

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

BENJAMIN WILLIAM LAY,  
CAROLE JOY GREENAWALT,  
and SOPHIA LUANGRATH,

*Plaintiffs/Appellees,*

v.

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

*Defendants/Appellants.*

No. M2020-00832-COA-R9-CV

Davidson County Chancery Court  
Docket No.:  
20-0453-IV(III)

---

PLAINTIFFS' APPENDIX

---

THOMAS H. CASTELLI  
ACLU Foundation of Tennessee  
P.O. Box 120160  
Nashville, TN 37212  
Phone: (615)-320-7142  
tcastelli@aclu-tn.org

DALE E. HO\*  
SOPHIA LIN LAKIN\*  
American Civil Liberties Union  
Foundation  
125 Broad Street, 18th Floor  
New York, NY 10004  
Phone: (212) 549-2500  
dho@aclu.org

NEIL A. STEINER\*  
Dechert LLP  
1095 Avenue of the Americas  
New York, NY 10036-6797  
Phone: (212) 698-3500  
neil.steiner@dechert.com

GREGORY P. LUIB\*  
THARUNI A. JAYARAMAN\*  
Dechert LLP  
1900 K Street NW  
Washington, DC 20006  
Phone: (202) 261-3330  
gregory.luib@dechert.com  
tharuni.jayaraman@dechert.com

ANGELA M. LIU\*  
Dechert LLP  
35 West Wacker Drive  
Suite 3400  
Chicago, IL 60601-1608  
Phone: (312) 646-5800  
angela.liu@dechert.com

ELIZABETH SITGREAVES  
Law Offices of John Day, P.C.  
5141 Virginia Way, Suite 270  
Brentwood, TN 37027  
Phone : 615-742-4880  
lsitgreaves@johndaylegal.com

*Attorneys for Plaintiffs*

*\* Admitted Pro Hac Vice*

## Table of Contents

June 30, 2020 Compliance Order.....	Pls.App.00001
July 2, 2020 Declaration of Mark Goins .....	Pls.App.00003
July 6, 2020 Compliance Order.....	Pls.App.00007
Compliance Chart on Addition of COVID-19 As Absentee Voting Reason/Excuse.....	Pls.App.00011
July 8, 2020 Declaration of Mark Goins .....	Pls.App.00015

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE  
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY, PART III

HUNTER DEMSTER, EARLE J. )  
FISHER, JULIA HILTONSMITH, )  
GINGER BULLARD, JEFF BULLARD, )  
ALLISON DONALD, and )  
#UPTHEVOTE901, )

Plaintiffs, )

vs. )

No. 20-435-I(III)

TRE HARGETT, MARK GOINS, )  
WILLIAM LEE, and HERBERT )  
SLATERY III, each in his official )  
capacity of the State of Tennessee, )

Defendants. )

AND

BENJAMIN WILLIAM LAY, CAROLE )  
JOY GREENAWALT, and SOPHIA )  
LUANGRATH, )

Plaintiffs, )

vs. )

No. 20-453-IV(III)

MARK GOINS, TRE HARGETT, and )  
WILLIAM LEE, each in his official )  
capacity for the State of Tennessee, )

Defendants. )

**ORDER**

It is ORDERED that by noon on July 2, 2020, Defendant Goins shall file an affidavit stating the actions he has taken to comply with the Order issued June 26, 2020.

s/ Ellen Hobbs Lyle  
ELLEN HOBBS LYLE  
CHANCELLOR

cc: Due to the pandemic, and as authorized by the *Twentieth Judicial District of the State of Tennessee In Re: COVID-19 Pandemic Revised Comprehensive Plan* as approved on May 22, 2020 by the Tennessee Supreme Court, through June 30, 2020, this Court shall send copies solely by means of email to those whose email addresses are on file with the Court. If you fit into this category but nevertheless require a mailed copy, call 615-862-5719 to request a copy by mail.

For those who do not have an email address on file with the Court, your envelope will be hand-addressed and mailed with the court document enclosed, but if you have an email address it would be very helpful if you would provide that to the Docket Clerk by calling 615-862-5719.

