



**IN THE CHANCERY COURT OF TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT**

AKILAH MOORE, TELISE TURNER, and GARY
WYGANT,

Plaintiffs,

v.

CASE NO. 22-0287-IV

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

Chancellor Perkins
Chancellor Maroney
Judge Sharp

Defendants.

AFFIDAVIT OF CHRIS DAVIS
Administrator of Elections, Knox County Tennessee

State of Tennessee
County of Knox

I, Chris Davis, do hereby state as follows under penalty of perjury:

1. I am the Administrator of Elections for Knox County, Tennessee. I have held this position since May 2020. I am over the age of eighteen years, and I am competent to testify in the matters set forth herein.

2. I am appointed by the Knox County Election Commission, and by law, I am the chief administrative officer of the Commission and responsible for the daily operations of the Office and the execution of all elections in Knox County. Many of my statutory duties, in addition to the execution of elections, are set forth in Tenn. Code Ann. § 2-12-201. The Knox County Election Commission is staffed with ten (10) full-time and seven (7) part-time employees.

3. Knox County is the third largest county in Tennessee with a population of approximately

478,971 persons of which approximately 307,426 are registered voters including approximately 292,238 active and approximately 15,188 inactive registered voters. An inactive voter is a voter who has had no activity or contact with the Election Office, such as updating their name and/or address, signing a petition for a candidate running for office, or by participating in an election by voting.

4. The City of Knoxville and the Town of Farragut are in Knox County. The City of Knoxville is the third largest city in the State with a population of approximately 190,223 persons including approximately 104,172 registered voters.

5. There are three major elections held every two years in each of the 95 counties in Tennessee, not including municipal or special elections. During non-presidential election years, the County Primary Election is held on the first Tuesday in May, which this year is May 3, 2022. Next is the County General Election and State and Federal Primary Elections held on the first Thursday in August, currently scheduled for August 4, 2022. Finally, there is the State and Federal General Election which is held on the first Tuesday after the first Monday in November and is scheduled for November 8, 2022.

6. The ballot for the August elections is generally the largest and most complicated ballot since it includes offices for the County General as well as the State and Federal Primary elections. This year, the offices for all trial court judges, appellate court judges, and the District Attorney General are also included on the August ballot. In addition, the Town of Farragut holds its regular municipal elections during the August election.

7. Federal laws, including the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), require my office to mail overseas and military ballots out no later than forty-five (45) days before a federal election, including federal primary elections. The deadline to mail out the overseas ballots for the August 2022 Primary and General elections is June 20, 2022.

8. Overseas and military ballot requests are received by the Knox County Election Commission long before the ballots have been finalized and printed. When a request is received, we immediately date and time stamp the request. If the request is not complete, we prepare and mail/email a rejection letter that contains the reason(s) for the rejection.

9. After we receive the printed ballots, we prepare the UOCAVA ballots for mailing or emailing to the voter. For mailed ballots, we access the information on our computer system for each request and enter the appropriate commands for an absentee ballot to be recorded as mailed. We then print two labels for each ballot: one for the address on the return envelope; and one for the address for the mailing envelope. The labels are then placed on the appropriate envelopes. The affidavit envelope, the ballot, the instructions, and the return envelope are then placed in the mailing envelope which is sealed and then physically taken to the Knox County Mail room by a bi-partisan team for mailing, or if mailing on a weekend we put the packets in first class packages and deliver them to the Post Office.

10. If the requestor asks for a ballot by email, the process is similar in that we access the information on our computer system and enter the appropriate commands for the absentee ballot to be recorded as emailed. Then we identify and locate the correct electronic version (PDF) of the ballot and attach it, the affidavit, and the instructions and send the email with the attachments to the email provided by the requestor.

11. It takes our Office approximately one week to prepare all the overseas ballots for mailing/emailing. Thus, to have sufficient time to mail the UOCAVA ballots forty-five (45) days before the election, we try to prepare the ballots for printing as soon as possible.

12. Pursuant to Tenn. Code Ann. § 2-5-204(b)(1) and -(b)(2)(A), before we can begin preparing the ballot, we are required to wait until after the candidate withdrawal deadline (7 days after the qualifying deadline), and until after the executive committee determination deadline (7 days after

that). For the August 2022 primary, the qualifying deadline is April 7, 2022, which means the earliest we can begin to prepare our ballots is April 21, 2022.

