

## D. M. HOOVER AFFIDAVIT OF POSSIBLE CROSSOVER VOTING AND INCORRECT VOTER GUIDANCE FROM A POLL WORKER IN THE MAY 5, 2026 ELECTION

### Summary

My name is D. M. Hoover and I live in Franklin, Tennessee. I am a registered Williamson County, Tennessee voter and this is my affidavit concerning witnessing what I believe was a voter crossing over to vote in the opposite political party from which she belonged. It occurred at the Hunters Bend Elementary vote center on Tuesday, May 5, 2026 in election day voting. Even more importantly, the Officer of Elections and another election office worker seemingly excused the registrar's statement to the voter, which I overheard, that by taking a ballot for a party that she didn't belong to or wasn't pledging allegiance to was no big deal and not an illegal process according to TCA 2-7-115(b). This is a problem that Republican voters have been documenting.

### Details

On Tuesday, May 5, at 10:55 A.M., I entered the Hunters Bend Elementary School gym voting precinct to vote in the primary election that day right behind another woman, who was a friendly, petite, slim older woman in her late 60's/early 70's with short graying hair and glasses who was talking to herself saying how nice it was to be voting in an elementary school because it brought back such fond memories. She was smiling but seemed a bit nervous and unsure and kept looking around the gym as I followed her to the registration tables.

We both approached the registration table at the same time and two precinct registrars sitting next to each other helped both of us as we stood next to one another. Therefore, I could easily hear what was being said between the other woman and the precinct registrar helping her.

When the precinct registrar asked the woman which party primary she wanted to vote in, she leaned forward and asked the registrar, "Which ballot is (hushed whisper) on...?" The woman lowered her voice to a whisper and cupped around her mouth towards the worker when she whispered the candidate's name, so I couldn't hear whose name she said. The woman continued "...because I want to vote (whisper) her." This time after she said the word "vote", she again lowered her voice somewhat -- although not as low as when she said the candidate's name -- and I thought she said "....because I want to vote **against** her." I can't be 100% certain that she used the word "against" because it was a bit muffled, but that was my immediate impression of what she said. In other words, what I heard the voter asking was basically, "which ballot is so-and-so on, because I want to vote against her," after which the voter immediately laughed nervously.

The precinct registrar replied something to the effect of, which I'm now paraphrasing rather than repeating verbatim: "I can't tell you which ballot she is on, but you can go over to the wall where you came in and check the copies of both ballots to help you decide which primary you'd like to vote in." I don't have a problem with this part, because it appears that was probably the

best way for the precinct registrar to handle it. The voter looked over towards the wall the precinct registrar was pointing towards but didn't ask any other questions. However, the poll worker then continued talking and reassured the woman by saying something like, "don't worry, you aren't registering for that party by saying you'd like to vote in their primary or anything, it's just whichever party's primary you feel like voting in today. You aren't aligning yourself with them or pledging any kind of allegiance to that party...it's just whichever party's primary you happen to feel like you most want to vote in for today only." This is the part I took issue with.

At this point, I had to really bite my tongue because I knew this wasn't right given TCA 2-7-115(b), which states:

- **(b)** A registered voter is entitled to vote in a primary election for offices for which the voter is qualified to vote at the polling place where the voter is registered if:
  - **(1)** The voter is a bona fide member of and affiliated with the political party in whose primary the voter seeks to vote; or
  - **(2)** At the time the voter seeks to vote, the voter declares allegiance to the political party in whose primary the voter seeks to vote and states that the voter intends to affiliate with that party.

I almost spoke up but decided since I hadn't even been given my ballot yet to keep quiet and not interfere in their conversation, or I might perhaps risk not being allowed to vote myself if they tried to remove me for causing a disruption. Also, I was in a hurry to get back home in time for a Zoom meeting at work, so rather than saying anything to anyone there about it, I finished up voting and left. While I was voting, the woman indeed went over to check the two-party primary ballots on the wall, then went back to the table and chose which primary to vote in, and then also voted.

Given the woman nervously approached the registration table not knowing which primary she wanted to vote in and given everything I saw and overhead, my impression was that she normally votes Democrat, but was wanting to crossover to be sure to vote on the primary ballot against "her", who my guess was Republican Mary Smith, since that was the main hotly contested race on the ballot involving a female. The voter definitely acted unsure of herself, like she was afraid she might get in trouble for crossing over to vote and was a bit intimidated to do so. I think the worker picked up on this, so that's why she tried to reassure the woman with incorrect information that it was purely which party primary she happened to feel like voting in that day.

In my opinion, what the precinct registrar should've done instead of telling the voter incorrect information was, instead, to direct the woman to read the law TCA 2-7-115 that was also posted next to the door on a yellow card near the posted ballots. Even better, it would've been easier if there were small, printed cards at each registration spot with the TCA 2-7-115 written on it that the precinct registrar could point to anytime a voter was confused about which

primary they should choose to vote in. Or, simply have EVERY primary voter read and acknowledge the law, regardless of whether they appear to be crossover voting.

The specific precinct registrar who told the woman the incorrect information was sitting second from the right end of the bank of registration tables in front of the gym stage, and the worker who was helping me was the third woman sitting from the right end of the table. The poll worker looked to be a middle-aged woman perhaps in her late 40's or 50's with brownish shoulder length hair parted just off center on her right with no bangs. She was wearing a black shirt and black pants with a pale pink sweater or jacket. The precinct registrars on either side of her, including the worker who helped me, both wore glasses, but the precinct registrar who offered the incorrect information did not wear glasses.