Jacob Webster Brown  
Melody Dernocoeur  
Bruce S. Kramer  
Steven J. Mulroy  
Attorneys for the Plaintiffs in Case No. 20-435

Alexander S. Rieger  
Janet M. Kleinfelter  
Steven A. Hart  
Matthew D. Cloutier  
Kelley L. Groover  
Attorneys for the Defendants in Case No. 20-435 and Case No. 20-453

Thomas H. Castelli  
Neil A. Steiner  
Tharuni A. Jayaraman  
Dale E. Ho  
Sophia Lin Lakin  
Angela M. Liu  
Attorneys for the Plaintiffs in Case No. 20-453

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

BENJAMIN WILLIAM LAY, CAROLE JOY )  
GREENWALT and SOPHIA LUANGRATH, )

Plaintiffs, )

v. )

Docket No. 20-0453-IV(III)

MARK GOINS, in his official capacity as )  
Coordinator of Election for the State of )  
Tennessee, TRE HARGETT, in his official )  
Capacity as Secretary of State for the State of )  
Tennessee, and WILLIAM LEE, in his official )  
Capacity as Governor of the State of Tennessee, )

Defendants. )

---

**DECLARATION OF MARK GOINS**

---

I, Mark Goins, declare the following under penalty of perjury:

1. I am competent to testify regarding the matters set forth herein.
2. In compliance with the Court's Orders of June 26 and June 30, 2020, attached are supplemental instructions that were sent on June 29, 2020 to all County Election Commissions.
3. The following County Election Commissions do not maintain a website: Bledsoe, Clay, Fentress, Houston, Lake, Lauderdale, McNairy, Moore, Scott, Sequatchie, Unicoi and Van Buren. To the extent these County Election Commission have any written materials listing the excuses found in Tenn. Code Ann. § 2-6-201 for voting by mail that they disseminate to voters, these instructions requires these County Election Commission to comply with this Court's order of June

26, 2020.

I declare under penalty of perjury that the foregoing is true and correct.

2 July 2020  
Date

Mark Goins  
Mark Goins  
Coordinator of Elections  
State of Tennessee

Tennessee Secretary of State  
Tre Hargett



Elections Division  
312 Rosa L. Parks Avenue, 7<sup>th</sup> Floor  
Nashville, Tennessee 37243-1102

Mark Goins  
Coordinator of Elections

615-741-7956  
Mark.Goins@tn.gov

## MEMORANDUM

**To:** All County Election Commissions

**From:** Mark Goins *Mark Goins*  
Coordinator of Elections

**Date:** June 29, 2020

**Subject:** Instructions for Absentee By-Mail Request Form and Update on Absentee By-Mail Lawsuit

---

On June 26, 2020, Davidson County Chancellor Ellen Hobbs Lyle ordered I send out further instructions. Regarding Order number 1, the language that is quoted is the language that is on the state's website at <https://sos.tn.gov/products/elections/absentee-voting>. Please follow the instructions as ordered by the court. The language below is taken from her Order.

1. It is ORDERED that by noon on Monday, June 29, 2020, the Coordinator of Elections shall direct the County Election Commissions that, on their websites and on any materials listing the excuses found in Tenn. Code Ann. § 2-6-201 for voting by-mail that the County Election Commissions disseminate to voters, the description of who can vote absentee by-mail must include the same language stated on the 3rd and 4th boxes of the Absentee By-Mail Request Form. The Court further ORDERS that by noon on Monday, June 29, 2020, the Coordinator of Elections shall direct the County Election Commissions to include the following specific language on any materials listing the excuses found in Tenn. Code Ann. § 2-6-201 for voting by mail that the County Election Commissions disseminate to voters and on their website:

You can vote absentee by-mail if you fall under one of the following categories:

- You will be outside the county where you are registered during the early voting period and all day on Election Day.



