

IN THE TWENTIETH JUDICIAL DISTRICT CHANCERY COURT
FOR DAVIDSON COUNTY, TENNESSEE

ERNEST FALLS,)	
)	
<i>Petitioner,</i>)	
)	
v.)	
)	No. _____
MARK GOINS, in his official capacity as)	
Coordinator of Elections for the State of)	
Tennessee,)	
)	
<i>Respondent.</i>)	
)	
)	

PETITION FOR WRIT OF MANDAMUS

Petitioner Ernest Falls, by and through his undersigned counsel, files this Petition for Writ of Mandamus pursuant to Tenn. Code Ann. §§ 29-25-101, *et seq.* The Petitioner brings this action against Mark Goins, in his official capacity as Coordinator of Elections for the State of Tennessee, and he seeks for this Court to issue a peremptory writ of mandamus commanding Coordinator Goins to fulfill his statutory duty to notify the Grainger County Administrator of Elections that Petitioner Falls is eligible to register and vote. The Petitioner respectfully alleges the following grounds in support of the relief sought:

NATURE OF THE SUIT

1. Ernest Falls (“Petitioner” or “Petitioner Falls”) is a United States citizen and Tennessee resident who wishes to participate in the democratic process by registering and voting. In 1986, Petitioner Falls was convicted of a single felony in Virginia state court for which he has long since served his sentence. Since moving to Bean Station, Grainger County, Tennessee six

years ago, Petitioner Falls has traversed a labyrinthine obstacle course in pursuit of the restoration of his right to vote. The Tennessee Division of Elections, run by Respondent Mark Goins (“Coordinator Goins” or “the Coordinator”), has moved the rights restoration goal posts over and over.

2. First, the Election Division’s position was that a person with an out-of-state felony conviction had the right to vote in Tennessee if his citizenship rights were restored in the state of conviction. But when Petitioner Falls tried to register to vote under that rule, he learned that the rule had been changed, and he was denied voter registration.

3. Petitioner Falls took his case to the Tennessee Supreme Court, which held that Petitioner Falls would need to demonstrate that he did not owe restitution or court costs (or in the alternative that he was indigent) to become eligible to vote. *Falls v. Goins*, 673 S.W.3d 173 (Tenn. 2023). Petitioner Falls complied, demonstrating that he did not owe restitution and obtaining a court order of indigency as to his outstanding court costs. But when Petitioner Falls submitted these documents to the Elections Division, he found that the goal posts had yet again been moved. In July 2023, the Elections Division had used the *Falls* decision to make sweeping changes to the voting rights restoration process, including a newly invented administrative requirement that all Tennesseans seeking voting rights restoration must obtain a court order restoring their “full” rights of citizenship. Petitioner Falls was prevented from registering to vote under this new instruction, contrary to the Supreme Court’s specific holdings in *Falls*.

4. Petitioner Falls made one final attempt to comply with the Elections Division’s thrice-revised instructions by obtaining a court order restoring his full citizenship rights, including the right of suffrage. The Elections Division responded by again blocking his registration attempt

and, through the office of the Attorney General, going so far as to move the Grainger County Circuit Court to modify the duly entered order that specifically restored his voting rights.

5. Worse still, the Elections Division has treated Petitioner Falls differently from similarly situated Tennesseans. Indeed, the Elections Division allowed several individuals in Petitioner's position vote in the November 5, 2024 general election. Petitioner Falls, on the other hand, was sent a denial letter.

6. Petitioner Falls respectfully requests that the Court examine these facts, find that Petitioner has a clear right to recognition that his right to vote has been restored, and issue a peremptory writ of mandamus compelling Coordinator Goins to fulfill his statutory duty to notify the Grainger County Administrator of Elections that Petitioner is eligible to register and vote. *See* Tenn. Code Ann. § 40-29-203(d).

7. "Circuit judges and chancellors have power to issue writs of mandamus, upon petition or bill, supported by affidavit." Tenn. Code Ann. § 29-25-101. The writ of mandamus is a vehicle for the court to compel a government official to perform a required duty. *See e.g., Hayes v. Civil Serv. Comm'n of Metro. Gov't of Nashville & Davidson Cnty.*, 907 S.W.2d 826, 828 (Tenn. Ct. App. 1995).

