether they are paid or unpaid. These provisions are reflective of the type of discriminatory and unfair registration laws which Congress found "can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities." 52 U.S.C. § 20501(a)(3). In addition, the New Law's requirements are vague and overbroad, making it difficult for organizations and individuals to know when the New Law applies to them and how to comply, adding to the burdens imposed by the New Law. The significant burden imposed by the New Law will dramatically reduce the number of voter registration drives conducted in Tennessee—not encourage them.

The New Law also frustrates the statutory purpose of the NVRA by chilling the ability of voter registration groups and individual workers to collect mail-in voter registration forms. By enacting the NVRA, Congress bestowed upon private entities a federally-protected right to engage in organized voter registration activity as a means of facilitating voter registration by mail, one of the three modes of voter registration mandated by the NVRA. 52 U.S.C. § 20505(a)–(b) ("Each State shall use the mail voter registration application form," and the chief election officer of the state "shall make the [mail registration] forms . . . available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs"). Especially given the fact that both Secretary Hargett and Coordinator Goins have suggested that online voter registration at Go Vote TN is an alternative to mail-in voter registration forms and that the use of online forms would reduce "election fraud," the State's justifications for the New Law discriminate against and undermine

the efforts of organized voter registration programs which rely upon mail-in registration forms to provide voter registration assistance to prospective voters. [1] Thus, the New Law, which has a chilling impact on voter registration groups' ability to help register potential voters using the mail-in form, frustrates the NVRA's mandate that states accept mail-in forms and make them widely available.

Accordingly, the New Law is contrary to and frustrates the purposes of Congress in enacting the NVRA and is therefore preempted by the NVRA.

III. *The New Law is Invalid Because It Directly Conflicts with the NVRA*

In addition to being preempted because the statute as a whole frustrates the purposes of the NVRA, the New Law includes several provisions that are directly in conflict with the provisions of the NVRA. It is well settled that the NVRA "overrides state law inconsistent with its mandates." *Wesley*, 408 F.3d at 1354.

The New Law's Harsh Penalties for Filing "Incomplete" Voter Registration Applications Conflict with Section 8(a) of the NVRA, which Requires Tennessee to Provide Applicants with Notice of the Final Disposition of Their Voter Registration Applications.

Section 2-2-143(a) of the New Law penalizes the submission of incomplete voter registration applications by attaching severe civil penalties to the filing of 100 or more incomplete voter registration applications within a calendar year. It also explicitly permits a person or organization "who collects an application that only contains a name or initial" to not file the application with the election commission. These provisions are in direct conflict with Section 8(a) of the NVRA, which requires that the appropriate State election official "send notice to each applicant of the disposition of the application." 52 U.S.C. § 20507(a)(2). This provision grants each applicant for voter registration the right to know the status of their application and to be informed of the status of their application by the responsible state officials. Section 2-2-143(a) creates a substantial incentive, through the imposition of severe penalties, for individuals and groups to withhold and not submit applications for voter registration to state officials, if they have any concern about the completeness of the application and expressly authorizes the withholding of certain "incomplete" applications. In this way, Section 2-2-143(a) strips individuals seeking to register to vote of this important right granted by the NVRA. Moreover, these applicants may never know that their voter registration applications were not submitted to state officials, and in turn, would be deprived of their right to take corrective action to ensure that their registration has been properly recorded and their right to vote protected.

Applicants' NVRA-established right to know the status of their voter registration application is further undermined by Section 2-2-143(a) because other provisions of Tennessee law provide them with the right to provide additional information to elections officials, at any

[1] *See* Tre Hargett, *Tennessee Must Reform Voter Registration Drive Laws to Preserve Election Integrity*, Tennessean (Mar. 22, 2019, 10 PM), https://www.tennessean.com/story/opinion/2019/03/23/tennessee-must-reform-voter-registration-drive-laws/3225676002/.

time up to and including Election Day, to cure any omissions or deficiencies in their voter registration forms. Tenn. Code Ann. § 2-2-109(a). Thus, the provision of the New Law which gives individuals and groups the option not to submit incomplete applications to county election officials – and penalizes them for submitting such applications – is contrary to the NVRA's mandate that Tennessee provide applicants with notification of the final disposition of their voter registration application under 52 U.S.C. § 20507(a)(2), and to ensure that eligible applicants who submit applications at least 30 days prior to a federal election are registered to vote in an upcoming election under 52 U.S.C. § 20507(a)(1).