- You or your spouse are a full-time student in an accredited college or university outside the county where you are registered.
  - You are on the permanent absentee list.
  - You reside in a nursing home, assisted living facility or home for the aged outside your county of residence.
  - You will be unable to vote in-person due to jury duty.
  - You are sixty (60) years of age or older.
  - You have a physical disability and an inaccessible polling place.
  - You are hospitalized, ill or physically disabled and unable to appear at your polling place to vote; and/or you have determined it is impossible or unreasonable to vote in-person due to the COVID-19 situation.
  - You are the caretaker of a person who is hospitalized, ill, or disabled, and/or you have determined it is impossible or unreasonable to vote in-person due to the COVID-19 situation.
  - You are a candidate for office in the election.
  - You serve as an Election Day official or as a member or employee of the election commission.
  - You are observing a religious holiday that prevents you from voting in person during the early voting period and on Election Day.
  - You or your spouse possess a valid commercial drivers license (CDL) or Transportation Worker Identification Credential (TWIC) card and you will be working outside the state or county of registration during the open hours of early voting and Election Day and have no specific out-of-county or out-of-state address to which mail may be sent or received during such time.
  - You are a member of the military or are an overseas citizen.
2. It is additionally ORDERED that with respect to information, such as FAQs, instructions, lists, explanations, etc. on a County Election Commission website or posting, which describes the Absentee Ballot Application and process, the County Election Commission must include a link to an absentee application form complying in all particulars with this Court's June 11, 2020 Order.
3. It is further ORDERED that if a County Election Commission claims it is unable to revise the content of its website to include the wording and link stated in paragraphs 1 and 2 above, a County Election Commission shall comply with this Order by providing a bolded heading/banner on its website, "COVID-19 Absentee Ballot Information", containing a link to the Secretary of State's website at <https://sos.tn.gov/products/elections/absentee-voting>

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

**HUNTER DEMSTER, EARLE J. )  
FISHER, JULIA HILTONSMITH, )  
GINGER BULLARD, JEFF BULLARD, )  
ALLISON DONALD, and )  
#UPTHEVOTE901, )**

**Plaintiffs, )**

**vs. )**

**No. 20-435-I(III)**

**TRE HARGETT, MARK GOINS, )  
WILLIAM LEE, and HERBERT )  
SLATERY III, each in his official )  
capacity of the State of Tennessee, )**

**Defendants. )**

**AND**

**BENJAMIN WILLIAM LAY, CAROLE )  
JOY GREENAWALT, and SOPHIA )  
LUANGRATH, )**

**Plaintiffs, )**

**vs. )**

**No. 20-453-IV(III)**

**MARK GOINS, TRE HARGETT, and )  
WILLIAM LEE, each in his official )  
capacity for the State of Tennessee, )**

**Defendants. )**

**MEMORANDUM AND ORDER FOR 7/8/2020 FILING BY DEFENDANT GOINS**

In a June 25, 2020 motion filed by the Defendant State Officials, they reported that some County Election Commissions were not providing voters accurate instructions and information about the addition of a COVID-19 reason/excuse for absentee voting. To address this issue, the Court ordered Defendant Goins to send instructions to the County

Election Commissions pursuant to his duties and responsibilities under Tennessee Code Annotated section 2-11-202, and by subsequent order required Defendant Goins to file an affidavit of the actions he had taken to assure County Election Commission are complying with the law determined in orders issued by this Court.

On July 2, 2020, Defendant Goins filed a Declaration which states that he sent supplemental instructions to the County Election Commissions as ordered. Attached to the Goins July 2, 2020 Declaration is a Memorandum to “All County Election Commissions” that states, “Please follow the instructions as ordered by the Court. The language below is taken from her Order.” Excerpts from the June 26, 2020 Order are then quoted in the Memorandum.

Still unknown is whether the County Election Commissions are complying.

Tennessee Code Annotated section 2-12-201(12) requires County Election Commissions and their Administrators to “apprise” their staff and the public of “all current laws pertaining to the election process.”

Tennessee Code Annotated section 2-11-202(a)(5)(A)(ii) requires Defendant Goins, as Election Coordinator, to:

- (ii) Review the county election commissions in the administration of election laws to include, but not limited to procedures for . . . absentee voting . . . .