8. The Coordinator, as the official charged with administering voter registration and voting under Tennessee law, is the gatekeeper to the exercise of the franchise for those with past "infamous" convictions. *See* Tenn. Code Ann. §§ 40-29-202–203; *see also* § 2-19-143. Once a person's voting rights have been restored, Tennessee law requires the Coordinator to "notify" the relevant county administrator of elections that the individual is eligible to vote. Tenn. Code Ann. § 40-29-203(d). In practice, the Coordinator carries out this responsibility by directing his staff at the Elections Division to send a letter to the relevant county administrator of elections confirming

that a person’s voting rights have been restored or stating that they have not. The Coordinator does not have discretion in performing this duty; the conditions for restoration for individuals in Petitioner Falls’ position are prescribed by law. *See* Tenn. Code Ann. §§ 2-19-143(3), 40-29-202–203; *see also Falls*, 673 S.W.3d at 175-76.

9. Petitioner Falls prays that this Court will issue a peremptory writ of mandamus compelling the Coordinator to fulfil this statutory obligation so that he may finally exercise his constitutional right to vote in Tennessee.

PARTIES

10. Petitioner Falls is a United States citizen and a resident of Bean Station, Grainger County, Tennessee. In 1986, Petitioner Falls was convicted of a single felony in Virginia state court for which he has long since served his sentence. Petitioner Falls seeks to exercise his right to vote in Tennessee, but he has been unable to do so in his new home state despite years of effort, litigation, and compliance with ever-changing requirements imposed by the Coordinator and his office. Pursuant to Tennessee law, Petitioner Falls is no longer disqualified from voting by reason of conviction of an infamous crime and is eligible to register to vote and vote.

11. Coordinator Goins is sued in his official capacity. Coordinator Goins has a statutory duty to “notify” the applicable county administrator of elections when Tennesseans with past “infamous” convictions are no longer disqualified from voting. *See* Tenn. Code Ann. § 40-29-203(d). On October 28, 2024, Coordinator Goins sent a letter dated October 25, 2024, to the Grainger County Administrator of Elections informing the Administrator that Petitioner Falls was *not* eligible to restore his voting rights in Tennessee. Although Petitioner Falls has plainly satisfied the legal requirements to lift his prior disqualification from voting, Coordinator Goins unlawfully

refuses to recognize that Petitioner Falls’ voting rights have been restored by failing to provide requisite notice to the Grainger County Administrator of Elections.

JURISDICTION AND VENUE

12. This Court has jurisdiction over this action pursuant to Tenn. Code Ann § 29-25-101 *et seq.*

13. Venue is proper in this judicial district pursuant to Tenn. Code Ann. § 20-4-101(a) because the acts, errors, or omissions described herein were committed in Nashville, Davidson County, Tennessee, where the Coordinator and his office are located.

LEGAL BACKGROUND

14. In *Falls v. Goins*, 673 S.W.3d 173, 175-76 (Tenn. 2023), the Tennessee Supreme Court ruled that, in order to restore the right to vote after an infamous conviction, Petitioner and other similarly situated individuals¹ “must comply with both section 2-19-143(3) and the additional requirements set forth in section 40-29-202” of the Tennessee Code.

15. Section 2-19-143(3) provides: “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 . . . 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

¹ The scope of the Court’s holding was narrow, applicable only to Tennesseans with felony convictions from other states who attempt to restore their rights of citizenship and voting rights after moving to Tennessee. *See Falls*, 673 S.W.3d at 178 (“We note that, under the facts of this case, Mr. Falls’ citizenship and voting rights were not restored in Virginia until after he had established residency in Tennessee. We limit the scope of our analysis to these facts and these facts only. We express no opinion as to the outcome of a hypothetical case in which a person convicted of an infamous crime in another state regains citizenship and voting rights in that person's state of prosecution before establishing residency and attempting to register to vote in Tennessee.”).

accordance with the laws of such other state, or the law of this state.” Tenn. Code Ann. § 2-19-143(3).

16. Section 40-29-202 enumerates the requirements certain individuals convicted of infamous crimes must satisfy before their voting rights are deemed restored, including: (i) completion of prison, probation, and/or parole; (ii) payment of restitution; (iii) payment of court costs or a court order showing that the costs cannot be paid due to indigency; and (iv) currency on child support obligations. Tenn. Code Ann. § 40-29-202. People convicted of certain crimes are not eligible restore their right to vote. *Id.* § 40-29-204.

