

IN THE CHANCERY COURT OF TENNESSEE  
FOR THE TWENTIETH JUDICIAL DISTRICT AT  
NASHVILLE

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TENNESSEE STATE CONFERENCE  
OF THE NAACP, NATASHA LANE,  
GEORGE LANE, and HATTIE LOUISE  
LANE,

Petitioners  
v.

Case No.

BILL LEE, in his official capacity as  
Governor of the State of Tennessee,  
TRE HARGETT, in his official capacity  
as Secretary of State of the State of  
Tennessee, MARK GOINS, in his official  
capacity as Coordinator of Elections for  
the State of Tennessee,

Respondents.

## **PETITION FOR TEMPORARY RESTRAINING ORDER**

COME NOW, Petitioners Tennessee State Conference of NAACP, Natasha Lane, George Lane, and Hattie Louis Lane, by and through counsel, and file this, their Petition for Temporary Restraining Order and in support thereof state as follows:

1. March 3 is primary day in Tennessee, including voting in the presidential preference primary elections.
2. In the early morning hours today, March 3, 2020, powerful storms ripped through middle Tennessee, including Davidson, Wilson, and Putnam Counties, with multiple tornado touchdowns.
3. The storms caused extensive casualties. Thus far, twenty-two fatalities have been reported statewide, with two fatalities occurring in East Nashville. The Governor of Tennessee has stated that state officials are unsure how many are dead, wounded or missing as a result of the storms. (<https://www.nytimes.com/2020/03/03/us/nashville-tornado-live.html?action=click&module=Top%20Stories&pgtype=Homepage>).
4. The storms also caused significant property damage. At least 48 structures in Nashville alone are reported to have completely or partially collapsed, with Nashville fire officials having received upwards of 400 emergency calls. The Germantown and East Nashville neighborhoods are reported to have sustained significant damage, with structures damaged, power lines down and debris scattered throughout the area. (<https://www.nytimes.com/2020/03/03/us/nashville-tornado->

live.html?action=click&module=Top%20Stories&pgtype=Homepage). The Governor of Tennessee has called the damage in Nashville “surreal”. ([https://twitter.com/GovBillLee?ref\\_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor](https://twitter.com/GovBillLee?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor)).

5. The storms have rendered traveling in many parts of Davidson County difficult, if not impossible. The Metro Nashville Government has asked residents to “[k]eep off the roads if at all possible.” (<https://twitter.com/MetroNashville>). Multiple arterial roads in and around Nashville have been closed since early this morning. (<http://maps.nashville.gov/nerve/>).
6. Public transportation in Davidson County has also been significantly disrupted. The Nashville Metropolitan Transit Authority issued a Service Advisory on March 3, 2020 at 5:19 a.m. CT. The Service Advisory stated that four routes will not operate due to road conditions, that five additional routes will operate on detours due to road conditions, that the WeGo Star did not operate in the morning due to track conditions, and that the regional bus service may experience delays due to road conditions.
7. WeGo’s Twitter account indicated that, as of 7:17 a.m. CT, WeGo’s Access Program, which is a shared-ride public transportation service for people with disabilities, will only accept next day trip requests. See <https://twitter.com/WeGoTransit> at Mar. 3, 2020, 7:17 a.m. CT.

8. In addition, numerous public facilities throughout Davidson County have been closed, including Nashville public schools (<https://twitter.com/MetroSchools>) and all non-essential Metro Nashville governmental offices (<https://twitter.com/MetroNashville>). The Mayor of Nashville has signed an executive order declaring a state of emergency, reflecting not only that extensive damage to the area has occurred requiring a coordinated response across governmental agencies, but also that the danger and necessity to respond accordingly to an uncertain and rapidly developing situation will continue over the next several days. (<https://www.nashville.gov/Metro-Clerk/Legal-Resources/Executive-Orders/Mayor-John-Cooper/jc004.aspx>).
9. The storms have adversely affected the residents of the affected counties ability to access polling places and exercise their right to vote. Due to damage to polling locations, voters in at least 22 precincts at 21 polling places have been redirected to alternative locations. (<https://www.nashville.gov/Election-Commission/March-3-Election-Storm-Related-Changes.aspx>).
10. The tornado has also forced the closure of at least the following twenty-one polling locations in Davidson County due to storm damage. The Tennessee Election Commission (“TN EC”) posted on its website changes to polling locations. Voters in nine precincts (DuPont Tyler Middle School, Hermitage Presbyterian, Ruby Major Elementary, Hermitage Hills Baptist Church, Hermitage Community Center, Hermitage Elementary School, TN School for the Blind, Two Rivers Middle School, and Donelson Heights United Methodist) have been redirected to a single polling location (Donelson

Presbyterian Church). Voters in four additional precincts (Fifteenth Ave Baptist Church, Watkins Community Center, Union Hall, and Robert Churchwell Elementary) have been redirected to a second polling location (Pearl Cohn High School). Voters in five further precincts (Ross Elementary, East Regional Community Center, Shelby Community Center, Martha O'Brian Center, and Cora Howe School) have been redirected to a third polling location (Cleveland Community Center). Voters in three other precincts have been reassigned to different locations. In addition, the TN EC opened two polling locations (the TN EC's offices) to voters from all affected precincts.

