

**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 JOHN NIX

I, John Nix, 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. I also want to be able to run as a candidate for municipal elections in Kinston without being forced either to associate with a political party or disassociate from political parties while my opponents are party-affiliated.
4. Klay Northrup is running for the Kinston City Council in the upcoming election in November of 2011, as a candidate unaffiliated with any party. I am supporting his candidacy and I intend to vote for him.
5. I am running for the Kinston City Council in the upcoming election in November of 2011, as a candidate unaffiliated with any party.
6. Stephen LaRoque, who is supporting my candidacy and has substantial experience with elections in Kinston, is guiding me through the partisan-elections process. As he has explained to me,

that process 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.

7. On April 7, 2010, I, along with Northrup, held a press conference to announce our candidacies.

8. Throughout the Summer and Fall of 2010, I have conducted, and will conduct, door to door visits around Kinston in support of LaRoque's candidacy for the North Carolina House of Representatives. This has given me, and will give me, experience in engaging in such canvassing, as well as an opportunity to introduce myself to Kinston voters as a candidate in my own right.

9. With the assistance of LaRoque, I am currently in the process of registering my campaign, forming a campaign committee, appointing a treasurer, and opening a campaign bank account. I anticipate this process will be concluded before September 1, 2010.

10. Unlike in a nonpartisan election, I must obtain the signatures of 4% of registered voters to qualify for the ballot as an unaffiliated candidate in a partisan election. I (and my 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.

11. 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. My campaign has 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 my campaign will have to obtain approximately 560 signatures, which, based on LaRoque's experience, will require 60 to 80 man-hours on the part of myself and my agents.

12. In January of 2011, I will begin fundraising to support my campaign. At the same time, I will begin visiting local civic groups such as the Civitan, Kiwanis, and Rotary, in order to introduce myself and give short talks.

13. In the Spring of 2011, I will issue a formal press release publicizing my campaign.

14. During the Summer and Fall of 2011, I will recruit volunteers to serve at all nine precincts on primary day. Although I will not be running in a party primary myself, I and my 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 we will explain how to do so, using sample ballots and instructions. We will also use this opportunity to speak with voters about the issues and why I am running.

15. In September of 2011, I and my volunteers will again go door to door to meet with voters. We 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. We 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.

16. Based on LaRoque's experience in state and local politics, I believe that, as a candidate unaffiliated with a political party, I face numerous competitive obstacles in a partisan election that I would not face in a nonpartisan election.

- a. As noted above, my campaign resources have been, and will be, diverted by the need to obtain qualifying signatures for the ballot.
- b. I, unlike my partisan opponents, will not obtain the benefit of unlimited party expenditures on my behalf. Likewise, I will not receive the benefit of established party-provided resources, such as office headquarters, volunteer groups, newsletters, websites, and campaign consultants.
- c. I 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. I must overcome the fact that the winners of party primaries have little incentive to engage with the issues or debate with me, 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. I must educate voters how to vote for an unaffiliated candidate if the voter otherwise wishes to vote the straight party-line.

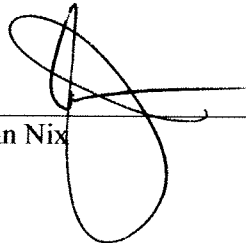
17. Based on the foregoing competitive obstacles, it is my belief that partisan elections will substantially harm the chances that I will be elected.

18. I supported the nonpartisan-elections referendum in November of 2008, signed the petition to place it on the ballot, and voted for it.

19. I am a member 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 receive updates on KCNV-related issues from Stephen LaRoque, the founder of KCNV.

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

John Nix

A handwritten signature in black ink, appearing to read "John Nix", is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.