17. Once an individual has satisfied these requirements, Section 40-29-203 requires the Coordinator to “notify the appropriate administrator of elections” located in the individual’s county of residence that the individual is not disqualified from voting due to prior conviction of an infamous crime. Tenn. Code Ann. § 40-29-203(d). “[A]fter determining that the person is qualified to vote in that county by using the same verification procedure used for any applicant, the administrator shall grant [the individual’s] application for a voter registration card.” *Id.*

FACTUAL BACKGROUND

18. Decades after having completed his sentence on his single felony conviction in Virginia, Petitioner Falls moved from North Carolina to Bean Station, Grainger County, Tennessee in 2018. While he had been allowed to vote under North Carolina law, Petitioner Falls became aware that Tennessee law had different requirements for voting after a felony conviction and sought information on how to become eligible to vote in his new home state.

19. On November 22, 2019, in a letter to counsel regarding three other Tennesseans, the Elections Division issued guidance stating that a person with a felony conviction in another

state is eligible to vote in Tennessee if he has had his citizenship rights, specifically the right to vote, serve on a jury, and run for office, restored in the state of conviction.

20. Under the Election Division's guidance, a person with a felony conviction in another state was not required to satisfy the requirements for a Certificate of Restoration of Voting Rights (COR) under Tenn. Code Ann. § 40-29-202 in order to regain access to the franchise.

Virginia Clemency

21. Following that guidance, Petitioner Falls requested and received clemency from the Governor of Virginia, restoring his right to vote, right to run for office, and right to serve on a jury. *See* Exhibit 1(A). He submitted that documentation, along with a completed affidavit that was being developed by the Elections Division for this purpose, and a voter registration form on June 4, 2020.

22. On June 11, 2020, the Elections Division notified Grainger County that Petitioner Falls was ineligible to vote. The Elections Division had reversed its earlier guidance after the issuance of an Attorney General opinion, which it had requested. The Coordinator had decided that all Tennesseans with past felonies—including those with out-of-state convictions—must prove that they had satisfied the requirements in Tenn. Code Ann. § 40-29-202, regardless of prior restoration of citizenship in another state. As an official from the Elections Division explained, to comply with the office's "new requirements," Petitioner Falls would have to obtain his records from Virginia to prove he did not owe court costs or restitution. *See* Exhibit 1(B).

23. Believing the Election Division's reversal to be premised on an incorrect reading of Tennessee law, Petitioner Falls challenged the denial of his voter registration in Davidson County Chancery Court.

***Falls v. Goins* Litigation**

24. Petitioner Falls maintained that under the Tennessee statutes, he was not disenfranchised because Tennesseans with out-of-state convictions are disqualified from voting *unless* they meet one of three exceptions: (i) their citizenship rights have been restored by the governor of the state of conviction, (ii) their full rights of citizenship have been restored by the law of the state of conviction, or (iii) they have completed Tennessee’s voting rights restoration process. Tenn. Code § 2-19-143(3). The Coordinator’s position was that all Tennesseans convicted of felonies must obtain a COR or otherwise demonstrate that they meet the criteria of Tenn. Code §§ 40-29-202, 204, regardless of any out-of-state grants of restoration. The Coordinator always agreed in his briefing that Petitioner Falls had already restored his citizenship rights. And the Coordinator never argued that Petitioner Falls, or any other Tennessean, had to both restore full rights of citizenship and obtain a COR; instead, he maintained that a COR (or meeting the COR criteria) was necessary and sufficient to restore voting rights in Tennessee.

25. Petitioner Falls pursued his case through the court of appeals, all the way to the Tennessee Supreme Court. At each level of proceeding, the Coordinator, through the Attorney General’s office, maintained the position that regardless of his citizenship restoration, Petitioner Falls would need to show that he did not owe restitution or court costs (or, in the alternative, that he was indigent) to be allowed to vote.

