IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NORTH CAROLINA STATE CONFERENCE OF
THE NAACP, EMMANUEL BAPTIST CHURCH,
NEW OXLEY HILL BAPTIST CHURCH,
BETHEL A. BAPTIST CHURCH, COVENANT
PRESBYTERIAN CHURCH, CLINTON
TABERNACLE AME ZION CHURCH,
BARBEE’S CHAPEL MISSIONARY BAPTIST
CHURCH, INC., ROSANELL EATON,
ARMENTA EATON, CAROLYN COLEMAN,
BAHEEYAH MADANY, JOCELYN FERGUSON-KELLY, FAITH JACKSON, MARY PERRY, and
MARIA TERESA UNGER PALMER

Plaintiffs,

v.

PATRICK LLOYD MCCORRY, in his official
capacity as the Governor of North Carolina, KIM
WESTBROOK STRACH, in her official capacity as
Executive Director of the North Carolina State
Board of Elections, JOSHUA B. HOWARD, in his
official capacity as Chairman of the North Carolina
State Board of Elections, RHONDA K. AMOROSO,
in her official capacity as Secretary of the North
Carolina State Board of Elections, JOSHUA D.
MALCOLM, in his official capacity as a member of
the North Carolina State Board of Elections, PAUL
J. FOLEY, in his official capacity as a member of
the North Carolina State Board of Elections and
MAJA KRICKER, in her official capacity as a
member of the North Carolina State Board of

Defendants.

DECLARATION OF
MARY PRICE TAYLOR HARRISON

Case No.: 1:13-CV-658
Declaration of Mary Price Taylor Harrison

1, Pricey Harrison, hereby declare as follows:

1. I am a U.S. citizen, a resident of Guilford County, and a registered voter. I am the elected representative for North Carolina House District 57, which currently encompasses portions of Guilford County.

2. I have served in the North Carolina House of Representatives ("the House") for more than 9 years. The consideration of House Bill 589 (2013) ("HB 589") stands out as one of the most inadequate legislative processes I have observed in my tenure as a legislator, with supporters of the measure disregarding all concerns expressed by bill opponents in the very limited House debate on the final version of the legislation. The nature of this process is indefensible given the consequential nature of HB 589, which will make it much more difficult for North Carolinians to vote.

3. I am a native North Carolinian. I received my undergraduate degree from Duke University and then received my law degree from the University of North Carolina at Chapel Hill.

4. I was first elected to the House in 2004 and have represented District 57 since then.

5. I have served on the House standing committee on Elections (or its substantive predecessor committees) since 2005, as well as the Joint Legislative Elections Oversight Committee since 2013.

6. I have represented two different iterations of District 57 since my election to the House in 2004, one up until the beginning of the 2013 legislative session and another from that point forward.
7. The first iteration of District 57 that I represented contained portions of Greensboro and High Point. It was a relatively urban district that was approximately 22% African-American.

8. Currently, District 57 is more rural, centering on the eastern portion of Guilford County. The district is also now approximately half African American and Latino.

9. North Carolina A&T, a historically black university, is now in District 57. Guilford County is also home to the University of North Carolina at Greensboro, High Point University, Guilford College, Greensboro College, Bennett College (a historically black college as well), and Guilford Tech Community College, meaning my districts have always had a sizeable population of young voters, including students.

10. I have worked at polling places in North Carolina, campaigning for and as a candidate as well as assisting and registering voters who come to vote, on and off since 1980. I worked the polls every time I was on the ballot, including when I ran unopposed. When I had opposition, I was present at the polls for the vast majority of the early voting period. When I did not have any opposition, I worked the polls for approximately half of the early voting period. In addition to time at the polls, I went door-to-door before elections to meet my constituents and encourage them to vote.

11. My experience as a member of the House as well as my participation in the 2013 legislative debates surrounding HB 589 and my participation in the electoral process in North Carolina going back to 1980 enables me to speak with personal knowledge on the passage, purpose, and burdens of this legislation.

HB 589 Legislative Consideration
12. The process leading to the July 25, 2013 House concurrence vote on the “full bill” version of HB 589—that is, HB 589 as amended by the North Carolina Senate (“the Senate”)—deviated greatly from the standard legislative practice in the North Carolina General Assembly. The rushed House consideration of the “full bill” version of HB 589 within 24 hours of its introduction did not allow an adequate amount of time to review the bill’s provisions. The House debate further deviated from the normal process in that legislators were afforded far less than the normal amount of time to comment on its provisions. HB 589 supporters disrespectfully ignored the concerns raised by bill opponents during this very limited debate that HB 589 would disenfranchise African American voters. Finally, HB 589 represents a huge departure from prior election law reforms, which garnered broad-based and bipartisan legislative support for making it easier for North Carolinians to access the franchise.