This provision of the New Law specifically frustrates the statutory purpose of the NVRA. Rather than "protect[ing] the integrity of the electoral process and ensur[ing] that accurate and current voter registration rolls are maintained," as the NVRA was explicitly intended to do, 52 U.S.C. § 20501(b)(3)–(4), this provision of the New Law would have the opposite effect. Indeed, it could even encourage individuals or groups who might have impure motives to discard voter registration applications—even if they are not "incomplete" at all—to prevent eligible applicants from registering to vote. Those applicants would have no way to know that their forms had not actually been submitted to their county election officials, and it denies them the opportunity to cure any discrepancy before they appear at the polls only to discover that their voter registration was not effective.

Indeed, the New Law will only contribute further to Tennessee's noncompliance with this provision of the NVRA, which is already a significant problem in fostering voter confusion and undermining public confidence in elections. There is evidence that during the 2018 election cycle, Shelby County officials failed to notify all applicants about the status of their applications, as required by both the NVRA and state law. It does not appear that state officials took any action to remedy this violation of 52 U.S.C. § 20507(a)(2) by Shelby County. This failure meant that some eligible voters who submitted timely, complete, and valid registrations forms were not notified that they are, in fact, registered to vote. Further, some applicants whose registration forms were rejected or deemed incomplete were not notified of that determination or what they could do to cure the issue so that they could vote a regular ballot. *See* Pls' Expedited Mot. for TRO, *Tenn. Black Voter Project v. Shelby Cty. Election Comm'n*, Case No. CH-18-1476 (filed Oct. 23, 2018). Section 2-2-143(a) will only exacerbate this problem and exacerbate the State's non-compliance with the NVRA.

The New Law's Differential Treatment of Paid and Unpaid Voter Registration Workers Violates Section 8(b) of the NVRA, which Requires that any State Program Be "Uniform" and "Nondiscriminatory."

Sections 2-2-142(g) and 2-2-143(e) of the New Law treat unpaid voter registration workers, and organizations that rely exclusively on unpaid volunteers differently from paid workers and organizations that rely, in whole or part, on "paid" workers. The New Law requires paid voter registration workers and organizations that rely on them to comply with burdensome requirements, including preregistration, training, signing an oath, complying with filing requirements, and being subject to severe civil and criminal penalties. In contrast, the New Law exempts unpaid registration workers and organizations that rely on them exclusively from these requirements entirely.

The NVRA requires that any "State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office…shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act." 52 U.S.C. § 20507(b)(1). Courts have held that other similar state voter registration laws are considered to be: "programs or activities" subject to his provision and to be invalid if they are not uniform and nondiscriminatory. *See Project Vote/Voting for Am., Inc., v. Long*, 682 F.3d 331, 335 (4th Cir. 2012) (holding that by instituting processes that allowed county registrars to reject voter registration forms or accept such forms as complete, the state was conducting a "program" to ensure that its voter rolls were accurate); *Project Vote v. Blackwell*, 455 F. Supp. 2d 694, 701 (N.D. Ohio 2006) (holding that pre-registration, training, and affirmation requirements were in conflict with the NVRA). The New Law is plainly a "program or activity" subject to this provision, since its alleged purpose is to prevent voter registration fraud. As one of the defendant state officials explained, the New Law is supposedly necessary to combat voter fraud by those who "might be motivated by money and the desire to collect precious voter data."[2]

However, the provisions of the New Law that erect barriers to participation in voter registration drives for only a selected class of persons (i.e., paid workers) and organizations are not uniform and nondiscriminatory attempts to protect the integrity of the electoral process. Thus, these sections of the New Law conflict with the NVRA and are invalid. *See Project Vote v. Blackwell*, 455 F. Supp. 2d at 701 (holding that "the pre-registration, training, and affirmation requirements imposed by Ohio law goes against the very spirit of the NVRA by erecting barriers—only for a *selected class* of persons—that previously did not exist"). A similar third-party voter registration law in Ohio that treated compensated and uncompensated voter registration workers differently was struck down by a sister federal court in the Sixth Circuit. In *Project Vote v. Blackwell*, the court concluded that a law that placed draconian criminal penalties on paid voter registration workers who failed to undergo training and pre-register with the Secretary of State violated Section 8(b)(1) of the NVRA. *Id.* at 703. The court ruled that the program was not uniform and nondiscriminatory because it treated a "*selected class*" differently. *Id* (emphasis in the original). The court further noted that the state could not provide adequate evidence to support its purported justification that the law was needed to prevent voter registration fraud by compensated voter registration workers and cast substantial doubt on the state's implicit assumption that paid workers were more prone to commit voter fraud than their unpaid counterparts. *Id.* at 703–04. The *Blackwell* court further explained that the regulations at issue "did not apply to everyone involved in the process," and that it was "arguable" that the training requirements discriminated against the elderly and low-income because of their inability to access the internet for online training. *Id* at 704. The New Law similarly requires that training be provided online but provides no details on other methods of training that could be available.