26. On June 29, 2023, the Tennessee Supreme Court held that to be eligible to vote in Tennessee, Petitioner Falls needed to show compliance with an exception to disenfranchisement under § 2-19-143(3) and the eligibility requirements listed in § 40-29-202. *See Falls*, 673 S.W.3d at 182-83. The Court made clear that its holding was specific to Petitioner Falls’ circumstances and should not extend beyond the facts of that case. *Id.* at 178. Finding that Petitioner Falls’

citizenship rights had been restored by the governor of Virginia, satisfying the first exception in § 2-19-143(3), the Court upheld the denial of Petitioner Falls voter registration only on the grounds that he had not yet proven satisfaction of the restitution and court cost requirements in § 40-29-202(b)(1), (c). *See id.* In short, to finish restoring his right to vote, the Tennessee Supreme Court held that Petitioner Falls must show that he does not owe court costs (or is indigent) and does not owe restitution.

Coordinator Goins' Misapplication of *Falls v. Goins*

27. Shortly after the *Falls* decision, the Elections Division upended Tennessee's voting rights restoration process. On July 21, 2023, Coordinator Goins issued a memorandum to all county election commissions, laying out a new "two-step process" that all Tennesseans with felony convictions must complete to become eligible to vote in Tennessee. Breaking with 17 years of prior statutory interpretation, the newly invented process requires (1) obtaining a pardon or restoration of full rights of citizenship, and (2) getting a COR form completed by an appropriate authority, once the person with a past felony conviction is eligible (which requires sentence completion, payment of restitution and court costs unless indigent, and currency on child support obligations). *See Mem. from Mark Goins, Coordinator of Elections, to the County Election Comm'ns*, TENN. SEC'Y OF STATE, <https://www.documentcloud.org/documents/23884688-tennessee-division-of-elections-memo> (July 21, 2023); *Restoration of Voting Rights*, TENN. SEC'Y OF STATE, <https://sos.tn.gov/elections/guides/restoration-of-voting-rights> (last visited Dec. 20, 2024).

Grainger County Order of Indigency

28. Petitioner Falls obtained his records from Allegheny County, Virginia on May 11, 2021, which showed that he still owed \$738.25 in court costs. *See* Exhibit 1(C). The records showed no outstanding restitution. *See id.* Petitioner Falls is indigent and cannot pay the remaining legal financial obligations in that case, so he petitioned the Grainger County Circuit Court for an order stating as much. That order was granted on February 15, 2024. *See* Exhibit 1(D).

29. Petitioner Falls submitted the order of indigency to his local election commission which forwarded it to the Elections Division. In addition, Petitioner Falls' counsel submitted this order of indigency with a letter to both Petitioner Falls' local election commission and the Elections Division on March 5, 2024. *See* Exhibit 1(E).

30. Petitioner Falls thus fulfilled the Tennessee Supreme Court's and the Coordinator's stated requirements to become eligible to vote in Tennessee: show documentation that he did not owe court costs, or was indigent, and that he did not owe restitution pursuant to § 40-29-202. Yet Petitioner Falls never received any response to this letter or this attempt to register to vote.

Gun Rights Requirement as Applied to Virginia Clemency

31. Rather than provide a written response to Petitioner Falls' March 5, 2024 letter, the Coordinator testified under oath during a deposition on June 18, 2024 that he would instruct Grainger County to deny Petitioner Falls' voter registration application because the Virginia clemency order did not restore Petitioner's *full* rights of citizenship.² Specifically, the Coordinator

² As recognized by the Tennessee Supreme Court, Petitioner Falls meets an exception to disenfranchisement under Tenn. Code Ann. § 2-19-143(3), which only requires restoration of his "rights of citizenship" in contrast to the other two exceptions which require restoration of "full rights of citizenship" in Tenn. Code Ann. § 2-19-143(1) and Tenn. Code Ann. § 2-19-143(2). *See*

testified that it was his office’s opinion that the Virginia clemency did not restore Petitioner Falls’ *full* rights of citizenship because it did not explicitly restore his right to own a gun—an entirely new requirement for Tennesseans trying to restore their voting rights.

32. The Elections Division came to its new-found opinion that gun rights are a pre-requisite to voting rights restoration in January 2024, reversing its longstanding prior position with no written notice, announcement, or reasoning.

33. The Elections Division had long recognized that full restoration of citizenship as described in Tennessee Code § 2-19-143 means restoration of the right to vote, the right to run for office, and the right to serve on a jury.

