



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.¹ The Secretary of State has directed at least eight affected precincts in Putnam County to vote at one location—at least six are closed.² Schools in Davidson, Cheatham, Cumberland,

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

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

Dickson, and Wilson County are closed.³ 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, so that we may seek appropriate relief if necessary. Thank you.

Sincerely,

/s/
Kristen Clarke
President and Executive Director
Lawyers' Committee for Civil Rights Under Law
1500 K Street NW, Suite 900
Washington, DC 20005
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³ *School Closings*, Fox 17 News (Mar. 3, 2020, 9:10 AM), <https://fox17.com/weather/closings>.