11. In Wilson County, the polling locations at Lebanon High and West Wilson Middle will be closed. Any Wilson County resident can vote at any polling location in the county.
12. In Putnam County, several voting precincts were affected. Those who vote at either the Cookeville Community Center, Cane Creek, Twin Oak, Upperman, Double Springs, Pavilion and Sycamore precincts can vote at the Putnam County Election Commission Office, 704 County Services Dr., Cookeville.
13. Even where polling locations remain open, access to the ballot box remains substantially impaired by the above-described road closures and dangerous traveling conditions, by long lines at alternative polling locations  
  
(<https://www.tennessean.com/story/news/2020/03/03/nashville-tornado-damage-super-tuesday-election/4936921002/>) and by the general disruption wreaked across the affected counties by the storms. As a result, an untold number of these counties' residents who wish to exercise their right to vote are being required to do so today, notwithstanding that they have limited ability to leave their homes (and indeed have been advised to remain in

place), must contend with downed power lines, debris and other dangerous conditions if they do attempt to travel to a polling location and in many cases must find an unfamiliar polling place of which they've received little notice (if they're able to receive notices at all).

14. Petitioner Tennessee State Conference of NAACP is a nonpartisan, non-profit membership organization headquartered in Jackson, TN. Its mission is to eliminate race-based discrimination through securing political, educational, social and economic equality rights, including through the exercise of the right to vote. Many of its members live in communities that have been impacted by the tornado and are unable to vote.
15. Petitioner Natasha Lane is a registered voter, domiciled at 259 Riverside Drive, Nashville, TN, whose house was destroyed by the tornado and who, because of the tornado, cannot vote, if voting ends today. She wants to and would be able to vote if voting was extended through Friday, March 6, 2020.
16. Petitioner George Lane is a registered voter, domiciled at 259 Riverside Drive, Nashville, TN, whose house was destroyed by the tornado and who, because of the tornado, cannot vote, if voting ends today. He wants to and would be able to vote if voting was extended through Friday, March 6, 2020.
17. Petitioner Hattie Louis Lane is a registered voter, domiciled at 259 Riverside Drive, Nashville, TN, whose house was destroyed by the tornado and who, because of the tornado, cannot vote, if voting ends today. She wants to and would be able to vote if voting was extended through Friday, March 6, 2020.

18. Respondent Bill Lee is the Governor of the State of Tennessee. He is sued in his official capacity. He has express and inherent emergency power under Tennessee Annotated Code § 58-2-107, to order the relief requested in this Petition.
  19. Respondent Tre Hargett is the Secretary of State of Tennessee. He is sued in his official capacity. He appoints the Coordinator of Elections, who is “the chief administrative election officer of the state” charged with “obtain[ing] and maintain[ing] uniformity in the application, operation and interpretation of the election code.” Tenn. Code Ann. § 2-11-201(b). The Coordinator of Elections serves “at the pleasure of the secretary of state” and may only make regulations necessary to carry out the election code with “the concurrence of the secretary of state.” Tenn. Code Ann. § 2-11-201(a).
  20. Mark Goins is the Coordinator of Elections and the “chief administrative election officer of the state.” He is sued in his official capacity.
  21. On March 3, counsel for Petitioners sent a letter to Respondents requesting that they extend the days of voting through March 6, 2020. (letter attached hereto). Respondents have not responded to that letter.
- FIRST CAUSE OF ACTION**  
**(Violation of Tennessee Constitution, Article 1, § 5, and Article 4, § 1)**
22. Petitioners reallege and incorporate herein as though fully set forth the allegations of paragraphs 1 through 20 above.
  23. Failure of Respondents to keep polling places in Davidson, Wilson, and Putnam Counties open beyond today, March 3, 2020, will, in light of the dire circumstances created by the tornado, cause Petitioners and other similarly situated citizens to be deprived of their fundamental right to vote under the Tennessee Constitution.

24. Absent immediate injunctive relief requiring that polling places remain open through Friday, March 6, 2020, Petitioners and other similarly situated voters will be deprived of their fundamental right to vote under the Tennessee Constitution.
25. Additionally, the long lines at those polling places to which voters whose polling sites have been closed are directed, lead to voters not being able to vote.
26. Immediate relief is warranted because Petitioners will, absent such relief, suffer irreparable harm through denial of their right to vote; the harm to Petitioners will far outweigh any harm to Respondents resulting from the need to keep the polls open for a few additional days; there is a substantial probability that Petitioners will prevail on their constitutional claim; and the public interest favors protecting the fundamental right to vote of both Petitioners and all other eligible voters affected by the tornado.