34. However, at some point after deciding that citizenship restoration was a pre-requisite to voting rights restoration, the Elections Division began to rethink its interpretation of “full rights of citizenship.”³

35. On January 23, 2024, the public found out via reporting that the Election Division had decided to require gun rights restoration as part of “full rights of citizenship,” making the right to own a gun a pre-requisite to recognition of the right to vote. *See* Jonathan Mattise, *Felons must get gun rights back if they want voting rights restored, Tennessee officials say*, ASSOCIATED PRESS (Jan. 23, 2024), <https://apnews.com/article/tennessee-felon-voting-rights-restoration->

Falls v. Goins, 673 S.W.3d 173, 182-83 (Tenn. 2023). Despite the Supreme Court’s express holding, the Coordinator Goins denied Petitioner based on erroneous application of the latter standard requiring *full* rights of citizenship.

³ From June 2023 through December 2023, the Elections Division held in limbo about a dozen applicants who had a restoration of citizenship rights order that excluded gun rights because they apparently had not determined whether firearm rights restoration was a right that needed to be restored under the new procedure. When asked about this, the Elections Division said that they were likely to seek an Attorney General’s opinion on the definition of full rights of citizenship. However, the Division never did, moving ahead with its own informal interpretation.

[a50000a97f73c2767eaa8b9b1a2eee52](#). Though it has denied dozens of voter registrations on this basis, the Elections Division has still not created any written guidance regarding this requirement.

36. But regardless of the accuracy of the Coordinator’s newfound interpretation of the “full rights of citizenship” language in Tennessee Code § 2-19-143, even by its own terms, the Coordinator’s gun rights requirement cannot apply to Mr. Falls, or any other Tennessean whose citizenship rights were restored by the governor of the state of conviction. As the Tennessee Supreme Court explained:

To comply with the first exception set forth in section 2-19-143(3), a person must be ‘pardoned or restored to the rights of citizenship by the governor or other appropriate authority of such other state.’ But, to regain the right of suffrage, that person must also fulfill the requirements laid out in section 40-29-202. To comply with the second 2-19-143(3) exception, one must have ‘*full* rights of citizenship . . . restored in accordance with the laws [of the state of prosecution].’ To regain the right of suffrage, that person also must fulfill the requirements laid out in section 40-29-202. To comply with the third exception, one must comply with all of chapter 29 of the Tennessee Code, including sections 40-29-101 through -109. Yet, to regain the right of suffrage, that person must also fulfill the requirements laid out in section 40-29-202.

Falls v. Goins, 673 S.W.3d 173, 183 (Tenn. 2023) (emphasis added).

37. Mr. Falls is relying on the “first exception set forth in section 2-19-143(3),” *id.*, not the second or third exception. Thus, in short, the Court explained that to complete step one of the “two-step statutory process” it is sufficient for Petition Falls to have received restoration of “rights of citizenship” from the Governor of Virginia – not “full rights of citizenship” as is stated elsewhere in the statute. *Id.* at 182-83. Coordinator Goins’ gun rights requirement is, as he has repeatedly stated, only relevant to restoration of *full* rights of citizenship. Yet he applied the newly invented requirement to Mr. Falls, directly contradicting the Supreme Court’s specific holdings.

Grainger County Restoration of Full Rights of Citizenship Order

38. In another attempt to comply with the Election Division’s shifting procedures, Petitioner Falls filed a Petition for Restoration of Full Rights of Citizenship on September 23, 2024, pursuant to Tenn. Code Ann. §§ 40-29-101–105. This was an attempt to achieve recognition of his right to vote through the third exception in Tennessee Code § 2-19-143(3), rather than the first (which he already completed). The Petition was another attempt in Petitioner Falls’ six-year, still-ongoing saga to restore his right to vote nearly 40 years after serving his sentence for a single felony conviction in Virginia.

