

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

ERIKA SUGERMON, JOHN MAREK,)	
and SAMUEL GOFF,)	
)	
Petitioners,)	
)	
vs.)	No. 19-655-III
)	
TENNESSEE ELECTION)	
COMMISSION and MARK GOINS,)	
in his capacity as Coordinator of)	
Elections, Tennessee Division of Elections,)	
)	
Respondents.)	

ORDER SETTING 6/26/19 1:30 P.M. HEARING

The Petitioners are persons who intend to run for local offices in Memphis, Tennessee, in the October 3, 2019 city election. They are seeking a determination that Instant Runoff Voting (“IRV”) can be legally and feasibly implemented in that election. The Petitioners have filed this lawsuit on May 28, 2019 as a *Verified Petition for Writ of Certiorari and Declaratory Judgment* seeking expedited relief from this Court of either:

(1) ordering the Coordinator of Elections for the Tennessee Division of Elections (the “Coordinator”) to conduct a speedy contested case hearing on a Petition for Declaratory Order pending with the Coordinator and filed by the Petitioners;

or

(2) this Court entering a speedy judgment that IRV does not violate Tennessee law, is feasible for the October 2019 Memphis city election, and overturning the Coordinator’s rulings to the contrary.

The reason for requesting expedited rulings is that the Petitioners seek for IRV to be implemented for the October 3, 2019 Memphis election. The contested case hearing set by the Coordinator is scheduled for September 10, 2019. This contested case hearing date is too late, the Petitioners assert, to be able to implement IRV for the October 3, 2019 Memphis election because Petitioners are faced with a number of deadlines as part of their efforts to run for the Memphis City Council: May 20, 2019 is the first day for them to pick up petitions; July 18, 2019 is the candidate qualifying deadline for city elections; and July 25, 2019 is the withdrawal deadline for candidates for city elections. Additionally, several federal statutes and city procedures require election procedures and ballot design to be finalized well before the actual date of the election. Tennessee Code Annotated section 2-6-310 requires that absentee ballots be printed “immediately after the deadline established for withdrawal of candidates,” which in this case would be July 25. Early voting begins September 13, 2019. The federal Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20302, requires ballots to be mailed out to covered individuals 45 days before the election—in this case, August 21, 2019. The Shelby County Election Commission has stated it needs to know what kinds of ballots to prepare to mail by August 2, 2019 to ensure enough time to format and print ballots.

Moreover, the Petitioners assert it is not necessary for the Coordinator to wait until September 10, 2019 to convene the contested case hearing—it can be done sooner.

Based upon the filing of the foregoing request by the Petitioners for expedited relief from this Court, it is ORDERED that on Wednesday, June 26, 2019, at 1:30 p.m. oral argument shall be conducted on the threshold issues of (1) whether the Petitioners have

demonstrated a viable legal basis and jurisdiction for this Court to proceed with determining their *Verified Petition for Writ of Certiorari and Declaratory Judgment* and (2) whether there exists a need for expedited relief in this case. If those threshold issues are decided in Petitioners' favor, the Court will then conduct a Rule 16 Conference to schedule the litigation of and ruling on the expedited alternative relief sought by the Petitioners and described above of a speedy contested case hearing or a speedy judgment by this Court.

It is ORDERED that by June 21, 2019 at noon the Respondent shall file its briefing for the June 26 hearing. A Reply, if any, is due June 25 at noon.

Lastly, there is no return of service of process filed in this case; therefore the Petitioners are ORDERED to serve this Order on the Respondent in the manner of leading process.

s/ Ellen Hobbs Lyle

ELLEN HOBBS LYLE
CHANCELLOR

cc by U.S. Mail, fax, or efile as applicable to:
Taylor A. Cates
William D. Irvine, Jr.