13. HB 589 was filed in the House on April 4, 2013. At that point, HB 589 was a 12-page bill limited to requiring photo identification to vote in person starting in 2016 (the “limited bill”).

14. The original version of HB 589 underwent nearly four weeks of consideration by the House.

15. During this process, the House Elections Committee had the opportunity to learn more about the background issues relating to photo identification and requiring it for voting, comment on the proposed measure, and offer amendments on the limited bill. Members of the House Elections Committee, including myself, asked questions about the impact of a photo identification requirement on African-American voter turnout, the cost and need for voter education related to such measures, and whether in-person voter fraud was a real problem. I also asked questions about the burdens the photo identification requirement would impose upon those
experiencing extreme poverty. Finally, I highlighted the perversity of legislation focused on in-person voter fraud, which studies show is virtually non-existent, as opposed to absentee voter fraud, which is much easier to accomplish.

16. There were also two public hearings in the House as part of the legislative process on the limited bill. This afforded legislators the opportunity to hear from our constituents on the practical impacts of the measures under consideration. Constituents opposed to HB 589 were the overwhelmingly majority of those in attendance at the first hearing.

17. During this four-week legislative process, I worked with bill supporters to mitigate the bill’s negatives. In particular, I worked to expand the types of voter photo identification acceptable under the limited bill to include photo identification issued by private colleges and universities as well as high schools. These documents were not explicitly in the limited version of HB 589, though supporters of the limited bill noted the non-exclusive nature of the acceptable voter photo identification documents as a selling point. At no time during this period, including my work on the Elections Committee, did anyone raise the issue of changing North Carolina’s existing laws pertaining to early voting, same-day registration, pre-registration programs, straight-ticket voting, or out of precinct provisional balloting. Nor were these issues ever considered.

18. The House passed HB 589 on April 24, 2013, at which point it was a 16-page bill. Although I opposed the limited bill as unnecessary given the complete absence of evidence that in-person voter fraud is a problem in North Carolina, both my constituents and I had ample opportunity to educate ourselves about voter photo identification as well as review, comment upon, and attempt to improve upon the limited bill as much as we could prior to its April 24, 2013 adoption.
19. The limited bill then moved to the Senate for consideration. There was no way for members of the House such as myself to know what changes the Senate would make to HB 589, if any, nor when we would have the opportunity to review the Senate’s changes. However, an elections bill that is proposed in one chamber and significantly changed in the other would normally go to a conference committee so both chambers could have input on the final bill.

20. The Senate did not immediately act on HB 589. Then, on June 25, 2013, the United States Supreme Court invalidated Section Four of the Voting Rights Act in Shelby County v. Holder. Immediately after the decision, months of silence from the Senate were broken when North Carolina Senator Tom Apodaca announced that same day: “Now we can go with the full bill.”

21. The Senate introduced its “full bill” version of HB 589 on July 23, 2013. This version of the bill was 57 pages and, substantively speaking, a greatly different bill. The “full bill” version of HB 589 cut back dramatically on the forms of voter photo identification that were accepted under the limited bill. It also introduced a whole range of new provisions, including, but not limited to, the elimination of one week of early voting, same day registration, pre-registration programs for 16- and 17-year olds, the counting of “out of precinct” provisional ballots, and straight-ticket voting. I had no warning whatsoever that the Senate would massively expand the scope of HB 589.

22. The “full bill” version of HB 589 passed the Senate on July 25, 2013, just two days after it was introduced. The House received the, by that point, 56-page bill the same day for a concurrence vote.

23. The House voted to concur in the “full bill” version of HB 589 the same day it was received from the Senate, July 25, 2013. Because House leadership imposed the concurrence
process, the “full bill” version of HB 589 was not referred to the House Elections Committee, or any other House committee, for review.

24. As a result of this extremely truncated legislative process, there was no opportunity for House members such as myself to meaningfully educate themselves about the practical consequences of the “full bill” version of HB 589. For example, we were not able to discuss its provisions with local or state elections officials. There was no opportunity to offer amendments to the bill to seek to ameliorate any of its effects. The public also never had an opportunity to comment in the House on the “full bill” version of HB 589, meaning we never heard from our constituents on the elimination of one week of early voting, same day registration, pre-registration programs for 16- and 17-year olds, the counting of “out of precinct” provisional ballots, and straight-ticket voting.