39. Pursuant to Tenn. Code Ann. § 40-29-103, Grainger County District Attorney General Dunn was put on notice of Petitioner Falls’ petition and given an opportunity to oppose. Through his assistant attorney general, General Dunn negotiated specific language for the proposed order, agreeing to restoration of “full citizenship rights,” so long as the order included a statement that Petitioner Falls’ right to own a handgun was not restored by the order. General Dunn co-signed the agreed upon joint proposed order for this court’s consideration, and this court issued that order on October 7, 2024. The order reads, in relevant part:

Having considered the record and being otherwise sufficiently advised, the Court hereby GRANTS the Petition. It is ORDERED, ADJUDGED AND DECREED, that Petitioner’s full citizenship rights are hereby restored, but this Order does not authorize the possession or receipt of firearms or other prohibited items. These rights shall be restored effective immediately upon entry of this Order.

See Exhibit 1(F).

40. Through his counsel, Petitioner Falls submitted the order restoring his full citizenship rights to the Grainger County Election Commission that day and requested approval of

his voter registration application submitted on March 5, 2024, which months later had never been formally approved or denied. *See Exhibit 1(G).*

41. On October 28, 2024, Petitioner Falls received a letter from the Coordinator dated October 25, 2024, refusing to notify the Grainger County Administrator of Elections of Petitioner's eligibility to register and vote on grounds that the court's order did not restore his full rights of citizenship, despite the express language of the order, because the order did not also restore gun rights in the Coordinator's opinion. *See Exhibit 1(H).*

Gun Rights Requirement as Applied to Tennessee Orders

42. The Elections Division's application of the gun rights requirement has been ad hoc and arbitrary.

43. In June 2024, the Elections Division stated in a deposition that it would not consider the underlying fact of whether an individual is eligible for firearm rights restoration when reviewing a restoration of citizenship rights order. Rather, the Elections Division said it would use only the language of the order to determine if the applicant met the "full rights of citizenship" criteria, whether or not the underlying felony conviction is one which is eligible for firearm rights restoration. If the order says "full rights of citizenship restored," the Elections Division testified that the person would be allowed to register to vote.

44. Here, however, the Elections Division decided not to apply its stated practice to Petitioner Falls. Instead, the Elections Division chose to look beyond the terms of Petitioner's restoration order and issued a letter on October 25, 2024 stating that Petitioner Falls is ineligible to register and vote.

45. On November 6, 2024, the Attorney General's office filed a Notice of Appearance and a motion to alter or amend Petitioner Falls' restoration order. The Attorney General's Office

alleges that Judge Adrienne Waters Ogle’s Order is ambiguous because it supposedly does not make clear whether Petitioner Falls’s firearm rights are being restored or whether the State opposed the restoration of firearm rights. The State did not oppose the order – through District Attorney General Dunn, the State expressly *endorsed* it. Nonetheless, the Attorney General’s Office seeks for Judge Ogle to “amend [the] order to reflect that Petitioner received only a partial restoration of [Petitioner’s] rights of citizenship—not restoration of the full rights of citizenship—and that the State of Tennessee opposed the restoration of Petitioner's full rights of citizenship.”

46. The Attorney General has filed at least a dozen nearly identical motions to alter or amend similar citizenship restoration orders across the state. These orders, like Petitioner Falls’ order, restore full rights of citizenship but also explain that people convicted of certain crimes are nevertheless still prohibited from possessing handguns under Tennessee or federal law. Unlike in Petitioner Falls’ case, however, the Elections Division has not issued denial letters to any of the other applicants, instead opting to hold their cases open until the Attorney Generals’ motions are resolved. Indeed, several of these other Tennesseans, who stand in the same shoes as Petitioner Falls, were allowed to vote provisional ballots on November 5, 2024, and those votes were ultimately counted. In the meantime, the Attorney General’s office has lost these motions to amend in at least seven cases.

47. For years, Petitioner Falls has complied each time that the Elections Division has moved the goal posts for all Tennesseans; but now, it appears that the goal posts have been moved only for Petitioner Falls, keeping the promise of voting rights restoration just out of his reach.

CLAIM

COUNT I: WRIT OF MANDAMUS

48. Plaintiffs incorporate and reallege all paragraphs in this Petition.

49. Petitioner Falls seeks a peremptory writ of mandamus compelling Coordinator Goins to notify the Grainger County Administrator of Elections that Petitioner is eligible to register to vote because Petitioner's right to vote is clearly established under Tennessee law.

