



commercial address for purposes of voter registration. Plaintiffs further seek damages and injunctive relief to prohibit the enforcement of these provisions and to be reinstated as registered voters of Bradley County, Tennessee. By denying the vote to Tennessee citizens who lack a traditional residential address by reason of their frequent exercise of the right to interstate travel, Defendants effectively impose an unlawful “continuous residency requirement” that forces Plaintiffs and others to choose between their fundamental right to vote and their fundamental right to travel among the states.

### **JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction over this action under 28 U.S.C. § 1331 and § 1343(a)(3)-(4). This suit is also authorized by 42 U.S.C. § 1983, and the Court is authorized to grant both declaratory and injunctive relief under 28 U.S.C. § 2201 and §2202. This Court may exercise ancillary jurisdiction under 28 U.S.C. § 1367(a) to hear claims under the Constitution and laws of Tennessee. Plaintiffs’ claims for attorney’s fees are properly considered by the Court pursuant to 42 U.S.C. §§ 1973l(e) and 1988.
3. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1) and (2) because Defendants Bradley County Election Commission, Fran Green, and Kalin Morris are situated within this judicial district and Plaintiffs’ voting rights were revoked within this judicial district.

### **PARTIES**

#### **Plaintiffs**

4. Plaintiff Ronald Teel is an American citizen and a citizen of the State of Tennessee. He is a 71 year old veteran of the United States military who has dedicated his life to government service, working in a variety of capacities for numerous governors of Arizona, California and New York. After a distinguished career in public service, Mr. Teel retired in 2000. He and his wife were finally able to embark on their dream of living full time in their recreational vehicle and traveling among the states seeing sights and visiting relatives and friends. Since 1998, Mr. Teel has lived full time in his and his wife's recreational vehicle, hereinafter referred to as "RV."
5. Plaintiff Leone Teel is also an American citizen and a citizen of the State of Tennessee. Leone Teel is the wife of Ronald Teel and is 79 years old. After raising their family and supporting her husband's career for many years, Mrs. Teel joined her husband in retirement and also began living full time in their RV and traveling throughout the country.
6. Plaintiff John Thomas Layton is an American citizen and a citizen of the State of Tennessee. He is a 69 year old former police officer. Plaintiff Layton retired from the District of Columbia Police Force in 1980 and from his job at his church in 2000. He began living and traveling full time in his RV in 1999.

#### **Defendants**

7. Defendant Riley Darnell is the Secretary of State for the State of Tennessee. He is a constitutional officer elected by Tennessee General Assembly and has various constitutional and statutory duties including developing and implementing rules and regulations as necessary to carry out the provisions of the election code. The

Secretary of State is responsible for appointing the Coordinator of Elections. Tenn. Code. Ann. § 2-11-201. He is sued in his official and individual capacities.

8. Defendant Brook Thompson is the Coordinator of Elections for the Department of State of Tennessee. He is the State's chief administrative election officer and he serves at the pleasure of Defendant Secretary Darnell. Among other things, he is responsible for the receipt and administration of applications for voter registration. See Tenn. Code Ann. § 2-11-201. He is also responsible for advising election commissions and administrators of elections as to the proper methods of performing their duties and interpreting the elections laws for all persons administering them. See Tenn. Code Ann. § 2-11-202. He is sued in his official and individual capacities.
9. Defendant Bradley County Elections Commission, hereinafter referred to as "BEC," is the County Board responsible for implementing Tennessee Election laws in Bradley County. The BEC is responsible for the daily operations of the commission office and the execution of all elections. See Tenn. Code Ann. § 2-12-116.
10. Defendant Fran Green is the Administrator of Elections for the Bradley County Election Commission. She is the county's chief administrative election officer. She is appointed by the Bradley County Election Commission and serves at the pleasure of the Commission. She is responsible for, among other things, the receipt and processing of applications for voter registration, having knowledge of all current laws pertaining to the election process and any changes mandated by the general assembly, and apprising the election commission and office staff of

this information. See Tenn. Code Ann. § 2-12-201. She is sued in her official and individual capacities

11. Defendant Kalin Morris is the Assistant Administrator of Elections for the Bradley County Election Commission. Upon information and belief, she is appointed by the Administrator of Elections for Bradley County and serves at her pleasure. Upon information and belief, she is responsible for, among other things, the receipt and processing of applications for voter registration and maintenance of registered voter logs for the county. She is sued in her official and individual capacities.