As in *Blackwell*, Sections 2-2-142(g) and 2-2-143(e) of the New Law unjustifiably require more of groups that compensate their voter registration workers. These provisions therefore violate Section 8(b)(1) of the NVRA and are invalid.

[2] Hargett, *supra* note 1.

The New Law's Imposition of Severe Penalties for Filing "Incomplete" Voter Registration Forms Conflicts with the NVRA's Requirement that both the State Voter Registration Form and the Federal Form "Shall Include a Statement That . . . Specifies Each Eligibility Requirement."

Section 20507(a)(5) of the NVRA requires each state to "inform applicants . . . of— voter eligibility requirements." Under Section 20505(b), which governs mail registration (including the state use and contents of the state form), a mail voter registration form developed by a state must meet the criteria laid out in Section 20508(b) regarding the federal form developed by the Election Assistance Commission in conjunction with the states. Section 20508(b) provides that "a mail voter registration form . . . shall include a statement . . . that specifies each eligibility requirement." Thus, the NVRA mandates that both the state and federal forms specify each eligibility requirement.

Neither Tennessee's state form nor the federal form's Tennessee-specific instructions clearly or accurately specifies the eligibility requirements for those who have been convicted of a felony. Tennessee's felony disenfranchisement laws are confusing and complicated. Voters and groups or individuals helping potential voters register have a difficult time figuring out whether a voter who was convicted of a felony is eligible to register. The New Law, thus, places onerous burdens on third-party voter registration workers and groups to determine whether a voter who has a felony conviction is eligible to register to vote, resulting in a chilling effect in connection with registering this class of voters.

The federal form is misleading. It states "you must not have been convicted of a felony, or if you have, your voting rights must have been restored." Tennessee law is more nuanced—an individual's eligibility to register is dependent on the crime they were convicted of, the date of their conviction, and whether they had their conviction expunged or their rights restored.[3] Thus, the federal form is, at best, confusing and inadequate, and at worst, an incorrect and misleading description of an important voter eligibility requirement. The current language is not a statement that "specifies" the correct eligibility requirement as required by the NVRA.

The state mail voter registration form also does not adequately specify the eligibility requirements as required under Section 20505(b) of the NVRA. The form states that a voter "must not have been convicted of a felony" or if the applicant has, the applicant's rights "must have been restored." Like the language on the federal form, this does not accurately reflect Tennessee eligibility requirements. While the Secretary of State's website has a disclaimer on the webpage that includes the voter registration form page that links to a one-page memorandum on what convictions are disenfranchising, this disclaimer is inadequate.[4] It is inadequate because the information is not included on voter registration form itself. It does not provide sufficient

[3] Sec'y of State, *Eligibility to Vote After Felony Conviction*, https://sos-tn-gov-files.tnsosfiles.com/forms/Eligibility%20to%20Vote%20after%20Felony%20Conviction.pdf.
[4] Sec'y of State, *Eligibility to Vote After Felony Conviction*, https://sos-tn-gov-files.tnsosfiles.com/forms/Eligibility%20to%20Vote%20after%20Felony%20Conviction.pdf.

information to individuals or third-party groups that use a mail-in form on which voters may or may not be eligible .

This problem with the state and federal forms is exacerbated by provisions of the New Law, because Section 2-2-143 of the New Law defines an "incomplete voter registration application," in part, as one lacking the required "declaration of eligibility" which requires the voter to sign a declaration that their rights have been restored. The New Law creates the significant potential that organizations conducting voter registration drives could be penalized because applicants could erroneously, but in good faith, believe that they were entitled to register and their resulting application could be deemed to be "incomplete" as a result. The definition of "incomplete" as used in the New Law is vague, and there is strong reason to believe that voter registration applications that are filled out incorrectly—for example, that include a declaration of eligibility that is mistaken—will be considered "incomplete." *See* SB0971, 111th Congress, Regular Calendar, Tenn. Sen. Floor Session, Apr. 25, 2019 (Remarks of Sen. Jackson) (Senator Jackson, a sponsor of the legislation, repeatedly using the term "deficient" to refer to "incomplete" forms, and giving examples of inaccuracies—not omissions—that would trigger the civil penalties).

The chilling effect that the statements on the federal and state form imposes by failing to meet the NVRA's statement of eligibility requirement is further exacerbated when coupled with the New Law's mandate of a sworn statement by the third-party actor to obey "all state laws and procedures regarding the registration of voters," § 2-2-142(a)(1)(D), and the threat of criminal penalties for each violation as a separate offense, § 2-2-142(f).