25. The House, in short, had very little data on the full impact of the “full bill” before we voted on it. We lacked even basic information about how much it would cost to implement the “full bill,” and whether the “full bill” included funds sufficient to educate the public on its radical changes to voting in North Carolina. Based on my study of the experiences of other states, I believe it will require the massive investment of state funds to adequately educate the public about these changes. Furthermore, all of my efforts to improve upon the original version of HB 589, in particular by expanding the universe of acceptable types of photo identification, were abrogated with the vote to concur in the “full bill” version.

26. Other than HB 589, I cannot recall a single bill of similar constitutional significance that came before the full House without at least one House committee examining the bill prior to its adoption. In particular, it was shocking that such a radical change to voting in our state would not go through the House Elections Committee before a vote by the full House.
27. The legislative process that resulted in the House’s passage of the “full bill” version of HB 589 could not have been more different than the House’s 2007 adoption of legislation allowing for same-day registration during early voting (HB 91), which HB 589 eliminated. The latter process occurred over more than five months and featured multiple committee hearings, including before the House Committee on Election Law and Campaign Finance Reform on which I served, the Select Committee on Government and Election Reform, and a Conference Committee. These committee hearings came with the opportunity to offer amendments and for experts and the public to weigh in on the bill’s provisions. Legislators could also offer amendments during the full House debate on same-day registration. In short, the legislation authorizing same-day registration was fully vetted by the House before its adoption. Moreover, the differences between the House and Senate versions of HB 91 were addressed through a conference committee process between the chambers, not through a simple concurrence vote in the House.

28. Once we finally received the “full bill” version of HB 589, each and every member of the House Democratic Caucus present (two of our members had excused absences) indicated that they wished to speak in opposition to the bill’s radical changes to voting in our state—an unprecedented event. This was the first, and only, time this had happened in my tenure in the House. I felt I could not remain silent in the face of this blatant effort to make it more difficult for North Carolinians, and, in particular, African-Americans to vote.

29. Despite the fact that over 40 members of the House, including every single African American House member, wanted to speak in opposition to the “full bill” version of HB 589, the House Speaker only allocated a little over 90 minutes for us to speak. This worked out to less than two and half minutes per legislator. Opponents of the “full bill” version of HB 589
had less than two hours to state our position with respect to the newly added voting restrictions while the limited version of HB 589 had received nearly four weeks of consideration. Normally there is an unlimited amount of debate allowed for bills, including those considered via the concurrence process.

30. Even with the procedural limitations, opponents of the “full bill” version of HB 589 emphasized the disproportionate impact it would have on African American and Latino voters. My comments focused on how the bill would impose the most restrictive voter photo identification provisions in the country and would cut back on the early voting period that had allowed two and a half million North Carolinians to vote across the State. Remarkably, the vast majority of supporters of the “full bill” version of HB 589 left the House chamber during the brief time opponents had to comment on the measure—a further slight to those of us who sought the opportunity to have an open discussion with supporters of the bill about the negative impact that the “full bill” version would have on voters in North Carolina. This response to the substantive and valid concerns raised by legislators such as Representative Mickey Michaux, who marched for civil and voting rights with Reverend Dr. Martin Luther King, Jr. and John Lewis as a youth and later becoming the third post-Reconstruction African American member of the North Carolina General Assembly, was beyond dismissive and disrespectful.

31. I was so troubled by the actions of supporters of the “full bill” version of HB 589 that I took a picture of their empty chairs during this debate and posted it on social media. I thought my followers, who include a number of my constituents, would want to see that supporters of HB 589 were unwilling to hear opposing arguments.
32. Despite their absence during our exceptionally truncated debate, there is no doubt in my mind that supporters of the “full bill” version of HB 589 understood it would have a disproportionate impact on African American and Latino voters.

33. The only member of the House to speak in support of the “full bill” version of HB 589 was Representative David Lewis. He provided no rebuttal regarding the provisions’ impacts on minorities, which were simply ignored by the bill’s supporters. The fact that only Representative Lewis spoke in favor of the “full bill” version of HB 589 underscored the fact that there was no real House debate on its provisions. I believe that this maneuver was strategically designed by supporters of the legislation and those advising them to limit the legislative record on the “full bill” version of HB 589.

34. As I mentioned above, I have been a member of the Joint Legislative Elections Oversight Committee since 2013. By statute, this committee is charged with, among other responsibilities, examining North Carolina’s election administration regulations on a continual basis in order to make recommendations to the General Assembly on ways to improve the elections process. To that end, the committee is required to study the policies of the county and state boards of elections, elections statutes and court decisions, and other states’ initiatives with respect to election administration to determine ways in which the legislature can improve election administration in North Carolina. This committee is also required to make interim reports to the General Assembly with recommendations or proposed legislation concerning such improvements.