### **FACTUAL ALLEGATIONS**

#### **Plaintiffs Ronald and Leone Teel**

12. In 2000, Plaintiffs Ronald and Leone Teel retired from employment in the State of California. Prior to their retirement, they sold their home, and moved into their RV to live in it full time and travel to various places in the United States.
13. After the Teel Plaintiffs moved into their RV, they established Deming, New Mexico as their legal residence and domicile.
14. In 2001, the Teel Plaintiffs arrived in Cleveland, Tennessee, and after considering various factors, decided to make Tennessee their home. At that time, they intended to abandon, and did abandon, Deming, New Mexico as a residence, and intended to establish, and did establish, Cleveland, Tennessee as their new residence and domicile, with the intent to return there when not traveling.

#### **Plaintiff John Thomas Layton**

15. Plaintiff John Thomas Layton purchased his first RV in 1999.

16. He immediately rented out his home in Maryland and began living full time in his RV. In considering his options for retirement, he decided to make Bradley County, Tennessee his home.
17. At that time, he intended to, and did in fact, abandon Maryland as his residence and domicile and simultaneously intended to, and did in fact, while physically present in Bradley County, Tennessee, establish Cleveland, Tennessee as his new residence and domicile.

**Facts in Common to All Plaintiffs**

18. There is no state other than Tennessee that the Plaintiffs have established residency or intend to establish residency in. Plaintiffs have the definite intention to return to Cleveland, Tennessee and remain there and eventually may even buy property there, when they have completed their RV traveling throughout the country
19. Plaintiffs do not, nor have they ever had, any interest or ownership in any real property in Tennessee. Accordingly, when they established their residence in Tennessee, Plaintiffs rented a mailbox at a commercial mailbox and forwarding service called Mail Call USA.
20. Mail Call USA allows its customers to use its street address, “640 Grove Avenue SW, #XX, Cleveland, TN 37311,” and assigns each customer a mailbox number, (represented here by “XX”), hereinafter referred to as the “Grove Avenue address”. Mail Call USA will forward a customer’s mail to any address the customer requests. Plaintiffs use this service regularly and have their mail sent to various locations throughout the country.

21. Plaintiffs used their Grove Avenue address to obtain Tennessee driver's licenses and vehicle and personal liability insurance, to file for the U.S. Census and for state and federal tax purposes, and to register for jury service and to vote. Plaintiffs have continued to use their Grove Avenue address for these purposes.
22. Plaintiffs used their Grove Avenue address to register their RV with the State of Tennessee and pay the applicable taxes on the vehicle.
23. Plaintiff Layton has voted in at least two federal elections since registering to vote in Bradley County in 1999.
24. In 2003, the Teel Plaintiffs went in person to the BEC and successfully registered to vote using their Grove Avenue address, having informed the staff of the BEC of the nature of their address, the fact that they live full-time in an RV, and their frequent travel. Plaintiffs were registered as voters and received voter registration cards indicating that address.
25. Plaintiffs voted in the 2004 federal elections in Cleveland, Tennessee.
26. On May 12, 2005 the Tennessee Legislature amended Sections 2-22-122, et seq. of the Tennessee Code to change voter eligibility requirements.
27. The Governor signed the bill into law on May 17, 2005.
28. Tenn. Code Ann. § 2-22-122(a)(1), as amended, provides that:

“The residence of a person is that place in which the person’s habitation is fixed, and to which, whenever the person is absent, the person has a definite intention to return; provided, that a person may not register to vote using a business location as the registration address when the sole basis for the person’s presence at such location is based on a business or commercial use;”
29. Tenn. Code Ann. § 2-22-122(a)(6), as amended, provides further that:

“A person may be a resident of a place regardless of the nature of the person’s habitation, whether a house or apartment, mobile home or public institution,

owned or rented; however, a commercial address may not be used for residential purposes, unless the applicant provides evidence of such applicant's residential use of such address."