13. My understanding is that the Plaintiffs are asking to delay the qualifying deadline to May 20, 2022; however, for the reasons discussed below, such a delay would result in our Office's inability to mail the UOCAVA ballots by the deadline of June 20, 2022, 45 days before the August General and Primary elections of August 4, 2022.

14. If the qualifying deadline is delayed to May 20, 2022, then as discussed above, our Office would not be able to even begin building our ballots until June 3, 2022—two weeks after the delayed withdrawal and executive committee deadlines of noon on May 27, 2022, and noon on June 3, 2022, respectively. In addition, before we can begin building the ballots the Knox County Election Commission is required to certify the candidates for the August General and Primary elections in an open meeting, which means that candidate certification deadline would also be delayed to after noon on June 3, 2022, at the earliest. This leaves our Office with approximately 16 days to build and test the ballots for Knox County, send the draft/test ballot(s) to the 3rd party printer, receive the ballot(s) back from the 3rd party printer, have the ballot(s) approved by the State, proof them in-house, and mail them to the UOCAVA voters. Based on historical experience of how long it takes to accomplish all of the above, it would be impossible to meet the June 20, 2022, deadline.

15. Based on my experience, for the August 2022 General and Primary elections I expect that there will be over ninety (90) different ballot types for Knox County. I estimate it will take at least a week to ten (10) days to build the ballots and run them through the checks to ensure accuracy.

16. After the ballots have been created, they are sent to the Tennessee Secretary of State's Coordinator of Elections Office where they are reviewed for approval. If the Coordinator's Office does not find any issues with any of the ballot styles, they will be approved within 2 to 3 days. If they find any issues, they send them back for our Office to correct the deficiencies or address any

issues raised. After my Office corrects any deficiency or addresses any issues, we send them back to the Coordinator's Office for further review and approval. This could take up to a week or so depending on the number of issues raised by the Coordinator's Office.

17. Delaying the qualifying deadline will also significantly negatively impact our Office's programming of the early voting and election day voting machines for the August General and Primary elections. Since we can only begin programming the voting machines after the ballots have been built and approved by the state, it would push back programming of the voting machines to sometime between June 15th and June 17th, at the earliest.

18. In Knox County, we will use 270 voting machines for the August election, including 120 scanners, 110 touch-writer units (ADA compliant), and 40 Ballot-on-demand devices. It takes four (4) voting machine technicians approximately one (1) week to program the early voting machines and an additional week to ten (10) days to program the election day machines required to run an August election.

19. Early voting begins July 15, 2022, and runs through July 30, 2022, and the early voting machines and election day machines need to be picked up and delivered beforehand to their precincts. The early voting machines are scheduled to be picked up and delivered on July 10, 2022, and the election day machines are scheduled to be picked up and delivered on July 26-29, 2022. If the qualifying deadline is delayed to May 20, 2022, the ensuing delays in all other deadlines along the way would not give our technicians enough time to program and publicly test the machines by June 30th.

20. In addition to running county, state, and federal elections, we are also responsible for conducting municipal elections for which we have responsibilities up to the qualifying deadline. For example, when our Office issues a petition to a candidate, we must make sure that the petition is for the specific office in question and certify it as being original. In addition, the candidate is

provided a candidate packet that includes several documents that cover all the laws and procedures concerning election and campaign financial disclosure laws. Each candidate is briefed by a staff member on all packet contents to ensure that they have no unanswered questions. So, in addition to performing all the duties in preparation for the August election, my staff and I will also be spending time issuing petitions and briefing candidates for the municipal and judicial elections taking place at the same time.

21. My staff and I also have many other tasks that must be completed during the qualifying deadline/filing deadline/UOCAVA mailing deadline to get ready for the August election. For example, beginning May 6, 2022, during the ninety days before the August election, voters who qualify to vote absentee can begin requesting absentee ballots. Our office is required to process the requests for absentee ballots using the same procedures for processing UOCAVA absentee ballot requests. I anticipate that there will be an increased number of persons voting absentee by mail in the 2022 elections because of lingering COVID-19 concerns.

22. Other duties that my staff and I are required to perform during this same time period include:

- Recruiting, verifying, hiring, and training approximately 700 poll workers to staff the early and election day precincts.
- Preparing the list of all qualified candidates for state public office and transmitting it to the Coordinator of Elections.
- Preparing the list of all qualified candidates and transmitting it to the Bureau of Ethics and Campaign Finance within three days of the qualifying deadline.
- Notifying candidates of all campaign finance required disclosure reports and when they must be filed.
- Preparing a report to the Bureau of Ethics and Campaign Finance certifying those candidates that have timely filed reports and a list of those candidates who have not filed

their report – this is required each time a financial report is due to be filed.