50. This Court has jurisdiction to issue a writ of mandamus pursuant to Tenn. Code Ann. § 29-25-101 *et seq.*

51. A writ of mandamus is a vehicle for the court to compel a government official to perform a required duty and is justified when "the following three elements coexist: (1) the plaintiff's clear right to the relief sought; (2) the defendant's clear duty to perform the act the plaintiff seeks to compel; and (3) the absence of any other specific or adequate remedy." *Jackson v. State*, No. M2004-00926-COA-R3WM, 2007 WL 1296882, *1 (Tenn. Ct. App. May 2, 2007) (internal citations omitted).

52. *First*, Petitioner has a clearly established right to vote notwithstanding his prior felony conviction. He has satisfied the two requirements that the Tennessee Supreme Court stated he must meet in order to restore his right to vote in Tennessee. *See Falls*, 673 S.W.3d at 182-83 (holding Petitioner "must fulfill the requirements set forth in section 40-29-202 in addition to meeting one of the 2-19-143(3) exceptions in order to regain his right to vote").

53. Petitioner has met the criteria set forth in Tenn. Code Ann. § 40-29-202, which requires completion of prison, probation, and/or parole, payment of restitution, payment of court costs or a court order showing that the costs cannot be paid due to indigency, and currency on child support obligations. *See* Tenn. Code Ann. § 40-29-202. Petitioner's Virginia clemency order shows he has been finally discharged from his sentence for his felony conviction. His court records show that no restitution was ordered on his felony conviction. And while Petitioner has an outstanding balance of \$738.25 in court costs on that case, he need not pay it off to be eligible for voting rights

restoration because the Circuit Court in Grainger County has granted Petitioner “a finding of indigency for purposes of voting rights restoration pursuant to Tennessee Code Ann. § 40-29-202.” *See* Exhibit 1(D). Nor does Petitioner owe child support. The Coordinator has not contested that Petitioner meets these criteria.

54. Petitioner has also met the requirements of Tenn. Code Ann. § 2-19-143(3), which states that Tennesseans with out-of-state convictions “which would constitute an infamous crime under the laws of [Tennessee]” cannot restore their voting rights in Tennessee until they “ha[ve] been pardoned or restored to the rights of citizenship by the governor or other appropriate authority of such other state.” Tenn. Code Ann. § 2-19-143(3).

55. In *Falls*, the Tennessee Supreme Court itself recognized that Petitioner has satisfied § 2-19-143(3) because his “rights of citizenship” were restored by the Governor of Virginia. *See Falls v. Goins*, 673 S.W.3d 173, 175, 178 (Tenn. 2023) (“The grant of clemency reinstated Petitioner Falls’ rights of citizenship in Virginia, including his right to vote.”).

56. Despite this authoritative determination, Coordinator Goins refused to accept Petitioner’s Virginia clemency order as sufficient because it did not expressly restore Petitioner’s “full” rights of citizenship, including the right to own a gun. The Coordinator’s decision defies the language of Tenn. Code § 2-19-143(3)—which does not use the term “full rights of citizenship” when referring to the out-of-state clemency exception—and the Tennessee Supreme Court’s express finding that Petitioner’s clemency order from Virginia satisfied that provision.

57. Although Petitioner was not required to do so under § 2-19-143(3), Petitioner nevertheless sought an order from the Grainger County Circuit Court restoring his “full rights of citizenship,” including his right of suffrage, which the circuit court granted. Petitioner has

submitted the Grainger County Circuit Court's order to the Coordinator. The Coordinator has still refused to issue a letter acknowledging that Petitioner has the right to vote.

58. *Second*, the Coordinator has a clear duty to perform the act Petitioner seeks to compel in this action.

59. Because Petitioner Falls has satisfied the requirements for voting rights restoration and is otherwise eligible to register to vote, the Coordinator is mandated to “notify” the applicable county administrator of elections—in this case, the Grainger County Administrator of Elections—that Petitioner is eligible to register and vote. Tenn. Code Ann. § 40-29-203(d).

60. The Coordinator has refused to issue this notice to the Grainger County Administrator of Elections, impeding Petitioner's right and ability to register to vote and participate in the franchise. Instead, the Coordinator has notified the Grainger County Administrator of Elections that Petitioner is *not* eligible to vote.

61. The Coordinator's duty to issue notice to the applicable county administrator of elections upon an individual's restoration of voting rights under Tenn. Code Ann. § 40-29-203(d) is mandatory. The Coordinator's performance of this duty is also ministerial and involves no exercise of discretion.