30. Regarding registration and purging of registration, Tenn. Code Ann. § 2-2-105 provides that registration of voters is permanent under the code, and § 2-2-106 provides that voters may be purged at the voter's request, 90 days after a name change, if the voter dies, if the person has been convicted of an infamous crime, or if the voter has changed the voter's address to an address outside the county.
31. On February 15, 2006, the Bradley County Election Commission notified Plaintiffs that their voter registration records were being purged, not for any of the reasons enumerated in Tenn. Code Ann. § 2-2-106, but because their use of a commercial property as a residence for voter registration purposes was in violation of the recently amended Tenn. Code Ann. § 2-22-122(a)(1), (6).
32. Upon information and belief, Plaintiffs are among at least 285 similarly situated residents of Bradley County, Tennessee, who travel interstate on a regular basis, and who were purged in the same manner and for the same reason Plaintiffs were.
33. The notification from the BEC advised Plaintiffs that they had 30 days to submit to the Commission any questions regarding the purge.
34. On information and belief, shortly thereafter, Plaintiff Layton contacted the BEC to dispute his removal from the voter registration list.
35. On April 1, 2006, the Teel Plaintiffs sent a letter to the BEC objecting to the purge and asking for consideration and assistance in preserving their right to vote.
36. On June 6, 2006, the BEC responded, suggesting that Plaintiffs were not residents of Tennessee because they receive mail through a commercial address and



advising them to vote in the last jurisdiction where they lived prior to living full time in their RV.

37. On July 12, 2006, the Teel Plaintiffs wrote again to the BEC informing it that they were previously registered to vote in Bradley County, that the purge provision of the Tennessee Code does not authorize the Commission to purge them on the basis of the recent amendments to Tenn. Code Ann. §§ 2-22-122(a)(1) and (6), explaining their position that the amendments were only intended to address the residency of candidates for public office, and asking for their purge to be rescinded based on the same consideration that homeless voters receive pursuant to the rules promulgated by the Tennessee Election Commission which allow homeless people to vote.
38. On September 28, 2006, Defendant Brook Thompson, Coordinator of Elections, responded to an inquiry by the BEC, explaining that the amendments to Tenn. Code Ann. §§ 2-22-122(a)(1) and (6) were not limited to candidates, suggesting that Plaintiffs never established residency in the first place, and confirming the propriety of their removal from the voter registration rolls.
39. On October 3, 2006, the BEC sent the Teel Plaintiffs a letter indicating it had received their letter and the September 28 letter from Defendant Brook Thompson, and informing them that it would continue to abide by the laws of Tennessee “which limit voter registration to residents,” and continue to enforce the law by purging anyone discovered to be using a commercial address or post office box to register to vote. The BEC also declined to allow the Teels to vote

using the administratively created homeless voting provisions. The Teels were not directed to anybody to assist them in regaining the right to vote.

40. On October 27, 2006, the Teel Plaintiffs sent a letter to Defendant Riley Darnell, asking him to overturn the decision of the BEC and restore their voter registration status.
41. In the ensuing months, the Teel Plaintiffs and Plaintiff Layton, contacted various government officials within the Secretary of State's office and throughout state government in an attempt to regain their right to vote.
42. Over six months after their letter to Defendant Darnell, the Teel Plaintiffs received his response denying their request for assistance in restoring their right to vote.
43. Despite their past and continuing desire to exercise their right to vote, Plaintiffs have been denied the right to vote in each and every local, state, and federal election since February 15, 2006.
44. As a result, Plaintiffs' constitutional rights have and continue to be violated by Defendants' conduct.

