

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STEPHEN LAROQUE, ANTHONY CUOMO,)
 JOHN NIX, KLAY NORTHRUP, LEE)
 RAYNOR, and KINSTON CITIZENS FOR)
 NON-PARTISAN VOTING,)
)
 Plaintiffs,)
)
 v.)
)
 ERIC H. HOLDER, JR.)
 ATTORNEY GENERAL OF THE)
 UNITED STATES)
)
 Defendant.)

Civ. No.: 1:10-CV-00561-JDB

DECLARATION OF STEPHEN LAROQUE

I, Stephen LaRoque, hereby declare:

1. I am a resident and registered voter of Kinston, North Carolina.
2. I am white.
3. I want to be able to vote for the candidate of my choice in municipal elections in Kinston without having to associate with a political party.
4. In 2001, I unsuccessfully ran for Mayor of Kinston. In 2002 and 2004, I was elected to the North Carolina House of Representatives, serving from January 1, 2003, to December 31, 2006. I ran again in 2006 and 2008, but lost in the primary and general elections respectively. This year, I am running for the North Carolina House of Representatives. I am also a former chairman of the Lenoir County Republican Party.
5. Based on my past campaigns, and my experience assisting other candidates with their campaigns, I am very familiar with the process for qualifying for the ballot in partisan elections and with the electoral landscape of Kinston.

6. John Nix and Klay Northrup are running for the Kinston City Council in the upcoming election in November of 2011, as candidates unaffiliated with any party. I am supporting their candidacies and I intend to vote for them.

7. In furtherance of this support, I am guiding them through the partisan-elections process, as it is much more complex for unaffiliated candidates than the nonpartisan-elections process that was adopted by Kinston's voters in the November 2008 referendum, but which the Justice Department refused to preclear.

8. On April 7, 2010, I assisted Nix and Northrup in holding a press conference to announce their candidacies.

9. Throughout the Summer and Fall of 2010, I have conducted, and will conduct, door to door visits around Kinston in support of my candidacy for the North Carolina House of Representatives. Nix and Northrup also have conducted, and will conduct, such visits on behalf of my candidacy. This gives them experience in engaging in such canvassing as well as an opportunity to introduce themselves to Kinston voters as candidates in their own right.

10. I am currently assisting Nix and Northrup in the process of registering their campaigns, forming campaign committees, appointing treasurers, and opening campaign bank accounts. I anticipate this process will be concluded before September 1, 2010.

11. Unlike in a nonpartisan election, Nix and Northrup must obtain the signatures of 4% of registered voters to qualify for the ballot as unaffiliated candidates in a partisan election. Per my recommendation, it is my understanding that Nix and Northrup (and their volunteers) will begin gathering signatures from registered voters after September 23, 2010, because signatures are due on September 23, 2011, and are only valid for a year.

12. Obtaining the signatures necessary to run as an unaffiliated candidate in a partisan election will require the diversion of campaign resources, both in terms of money and time. Nix and Northrup's campaigns have already incurred the additional costs necessary to order official lists of registered voters in Kinston and to prepare signature sheets that comply with the relevant legal

requirements. And each campaign will have to obtain approximately 560 signatures, which, in my experience, will require 60 to 80 man-hours on the part of the candidates or their agents.

13. In January of 2011, per my recommendation, it is my understanding that Nix and Northrup will begin fundraising to support their campaigns. At the same time, they will begin visiting local civic groups such as the Civitan, Kiwanis, and Rotary, in order to introduce themselves and give short talks.

14. In the Spring of 2011, per my recommendation, it is my understanding that Nix and Northrup will issue formal press releases publicizing their campaigns.

15. During the Summer and Fall of 2011, per my recommendation, it is my understanding that Nix and Northrup will recruit volunteers to serve at all nine precincts on primary day. Although Nix and Northrup will not be running in a party primary themselves, they and their volunteers will use this opportunity to inform voters that it is possible to vote for an unaffiliated candidate in the general election even if the voter otherwise wishes to generally vote a straight party-line ticket by pulling the party lever. And they will explain how to do so, using sample ballots and instructions. They will also use this opportunity to speak with voters about the issues and why they are running.

16. In September of 2011, per my recommendation, it is my understanding that Nix, Northrup, and their volunteers will again go door to door to meet with voters. They will also make phone calls, arrange for automatic robo-calls, order and place yard signs throughout Kinston, and try to appear in the local media. They will also send out direct mailings to voters, addressing the issues as well as how to vote for an unaffiliated candidate, regardless of whether the voter otherwise wishes to vote the straight party-line.

17. Based on my experience in state and local politics, Nix and Northrup, as candidates unaffiliated with a political party, face numerous competitive obstacles in a partisan election that they would not face in a nonpartisan election.

- a. As noted above, their campaign resources have been, and will be, diverted by the need to obtain qualifying signatures for the ballot.

- b. They, unlike their partisan opponents, will not obtain the benefit of unlimited party expenditures on their behalf. Likewise, they will not receive the benefit of established party-provided resources, such as office headquarters, volunteer groups, newsletters, websites, and campaign consultants.
- c. They must overcome the preference of many voters to simply vote a party-line ticket without focusing on specific candidates or issues. This is especially problematic since Kinston is overwhelmingly Democratic.
- d. They must overcome the fact that the winners of party primaries have little incentive to engage with the issues or debate with them, since primary winners can rely on partisan affiliation and straight-ticket voting in the general election. This is especially true since Kinston is overwhelmingly Democratic.
- e. They must educate voters how to vote for an unaffiliated candidate if the voter otherwise wishes to vote the straight party-line.

18. Based on the foregoing competitive obstacles, it is my belief that partisan elections will substantially harm the chances that Nix and Northrup will be elected.

19. In Spring of 2008, Lee Raynor and I, along with Harry Edwards, B.J. Murphy and Hillary Greene, created an informal committee to place the nonpartisan-elections referendum on the ballot. We were required to collect 1424 signatures to qualify for the ballot. Together with other volunteers we recruited, we obtained 1430 signatures by going door to door as well as standing outside polling places during early voting and the primary election. I paid for any costs that arose during signature gathering. The Board of Elections verified the signatures, and the referendum was placed on the ballot for the 2008 general election.

20. I also helped the campaign in favor of the referendum by writing letters to the editor and placing op-eds in local newspapers, as well as by arranging and paying for a robo-call in November 2008 urging voters to vote for the referendum on election day.

21. I am the founder of Kinston Citizens for Non-Partisan Voting ("KCNV"). It is an unincorporated membership association dedicated to eliminating the use of partisan affiliation in Kinston municipal elections. Its members consist of Kinston registered voters who have joined the association because they agree with its objectives and its means for achieving them. These members include Kinston voters who supported and voted for the nonpartisan-elections referendum and prospective candidates for Kinston municipal elections who have a direct interest in running in nonpartisan elections. I periodically contact members regarding KCN- related issues through email, phone calls, and Facebook postings.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this day, August 16, 2010.


Stephen LaRoque