62. Even if the Coordinator's performance of this duty entails some exercise of discretion (it does not), the Coordinator's treatment of Petitioner still warrants issuance of the requested writ of mandamus because the Coordinator's continued refusal to act in Petitioner's case is “arbitrary,” done in an “oppressive manner,” and is “a ‘plainly palpable’ abuse of discretion.” *Meighan v. US Sprint Commc'ns Co.*, 942 S.W.2d 476 (Tenn. 1997) (quoting *Peerless Const. Co. v. Bass*, 158 Tenn. 518, 524, 14 S.W.2d 732, 733 (1929)).

63. Coordinator Goins' treatment of Petitioner Falls has also been unequal. While the Coordinator has recognized the voting restoration of similarly situated voters and permitted them to vote in the November 2024 general election, the Coordinator arbitrarily blocks Petitioner Falls from accessing the franchise at every turn. This treatment is arbitrary and unlawful.

64. *Third*, there is no other adequate and complete remedy to Petitioner's injury. The adequate and complete method of obtaining relief in this case is through a peremptory writ of mandamus from this Court compelling the Coordinator to fulfill his statutory duty to notify the Grainger County Administrator of Elections that Petitioner is eligible to register and vote. The Grainger County Administrator of Elections will not permit Petitioner to register and vote until the Coordinator fulfills his ministerial duty to notify the Administrator that Petitioner is not barred from voting due to his felony conviction and is otherwise eligible to vote. *See* Tenn. Code Ann. § 40-29-203(d). Mandamus is the appropriate and necessary vehicle to swiftly remedy the Coordinator's wanton refusal to act on Petitioner's restoration of voting rights. *See Meighan v. US Sprint Commc'ns Co.*, 942 S.W.2d 476, 479 (Tenn. 1997); *Duracap Asphalt Paving Co. Inc. v. City of Oak Ridge*, 574 S.W.3d 859, 864 (Tenn. Ct. App. 2018); *Wallace v. Metro. Gov't of Nashville*, 546 S.W.3d 47, 50 n.2 (Tenn. 2018).

65. Mandamus is also necessary to afford Petitioner relief expeditiously, so that he will not continue to be irreparably harmed by the repeated denial of his fundamental right to vote as elections come and pass.

66. The Coordinator has acknowledged that a writ of mandamus is an appropriate legal avenue for challenging the Coordinator's acts and omissions pertaining to voting rights restoration. *See* Defs' Br. on Class Cert., Doc. 294 at PageID# 7897, *Tennessee State Conf. of the NAACP v. Lee*, No. 3:20-cv-01039 (M.D. Tenn Sept. 19, 2024) ("If a potential class member is faced with

denial based on an inadequate COR, this Court must analyze the risk when the applicant can pursue mandamus, appeal of a voter registration denial, or the common law writ of certiorari.”).

67. Petitioner Falls prays for swift relief from this Court to finally grant him access to the right to vote—to which he is entitled under law—after a six-year, still-ongoing saga to restore his right to vote nearly 40 years after serving his sentence for a single felony conviction in Virginia.

PRAYER FOR RELIEF

WHEREFORE, the Petitioner prays for the following:

1. That proper process issue, service thereof be perfected, and Respondent required to answer.
2. That the Court issue a peremptory writ of mandamus commanding the Coordinator to fulfill his statutory duty to notify the Grainger County Administrator of Elections that Petitioner Falls is eligible to register and vote.
3. That any extraordinary relief be granted to Petitioner as warranted by the plainly arbitrary, capricious, or illegal actions of the Coordinator, as dictated by the Court.
4. That the Court order any and all additional relief necessary to remedy the Coordinator’s arbitrary, capricious, and illegal treatment of Petitioner.
5. That Petitioner’s attorneys’ fees, court costs, fees, and taxes be paid by Respondent due to Respondent’s arbitrary, capricious, and illegal actions.
6. That the Court award Petitioner any and all other additional relief to which he is entitled.

**THIS IS THE FIRST REQUEST
FOR EXTRAORDINARY RELIEF IN THIS MATTER.**

Dated: December 23, 2024

/s/ William L. Harbison

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Respectfully submitted,

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