### **COUNT ONE**

#### **VIOLATION OF THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND THE LAW OF THE LAND PROVISION OF ARTICLE I, SECTION 8 OF THE TENNESSEE CONSTITUTION**

#### **(Substantive Due Process)**

45. Plaintiffs reallege and hereby incorporate by reference paragraphs 1 through 44 above.

46. The Due Process Clause of the Fourteenth Amendment of the U.S. Constitution states: “No State shall...deprive any person of life, liberty, or property, without due process of law ...,” and the Law of the Land provision of the Tennessee Constitution provides “that no man shall be...deprived of his...liberty...but by...the law of the land.”
47. Tennessee’s commercial address restriction burdens the fundamental rights to vote and travel and it is neither necessary nor narrowly tailored to serve a compelling governmental interest.
48. Tennessee’s commercial address restriction violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution and the Law of the Land Provision of the Tennessee Constitution.

## **COUNT TWO**

### **VIOLATION OF THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND THE LAW OF THE LAND PROVISION OF ARTICLE I, SECTION 8 OF THE TENNESSEE CONSTITUTION**

#### **(Irrebuttable or Conclusive Presumption)**

49. Plaintiffs reallege and hereby incorporate by reference paragraphs 1 through 48 above.
50. The Due Process Clause of the Fourteenth Amendment to the United States Constitution and the Law of the Land provision of the Tennessee Constitution protect citizens from the unjustified deprivation of liberty by the government.
51. Tennessee’s commercial address restriction is being applied to Plaintiffs as a conclusive or irrebuttable presumption that they cannot possibly be actual residents of Tennessee because they have a commercial address, despite the fact

that they are residents of Tennessee and the fact that a commercial address has nothing to do with that residency.

52. Because the presumption that people like Plaintiffs cannot be Tennessee residents if they have a commercial address is not universally true and there exists reasonable alternative means of making this crucial determination, the Tennessee commercial address restriction and the way in which it is applied violate the Due Process Clause of the Fourteenth Amendment to the United States Constitution and the Law of the Land Provision of the Tennessee Constitution.

### **COUNT THREE**

#### **VIOLATION OF THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND THE LAW OF THE LAND PROVISION OF THE TENNESSEE CONSTITUTION**

##### **(Procedural Due Process)**

53. Plaintiffs hereby reallege and incorporate by reference paragraphs 1 through 52 above.
54. The right to vote is a fundamental liberty interest protected by the Fourteenth Amendment of the United States Constitution, the Law of the Land Provision of the Tennessee Constitution, and the laws of the State of Tennessee.
55. Plaintiffs have been denied the ability to exercise their fundamental right to vote since their voter registration record was purged in 2006.
56. No procedures or opportunity to be heard were afforded to Plaintiffs to challenge their removal from the voter registration polls prior to or subsequent to the deprivation of their voting rights.

57. The insufficient process with which Defendant Bradley County Election Commission deprived Plaintiffs of their rights to vote, and the insufficiency of the process otherwise provided for in the Tennessee Code, violate the Due Process Clause of the Fourteenth Amendment to the United States Constitution and the Law of the Land Provision of the Tennessee Constitution.

#### **COUNT FOUR**

#### **VIOLATION OF THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND THE CLASS LEGISLATION CLAUSE OF ARTICLE XI, SECTION 8 OF THE TENNESSEE CONSTITUTION**

58. Plaintiffs reallege and hereby incorporate by reference paragraphs 1 through 57 above.

59. The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution provides that “[n]o state shall . . . deny to any person within its jurisdiction the equal protection of the laws,” and the Class Legislation Clause of the Tennessee Constitution provides that “the Legislature shall have no power to suspend any general law for the benefit of any particular individual, nor to pass any law for the benefit of individuals inconsistent with the general laws of the land...”

60. Tennessee’s commercial address restriction burdens the fundamental rights to vote and travel and it is neither necessary nor narrowly tailored to serve a compelling governmental interest.

61. Tennessee’s commercial address restriction is being applied in an intentionally discriminatory manner against Tennessee residents like Plaintiffs, who do not have a traditional residential address and who exercise their right to interstate

travel, and treating them differently than those who have a traditional residential address and residents who fit the traditional definition of “homeless.” This discrepancy is neither necessary nor narrowly tailored to serve a compelling governmental interest.