After I got home and finished my work meetings that afternoon, I kept thinking about what happened, and I looked up the law to verify what I remembered it saying, and sure enough, just as I remembered, the law is worded much more stringently than the precinct registrar led the hesitant voter to believe. It affirms that "the voter is a bona fide member of and affiliated with the political party in whose primary the voter seeks to vote," and it further states, "at the time the voter seeks to vote, the voter declares allegiance to the political party in whose primary the voter seeks to vote and states that the voter intends to affiliate with that party."

This is the complete opposite of what the precinct registrar told the voter, especially since she reassured the voter that she was NOT declaring allegiance to the political party whose primary she decided to vote in.

I was concerned that the precinct registrar was continuing to give out the wrong information to other voters who may be unsure which primary to choose to vote in, and the polls were still open for another three hours, so I decided to go back up to the Hunter's Bend Elementary gym polling place at 4:00 PM and asked to speak to the Officer of Elections, who was an older woman whose name I believe might have been Kim Lance.

She listened as I described to her what had happened but didn't seem to be too concerned about it. She then saw a deputy from the county election commission, Jared Pitts, walking across the gym towards the door, and asked me to wait there while she went to get him. Instead of bringing him right over for me to tell him what happened, she first filled him in on what happened across the room, and they then walked over together to me. They both seemed to be a bit defensive about what had happened and neither one even asked or seemed a bit concerned about which precinct registrar had given the incorrect information. They basically told me that there's nothing they can do to enforce it because it's just whichever primary someone feels like voting in that day.

I repeatedly told them that wasn't my complaint and I wasn't expecting them or the other workers to personally enforce the law, but instead just make sure when a voter has questions about which primary they should vote in that they are directed to read the prominently posted law next to the door about it, because it's not the job of the precinct registrar to give her

personal spin and casual interpretation of the law to voters confused about which primary they should vote in.

I suggested that perhaps it would be easier if small yellow cards were printed with the law to also be displayed laying on the table in front of each precinct registrar's station so the registrar could simply point to it if a voter questioned which primary they should choose. I suspect this comes up frequently in primary elections, especially in primaries like this one in which no Democratic candidate qualified for the fiercely debated county mayoral race at the top of the ballot.

Naturally there are voters who are bona fide members of and affiliated with the Democrat party who want to feel like they have a "say" in who the county mayor is, so once they discover no candidate qualified for the mayoral race on the Democrat primary ballot, they might be strongly tempted to crossover to vote in the other party's primary, which is unlawful per TCA 2-7-115(b).

Both Mr. Pitts and the Officer of Elections immediately rejected my suggestion that small cards with the law printed on it be on the table at each precinct registrar's station to point to when questions arise, and declared that they couldn't do that because it would require special approval from Chad Gray and the state, which may be understandable.

I was struck by their intensity as they quickly dismissed my suggestion without consideration, because it would seem to me the state and Mr. Gray should be willing to do anything that would alleviate the confusion and illegal crossover voting. Or why would the law even have been passed if the legislature didn't want to stop crossover voting?

I then stated that at the very least, in this situation, when the confused voter was told she could go look at the two ballots posted next to the door, she should have additionally been directed to read the law regarding the primary she's entitled to vote in on the yellow card posted also posted next to the door.

Neither Mr. Pitts nor the Officer of Elections seemed to agree with that, and they instead continued to reiterate that they have no control over enforcing if someone crosses over to vote in the other primary because it's basically just how the person feels and whichever party they identify with that day. Therefore, it sounded like they agreed with what the precinct registrar had told the woman, which didn't line up with what the law says. The Officer of Elections did not indicate to me that she was going to write an incident report about it.

Regardless of this particular voter's true intent and whether she was indeed attempting to crossover to vote or not, she was given incorrect information about it that didn't align with the law.

As I left, I felt worse about the whole situation than I did going in, because neither the Officer of Elections nor Mr. Pitts seemed concerned about making sure the voters who were unsure

about which primary to vote in received the correct, lawful information. Or at least be pointed to read the law posted on the yellow card next to the door, which is a minimal, easy thing to do in this situation.

To be clear, I let them know repeatedly I wasn't asking them to decide whether this woman or any other voter was perhaps a crossover voter. I was simply saying that voters who are unsure about which primary to vote in should be directed to read the yellow card with the law on it that was currently posted next to the door to help them decide what to do.

As I was standing in the parking lot getting ready to leave, Mr. Pitts exited the gym and got in his official elections truck, and as he was leaving the parking lot, I noticed that he idled his vehicle and rolled down his passenger side window to speak for a few minutes in a friendly manner to the Andy Marshall supporters holding their signs. That spoke volumes and helped explain in my mind why he wasn't too concerned about a possible Democrat voter possibly crossing over to vote in the Republican primary to vote against "her" (likely being Mary Smith) because that would help the candidate he seemed to be friendly towards, Andy Marshall. He noticeably did NOT acknowledge the Mary Smith sign holders standing even closer to him on his driver's side.

As a Tennessee citizen deeply concerned about election integrity, I feel it is important to report what I observed on May 5, 2026 primary election day, because to me it shows that voters aren't necessarily being directed to read or be aware of the applicable law TCA 2-7-115(b) in these situations.

Therefore, this situation could be helped if small yellow cards printed with the law were displayed on the table in front of each precinct registrar's station so they could simply point to it if a voter seemingly questioned which party primary they're entitled to vote in.

Signed: D.M. Hoover  
D.M. Hoover

Date: May 26, 2026