

Tennessee Secretary of State

Tre Hargett



Elections Division

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November 22, 2019

Blair Bowie, Legal Counsel & Restore Your Vote Manager
Campaign Legal Center
1101 14th St. NW, Suite 400
Washington, DC 20005

RE: Restoration of Voting Rights of [REDACTED] and
[REDACTED]

Dear Ms. Bowie,

Secretary of State Tre Hargett and I received your letter by mail on November 20, 2019 regarding the restoration of voting rights for [REDACTED] and [REDACTED]. Briefly stated, Tenn. Code § 2-19-143(3) is the controlling Tennessee law and provides the following:

No person who has been convicted in another state of a crime or offense which would constitute an infamous crime under the laws of this state, regardless of the sentence imposed, shall be allowed to register to vote or vote at any election in this state unless such person has been pardoned or restored to the rights of citizenship by the governor or other appropriate authority of such other state, or the person's full rights of citizenship have otherwise been restored in accordance with the laws of such other state, or the law of this state.

Based on this provision, upon verification that the person does not have a disqualifying conviction under Tenn. Code Ann. § 40-29-204, a person with an out-of-state conviction may have his voting rights restored, if one of the following can be shown:

1. The person has been pardoned or has had their rights of citizenship restored by the governor or other appropriate authority of the convicting state; or
2. The person's full rights of citizenship have been restored in accordance with the laws of such other state.

Regarding [REDACTED] your letter states that [REDACTED] was convicted in New York for unlawful possession of a firearm. You do not mention any other felony conviction. I will

rely upon your representations and presume that [REDACTED] does not have a disqualifying felony conviction under Tennessee law.

Without a pardon or restoration of rights of citizenship by the governor or other appropriate authority of New York, Tenn. Code Ann. § 2-19-143(3) requires the full rights of citizenship for [REDACTED] to have been restored in accordance with the laws of New York. To have her full rights of citizenship restored under New York law, [REDACTED] may obtain a Certificate of Relief from Disabilities *See N.Y. Correction. Law §§ 700-703*. Upon verification that [REDACTED] [REDACTED] has been issued a Certificate of Relief from Disabilities, she will be eligible to register to vote in Tennessee.

To register to vote in Tennessee, [REDACTED] must file a voter registration application and a copy of the Certificate of Relief from Disabilities with the county election commission office where she resides in Tennessee. If the certificate does not contain conviction information, [REDACTED] [REDACTED] must also file an affidavit stating she has not been convicted of any felony listed under Tenn. Code Ann. § 40-29-204.

Regarding [REDACTED] your letter states that [REDACTED] was convicted in Nevada of felony driving under the influence causing death or substantial bodily harm. You do not mention any other felony conviction. I will rely upon your representations and presume that [REDACTED] [REDACTED] does not have a disqualifying felony conviction under Tennessee law.

Nev. Stat. § 213.517(1)(a) provides that a person convicted of a felony in Nevada who has served his sentence and has been released from prison is immediately restored to the following civil rights:

- (1) The right to vote; and
- (2) The right to serve as a juror in a civil action.

Nev. Stat. § 213.517(1)(b) adds the right to hold office after four years from the date of the person's release from prison, and Nev. Stat. § 213.517(1)(c) adds the right to serve as a juror in a criminal action after six years from the date of the person's release from prison. Using the 2011 date of release from prison, [REDACTED] [REDACTED] had his full citizenship rights restored in accordance with Nevada law in 2017.

Based on Tenn. Code Ann. § 2-19-143(3), [REDACTED] [REDACTED] is eligible to register to vote in Tennessee. To register to vote in Tennessee, [REDACTED] [REDACTED] must file a voter registration application in Rhea County and an affidavit stating that he has not been convicted of any felony listed under Tenn. Code Ann. § 40-29-204 and that his full citizenship rights were restored in accordance with Nevada law in 2017.

Finally, regarding [REDACTED] your letter states that [REDACTED] was convicted in Louisiana of distributing narcotics in 1998. You do not mention any other felony conviction. I will rely upon your representations and presume that [REDACTED] [REDACTED] does not have a disqualifying felony conviction under Tennessee law.

Article 1, Section 20 of the Louisiana Constitution provides that "[f]ull rights of citizenship shall be restored upon termination of state and federal supervision following conviction for any

offense.” Based on your information, [REDACTED]’s full rights of citizenship were restored in accordance with Louisiana law upon the termination of his supervision for the felony conviction in 2006.

According to Tenn. Code Ann. § 2-19-143(3), [REDACTED] is eligible to register to vote in Tennessee. To register to vote in Tennessee, [REDACTED] must file a voter registration application in the county where he lives in Tennessee and an affidavit stating he has not been convicted of any felony listed under Tenn. Code Ann. § 40-29-204 and that his full citizenship rights have been restored in accordance with Louisiana law in 2006.

Thank you for your patience during this process.

Sincerely,

A handwritten signature in blue ink that reads "Mark Goins" followed by a stylized flourish.

Mark Goins
Coordinator of Elections

cc: Tre Hargett,
Secretary of State