62. Tennessee’s commercial address restriction violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and the Class Legislation Clause of Article XI, Section 8 of the Tennessee Constitution.

### **COUNT FIVE**

#### **VIOLATION OF THE BASIC CONSTITUTIONAL RIGHT TO TRAVEL AND THE PRIVILEGES OR IMMUNITIES CLAUSE OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION**

##### **(Right to Travel)**

63. Plaintiffs reallege and hereby incorporate by reference paragraphs 1 through 62 above.
64. The United States Constitution protects the right of a citizen of Tennessee to enter and leave other states, and the Privileges or Immunities Clause of the Fourteenth Amendment to the United States Constitution provides that “[n]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States,” which include the right of citizens of the United States to travel interstate and enter into and become citizens of any state and be treated on equal basis with other citizens of that state.
65. Tennessee’s commercial address restriction deters interstate travel, creates a classification that serves to penalize the exercise of the right to interstate travel, and is not necessary to promote a compelling governmental interest.

66. Tennessee’s commercial address restriction violates the basic constitutional right to interstate travel, the Privileges and Immunities Clause of Art. IV, § 2 of the United States Constitution, and the Privileges or Immunities Clause of the Fourteenth Amendment to the United States Constitution.

**COUNT SIX**

**VIOLATION OF ARTICLE I, SECTION 5 OF THE  
TENNESSEE CONSTITUTION**

67. Plaintiffs hereby reallege and incorporate by reference paragraphs 1 through 66 above.
68. Article I, Section 5 of the Tennessee Constitution provides that “[t]he elections shall be free and equal, and the right of suffrage, as hereinafter declared, shall never be denied to any person entitled thereto, except upon conviction by a jury of some infamous crime, previously ascertained and declared by law, and judgment thereon by court of competent jurisdiction.”
69. Tennessee’s commercial address restriction unlawfully denies Plaintiffs and others the right to vote and violates Article I, § 5 of the Tennessee Constitution.

**COUNT SEVEN**

**VIOLATION OF ARTICLE IV, SECTION I OF THE  
TENNESSEE CONSTITUTION**

70. Plaintiffs hereby reallege and incorporate by reference paragraphs 1 through 69 above.
71. Article IV, § I of the Tennessee Constitution provides that “Every person, being eighteen years of age.....shall be entitled to vote in all federal, state, and local elections held in the county or district in which such person resides. All such

requirements shall be equal and uniform across the state, and there shall be no other qualifications attached to the right of suffrage.....”

72. Tennessee’s commercial address restriction and its application constitute an additional qualification attached to the right of suffrage and an unequal requirement in violation of Article IV, § I of the Tennessee Constitution.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that this Court:

- A. Declare the portions of Tenn. Code Ann. §§2-22-122(a)(1) and (6) which refer to a commercial address, unconstitutional and unenforceable residency requirements.
- B. Declare that the purge of Plaintiffs’ voter registrations pursuant to Tenn. Code Ann. §§ 2-22-122(a)(1) and (6) violates Plaintiffs’ rights under the federal and state constitutions;
- C. Enjoin the Defendants from enforcing Tenn. Code Ann. §§2-22-122(a)(1) and (6) as it relates to commercial addresses.
- D. Declare that Plaintiffs are qualified and entitled to vote as residents of Cleveland, Tennessee;
- E. As against the individual Defendants in personal capacities, award Plaintiffs damages for the denials of their constitutional rights;
- F. Award Plaintiffs their expenses, costs, fees, and other disbursements associated with the filing and maintenance of this action, including reasonable attorney’s fees, pursuant to 42 U.S.C. §§ 1973l(e) and 1988;



G. Exercise continuing jurisdiction over this action during the enforcement of its judgment;

H. Award any other and further relief that this Court deems proper and just.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b), Federal Rules of Civil Procedure, Plaintiffs demand trial by jury for all of the issue pled herein so triable.

Respectfully Submitted,

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