**Relief Requested**

Wherefore, Petitioners request that this Court:

1. Declare that the failure of Respondents to extend the time to vote beyond 7 pm on March 3 violates Petitioners' right to vote;
2. Order that Respondents extend the time to vote in the primary elections on March 3, 2020 until 10 pm at the polling places to which affect voters were redirected;
3. Order that Respondents extend the time to vote in the primary elections to and through 7 pm on March 6, 2020 at the polling places to which affect voters were redirected; and
4. Grant Petitioner such other and further relief as it deems just under the circumstances.

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March 3, 2020

The Honorable Bill Lee  
Governor of the State of Tennessee  
Tennessee Governor State Capitol, 1st Floor  
600 Dr. Martin L. King, Jr. Blvd.  
Nashville, TN 37243

Secretary Tre Hargett  
Tennessee Secretary of State  
State Capitol  
600 Dr. Martin L. King, Jr. Blvd.  
Nashville, TN 37243-1102

Coordinator of Elections Mark Goins  
Tennessee Coordinator of Elections  
600 Dr. Martin L. King, Jr. Blvd.  
Nashville, TN 37243-1102

Dear Governor Lee, Secretary Hargett, and Coordinator Goins:

We are writing on behalf of Election Protection, the largest non-partisan election protection program in the country that works year-round with over one-hundred state and local partners to protect the vote.

First, we extend our most heartfelt prayers to those in your state who have been affected by the terrible storms in the greater Nashville area. The loss of life, serious injuries, and destruction of homes and businesses are devastating, and we hope that recovery can be as speedy and complete as possible.

At the same time, we know that the storm has made it difficult, if not impossible, for many people to vote in today's primary elections. As a result of the tornado, Nashville has closed at least sixteen polling locations and the voters who normally vote at those locations have been directed to vote at three open sites.<sup>1</sup> The Secretary of State has directed at least eight affected precincts in Putnam County to vote at one location—at least six are closed.<sup>2</sup> Schools in Davidson, Cheatham, Cumberland,

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<sup>1</sup> Nashville, *March 3 Election Storm Changes*, <https://www.nashville.gov/Election-Commission/March-3-Election-Storm-Related-Changes.aspx> (last visited Mar. 3, 2020).

<sup>2</sup> Sec'y of State Tre Hargett, Twitter (Mar. 3, 2020), <https://twitter.com/sectrehargett/status/1234852940407549954>.

Dickson, and Wilson County are closed.<sup>3</sup> Several other counties have delayed school openings by two hours. The storm has left hundreds in the East and North Nashville areas without power, electricity, or water. Election Protection has received reports of the storm destroying community members' dwellings. Election Protection has also received reports that in many of the predominantly majority African American precincts, prospective voters are unable to get out to vote at the designated locations. In addition, community members have stated that local news media may be reporting incorrect information as to polling locations. We also understand that schools and courts are closed and that even the sheriff's office has urged non-essential employees to not report to work. We know that officials are focused squarely on rescue and recovery efforts, and other important tasks of helping to secure people's physical well-being.

Given the devastation and loss of life, we urge you to immediately extend voting in the primaries through at least the end of the week to provide voters a fair opportunity to access the polls. Such an extension would not only allow people to exercise their right to vote, but would also prevent interference with ongoing rescue and remedial activities. As you know, directives have been issued in many locations urging people to stay off the streets. Extending voting would permit those who were intending to drive or attempt to take public transportation to the few polling places that remain open to stay home until the situation has improved.

Your three offices, jointly and separately, provide you with ample authority to grant the relief we request. For example, pursuant to his inherent emergency power under Tennessee Annotated Code § 58-2-107, the Governor may order such relief as necessary including to suspend the laws (which would include the laws concerning the maximum number of voting hours). The Coordinator of Elections is "the chief administrative election officer of the state" charged with "obtain[ing] and maintain[ing] uniformity in the application, operation and interpretation of the election code." Tenn. Code Ann. § 2-11-201(b). The Secretary of State appoints the Coordinator of Elections who serves "at the pleasure of the secretary of state" and may only make regulations necessary to carry out the election code with "the concurrence of the secretary of state." Tenn. Code Ann. § 2-11-201(a).

We urge you to use all the powers of your offices to extend voting in today's primary through the end of this week.

Please respond within the hour to [kclarke@lawyerscommittee.org](mailto:kclarke@lawyerscommittee.org), so that we may seek appropriate relief if necessary. Thank you.

Sincerely,

/s/  
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<sup>3</sup> *School Closings*, Fox 17 News (Mar. 3, 2020, 9:10 AM), <https://fox17.com/weather/closings>.