- Contacting the schools (prior to the end of the school year) that are used as polling places and make all necessary arrangements.
- Sending letters to county nursing homes to get lists of residents that want to vote.
- Preparing locks, seals and certificates for absentee and precinct ballot boxes.
- Checking early voting locations and all polling places to ensure that they are ADA compliant and available.
- Preparing a report form for daily running totals for absentee and early voting; preparing website for report to be updated daily.
- Sending voter registration forms and inmate applications for absentee ballots by mail to county jail and county correctional facility.
- Preparing materials for polling places (supplies, forms, posters, etc.).
- Preparing and submitting for publication all legal notices required by law.
- Notifying candidates, parties, and press when and where voting machines will be examined and certified prior to early voting and election day.

23. We also need to provide the State Coordinator of Elections the following information broken down by precinct every six months: beginning and ending numbers for the reporting period for active and inactive voters, new valid voter registrations, and purged voters. The report also must include the number of registrations received during the reporting period from the following categories: registered in person with Election Office, Department of Safety, By-mail registration, Public Assistance agencies, state funded agencies, armed forces recruitment offices, and passive voter registration agencies. Finally, the report must include all duplicate voter registration applications, the number of confirmation notices mailed out, and the number of responses received.

The first report is due around June 10th.


24. Additionally, we have many routine tasks that are ongoing during this same time. For example, our Office conducts voter registration continuously until twenty-nine days before an election. We daily transmit changes in the voter registration file to the Coordinator of Elections' Office, process all voter registrations submitted before the voter registration deadline, and process all change of addresses for any registrations submitted after the deadline up to the fifth day before election day. This includes registrations submitted in person to the Election Commission Offices, at supplemental registration booths at alternate locations such as fairs, festivals, career fairs, college campuses, etc. It also includes registrations collected by mandatory state voter registration agencies such as the departments of Safety, Health, Vocational Rehabilitation, Veterans Affairs, Mental Health, Armed Services Recruiters and Human Services, and from passive voter registration agencies such as the Library and Post Offices. And we also go to each private and public high school in the county to register new voters who will be eligible to vote by Election Day.

25. I understand that the Plaintiffs seek to change the Tennessee Senate, and the Tennessee House district maps, which would result in additional delays and significant costs to Knox County. To implement a new map, the Knox County Election Commission would have to work with a team of individuals from Knox Planning and KGIS (Knoxville-Knox County Geographic Information Systems) as well as folks from the State of Tennessee's Office of Local Government to look at the proposed/mandated changes and then work to ensure that no precinct has more than one Senate district or more than one County Commission district. When Knox County underwent this process earlier this year, it required three (3) meetings and nearly four weeks of meticulous work by the team at Knox Planning, so as to ensure that everything and every change was 100% accurate. If the maps are not 100% accurate, we run the risk of disenfranchising voters. After the redistricting efforts were complete, the Knox County Election Commission had to work with the Knox County's

Information Technology (IT) department to identify which voters and addresses were affected and work with both IT and an outside printer to prepare and send out new notices to registered voters about any changes to polling locations. A change in the maps would require updating the voter registration and polling place data for our registered voters and potentially another \$15,000-\$20,000 in mailing costs. Further, in my experience, changes in districts, precincts, and polling places typically causes some degree of confusion among the voting population and multiple change notifications in a short period of time is likely to cause significantly more confusion during this election cycle.

26. Based on my experience and that of my staff, if the qualifying deadline for the August Primary and General election were delayed to May 20, 2022, our Office would not be able to meet the deadline mandated by federal law to mail out UOCAVA ballots to overseas and military voters by June 20, 2022, disenfranchising those voters. Such a delay would also result in significant additional costs to complete voting machine programing and public testing by the August General and Primary elections. Finally, in addition to incurring significant additional mailing costs, changing the State House and Senate Maps would also jeopardize the ability of our office to complete its obligations timely and accurately, and would likely result in significant voter confusion.

FURTHER AFFIANT SAITH NOT.


CHRIS DAVIS
Knox County Administrator of Elections

Sworn to and subscribed before me this 22nd day of March 2022


NOTARY PUBLIC

My Commission Expires: 10/01/22