In order for third-party voter registration organizations and individuals conducting voter registration drives to assess whether an application is complete such that it would not be subject to Section 2-2-143(b) and Section 2-2-142(f), Tennessee must provide a clear statement of the eligibility requirement on its state voter registration application and work with the Election Assistance Commission to correct the Tennessee state-specific instructions on the federal form.

IV. *Other Provisions of Tennessee's Statutory and Regulatory Scheme Are in Conflict with the NVRA*

In addition to the violations of the NVRA created by enactment of the New Law, several other aspects of Tennessee's statutory and regulatory scheme governing voter registration conflict with the NVRA.

Tennessee Regulation 1360-02-11-.08(2) Pertaining to Retention of Voter Registration Forms for Ninety Days Violates Section 8(i)(1) of the NVRA.

Section 8(i)(1) of the NVRA requires that each State "maintain for *at least 2 years* and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters." 52 U.S.C. § 20507(i) (emphasis added).

A Tennessee regulation instructs that "[a]ll copies of rejected VRF(s) [voter registration forms] shall be marked 'rejected' and be retained by the Registrar at Large for a *period of 90 days* from the date of receipt." Tenn. Comp. R. & Regs. 1360-02-11-.08(2) (emphasis added). This regulation may be read to permit the Registrar at Large to destroy or discard such records after 90 days, and therefore it directly conflicts with Section 8(i)(1) of the NVRA, which requires "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters" to be retained for at least 2 years.

Courts have concluded that "completed" voter registration forms includes "rejected" forms and that both are included within the "records" subject to Section 8(i)(1) of the NVRA, and are therefore subject to the two-year retention requirement. By registering eligible applicants and rejecting ineligible applicants, state officials are supposed to ensure that the state is keeping a most recent and accurate account of which persons are qualified or entitled to vote within the state. Accordingly, the process of assessing voter registration applications is governed by the NVRA. *See Project Vote/Voting for Am., Inc., v. Long*, 682 F.3d 331, 335 (holding that under the plain language of Section 8(i)(1), completed voter registration applications, which includes rejected applications, are clearly "records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters"); *see also Judicial Watch, Inc., v. Lamone*, 2018 WL 2564720, at *12–13 (D. Md. June 4, 2018) (completed voter registration applications fall within the ambit of Section 8(i)(1)); *Project Vote, Inc. v. Kemp*, 208 F. Supp. 3d 1320, 1341 (N.D. Ga. 2016) (same).

Based on the foregoing, Tenn. Comp. R. & Regs. 1360-02-11-.08(2) violates the two-year record retention requirement of Section 8(i)(1) of the NVRA.

Tennessee Regulation 1360-02-11-.08(1), which Indicates that a Voter Registration Form Becomes "Valid" on "the Day the Inquiry Was Completed," as Opposed to the Date the Form Was Received by the County Election Commission, Conflicts with NVRA Section 8(a)(1)(B).

Tennessee Regulation 1360-02-11-.08(1), regarding the effective date that an applicant is deemed registered to vote, violates Section 8 of the NVRA because it states that "[t]he effective date of registration shall be the date the VRF was received by the County Election Commission, ***or the date the inquiry was completed, whichever comes later.***" Tenn. Comp. R. & Regs. 1360-02-11-.08(1) (emphasis added).

Under Section 8(a)(1)(B) of the NVRA, if the "valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election," the State must ensure that any eligible applicant is registered to vote. 52 U.S.C.A. § 20507(a)(1)(B). Thus, pursuant to the NVRA, the date upon which a voter registration form is "effective" must be the date on which it was postmarked, not on a later date when the state completes an "inquiry" into the validity of the form. Therefore, Tennessee

Regulation 1360-02-11-.08(1) is in direct conflict with Section 8 of the NVRA by extending the effective date of the application to the date when the inquiry is completed.[5]

V. Conclusion

Please take adequate remedial action to correct the aforementioned violations of the NVRA within ninety days of this notice. If you wish to discuss this notice or have any questions, please do not hesitate to contact pchaudhuri@lawyerscommittee.org or jhouk@lawyerscommittee.org. Thank you for your attention to this important matter.

Sincerely,

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[5] An "inquiry" refers to instances where county commissioners conduct an inquiry to verify a VRF including "(a) where the information given on the VRF is incomplete; (b) where the information given on the VRF appears unclear or inconsistent; (c) where the information appears to be an exact duplicate of a registration already on file; (d) where the VRF appears to be a duplicate of an already registered voter but indicates a change of name and address; (e) whenever the County Election Commission is unable to determine the district, precinct or ward in which the applicant resides; and (f) where it is uncertain for any other reason what action should be taken on the application." Tenn. Comp. R. & Regs. § 1360-02-11-.07.

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