To show these statutory duties and responsibilities are being performed with respect to the addition of COVID-19 as a reason/excuse for absentee voting, Coordinator Goins is ORDERED to review the websites of all the County Election Commissions and to complete the attached form, by checking for each county the box designated for “In

Compliance” or “Not In Compliance” and providing any necessary description, and file it with the Court by Wednesday, July 8, 2020, at 4:00 p.m. For the 12 counties listed in the Goins July 2, 2020 Declaration which do not maintain websites, Coordinator Goins shall obtain from those counties any written materials listing the excuses found in Tennessee Code Annotated section 2-6-201 for voting by mail that they disseminate to voters, and Coordinator Goins shall review those written materials to complete the attached form.

s/ Ellen Hobbs Lyle  
ELLEN HOBBS LYLE  
CHANCELLOR

cc: Due to the pandemic, and as authorized by the *Twentieth Judicial District of the State of Tennessee In Re: COVID-19 Pandemic Revised Comprehensive Plan* as approved on May 22, 2020 by the Tennessee Supreme Court, this Court shall send copies solely by means of email to those whose email addresses are on file with the Court. If you fit into this category but nevertheless require a mailed copy, call 615-862-5719 to request a copy by mail.

For those who do not have an email address on file with the Court, your envelope will be hand-addressed and mailed with the court document enclosed, but if you have an email address it would be very helpful if you would provide that to the Docket Clerk by calling 615-862-5719.

Jacob Webster Brown  
Melody Dernocoeur  
Bruce S. Kramer  
Steven J. Mulroy  
Attorneys for the Plaintiffs in Case No. 20-435

Alexander S. Rieger  
Janet M. Kleinfelter  
Steven A. Hart  
Matthew D. Cloutier  
Kelley L. Groover

Attorneys for the Defendants in Case No. 20-435 and Case No. 20-453

Thomas H. Castelli  
Neil A. Steiner  
Tharuni A. Jayaraman  
Dale E. Ho  
Sophia Lin Lakin  
Angela M. Liu

Attorneys for the Plaintiffs in Case No. 20-453

**Compliance Chart on Addition of COVID-19**  
**As Absentee Voting Reason/Excuse**

<b>County</b>	<b>In Compliance</b>	<b>Not In Compliance*</b>
Anderson		
Bedford		
Benton		
Bledsoe		
Blount		
Bradley		
Campbell		
Cannon		
Carroll		
Carter		
Cheatham		
Chester		
Claiborne		
Clay		
Cocke		
Coffee		
Crockett		
Cumberland		
Davidson		
Decatur		
DeKalb		
Dickson		
Dyer		
Fayette		
Fentress		

\* For any county not in compliance, attach a separate sheet describing the noncompliance.

<b>County</b>	<b>In Compliance</b>	<b>Not In Compliance*</b>
Franklin		
Gibson		
Giles		
Grainger		
Greene		
Grundy		
Hamblen		
Hamilton		
Hancock		
Hardeman		
Hardin		
Hawkins		
Haywood		
Henderson		
Henry		
Hickman		
Houston		
Humphreys		
Jackson		
Jefferson		
Johnson		
Knox		
Lake		
Lauderdale		
Lawrence		
Lewis		

---

\* For any county not in compliance, attach a separate sheet describing the noncompliance.

<b>County</b>	<b>In Compliance</b>	<b>Not In Compliance*</b>
Lincoln		
Loudon		
Macon		
Madison		
Marion		
Marshall		
Maury		
McMinn		
McNairy		
Meigs		
Monroe		
Montgomery		
Moore		
Morgan		
Obion		
Overton		
Perry		
Pickett		
Polk		
Putnam		
Rhea		
Roane		
Robertson		
Rutherford		
Scott		
Sequatchie		

---

\* For any county not in compliance, attach a separate sheet describing the noncompliance.



<b>County</b>	<b>In Compliance</b>	<b>Not In Compliance*</b>
Sevier		
Shelby		
Smith		
Stewart		
Sullivan		
Sumner		
Tipton		
Trousdale		
Unicoi		
Union		
Van Buren		
Warren		
Washington		
Wayne		
Weakley		
White		
Williamson		
Wilson		

---

\* For any county not in compliance, attach a separate sheet describing the noncompliance.

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

BENJAMIN WILLIAM LAY, CAROLE JOY )  
GREENWALT and SOPHIA LUANGRATH, )

Plaintiffs, )

v. )

Docket No. 20-0453-IV(III)

MARK GOINS, in his official capacity as )  
Coordinator of Election for the State of )  
Tennessee, TRE HARGETT, in his official )  
Capacity as Secretary of State for the State of )  
Tennessee, and WILLIAM LEE, in his official )  
Capacity as Governor of the State of Tennessee,) )

Defendants. )

---

**DECLARATION OF MARK GOINS**

---

I, Mark Goins, declare the following under penalty of perjury:

1. I am competent to testify regarding the matters set forth herein.
2. In compliance with the Court's Order of July 6, 2020, attached is the completed court-ordered compliance form for the 95 county election commissions.

I declare under penalty of perjury that the foregoing is true and correct.

8 July 2020  
Date

Mark Goins  
Mark Goins  
Coordinator of Elections  
State of Tennessee

**Compliance Chart on Addition of COVID-19**  
**As Absentee Voting Reason/Excuse**

County	In Compliance	Not In Compliance*
Anderson	✓	
Bedford	✓	
Benton	✓	
Bledsoe	✓	
Blount	✓	
Bradley	✓	
Campbell	✓	
Cannon	✓	
Carroll	✓	
Carter	✓	
Cheatham	✓	
Chester	✓	
Claiborne	✓	
Clay	✓	
Cocke	✓	
Coffee	✓	
Crockett	✓	
Cumberland	✓	
Davidson	✓	
Decatur	✓	
DeKalb	✓	
Dickson	✓	
Dyer	✓	
Fayette	✓	
Fentress	✓	

\* For any county not in compliance, attach a separate sheet describing the noncompliance.

County	In Compliance	Not In Compliance*
Franklin	✓	
Gibson	✓	
Giles	✓	
Grainger	✓	
Greene	✓	
Grundy	✓	
Hamblen	✓	
Hamilton	✓	
Hancock	✓	
Hardeman	✓	
Hardin	✓	
Hawkins	✓	
Haywood	✓	
Henderson	✓	
Henry	✓	
Hickman	✓	
Houston	✓	
Humphreys	✓	
Jackson	✓	
Jefferson	✓	
Johnson	✓	
Knox	✓	
Lake	✓	
Lauderdale	✓	
Lawrence	✓	
Lewis	✓	

\* For any county not in compliance, attach a separate sheet describing the noncompliance.

County	In Compliance	Not In Compliance*
Lincoln	✓	
Loudon	✓	
Macon	✓	
Madison	✓	
Marion	✓	
Marshall	✓	
Maury	✓	
McMinn	✓	
McNairy	✓	
Meigs	✓	
Monroe	✓	
Montgomery	✓	
Moore	✓	
Morgan	✓	
Obion	✓	
Overton	✓	
Perry	✓	
Pickett	✓	
Polk	✓	
Putnam	✓	
Rhea	✓	
Roane	✓	
Robertson	✓	
Rutherford	✓	
Scott	✓	
Sequatchie	✓	

\* For any county not in compliance, attach a separate sheet describing the noncompliance.

County	In Compliance	Not In Compliance*
Sevier	✓	
Shelby	✓	
Smith	✓	
Stewart	✓	
Sullivan	✓	
Sumner	✓	
Tipton	✓	
Trousdale	✓	
Unicoi	✓	
Union	✓	
Van Buren	✓	
Warren	✓	
Washington	✓	
Wayne	✓	
Weakley	✓	
White	✓	
Williamson	✓	
Wilson	✓	

\* For any county not in compliance, attach a separate sheet describing the noncompliance.