35. Even though the Chair of the joint committee has scheduled regular meetings for the first Wednesday of every month, the committee has only convened once since I have been a member. That meeting, held on October 2, 2013, was limited to a discussion of various changes
that HB 589 made to the state’s campaign finance laws. At no point did we discuss the way in which the various other changes to the state’s election laws under HB 589—like the shortening of early voting, the elimination of same-day registration, or the elimination of out-of-precinct voting—would affect election administration in 2014. Moreover, this committee has never called any witnesses or elections officials from other states that have imposed similar restrictions on voting, like requiring all voters to present a photo identification to vote, to discuss how North Carolina can administer the changes it has made to the elections process under to HB 589. I am concerned that administering the election law changes discussed above, individually and in concert with each other, will present administrative challenges for elections officials during the upcoming elections in 2014 because these new restrictions to voting are such a stark departure from election practices that have been in place for years—especially in light of the constrained budgets that counties throughout North Carolina currently face.

The Impact of HB 589: Photo ID Requirement

36. African-Americans, senior citizens, young people and the elderly disproportionately lack the photo identification required by the “full bill” version of HB 589.

37. The low income and African American communities in North Carolina disproportionately rely upon non-personal means of transportation. Members of these communities without valid photo identification pursuant to HB 589 are more likely to have a difficult time obtaining the proper photo identification.

38. I have heard concerns from many of my senior citizen constituents that they do not have photo identification acceptable pursuant to HB 589. The senior citizen population disproportionately does not drive and, therefore, disproportionately lacks drivers’ licenses. The
“full bill” version of HB 589 does accept expired driver’s licenses for those over the age of 70, but many senior citizens simply do not hold on to their expired licenses.

39. I have also had constituents reach out to me concerned about whether nursing home residents will be able to vote. One such constituent expressed concerns about her mother, who lives in a nursing home, does not drive, and does not have a valid photo identification pursuant to HB 589. For this reason, HB 589 will make it much more difficult for this senior citizen to cast her ballot.

40. Young people are also less likely to drive and have a driver’s license, especially those living on a college campus. This, coupled with supporters of HB 589’s unwillingness to accept photo identification issued by public and private colleges as well as high schools, will make it more difficult for young people to vote. Failure to include these perfectly valid examples of photo identification—even when issued by a state institution such as the University of North Carolina—in the documents accepted by HB 589 highlights the intent to suppress the youth vote.

The Impact of HB 589: Cut to Early Voting

41. North Carolinians rely heavily upon the full seventeen-day early voting period. I observed a huge turnout during the early voting period in each of my campaigns. Turnout was particularly heavy the weekends of the early voting period.

42. The expansion of early voting over the years significantly diminished wait times at the polls for voters.

43. The elimination of the first week of early voting (including one Sunday) will disproportionately impact low income, African American, and young voters. Many of my low income and African American constituents in the old District 57 rely upon public transportation in Greensboro or High Point to get to the polls. The current District 57 is far more rural and has
very limited public transportation options. Accordingly, many of my low income and African American constituents in the new District 57 rely upon friends or volunteers for rides to the polls. Communities relying upon public transportation will face further challenges in the coming days as the Greensboro City Council will raise bus fees as well as limiting service in the coming days. In addition, the loss of a Sunday of early voting will particularly burden African American voters as many African American churches in my district assist their parishioners getting to the polls after services conclude. Young people also disproportionately rely upon public transportation, especially college students who do not have their cars on campus.

44. The seventeen-day early voting period gave these communities greater flexibility in casting their ballot because they could arrange to share transportation and vote at any early voting location in the county. Eliminating the first week of voting, and invalidating out-of-precinct ballots, will disproportionately burden these individuals, making it more difficult for them to vote.

45. The constituent feedback I received about the seventeen days of early voting was uniformly positive. In particular, my constituents noted that the existence of a seventeen day period made the voting process much more seamless and accessible.

The Impact of HB 589: Same-Day Registration

46. The advent of same-day registration has provided a huge benefit to North Carolina voters, especially those in disproportionately transient communities such as African American, low-income, and student populations.

47. There is less home ownership in African American and low-income communities in North Carolina, meaning these populations move more frequently. Same-day registration made it much easier for these individuals to participate in the electoral process as they were not
required to master election law regarding absentee ballot or registration deadlines in order to participate in the upcoming election.

48. The African American and low-income communities in North Carolina disproportionately rely upon non-personal means of transportation. Many of my low income and African American constituents in the old District 57 rely upon public transportation. The situation is even more difficult in the current District 57, which has very limited public transportation options. Same-day registration allowed voters to register and vote on the same day, making it much easier for communities without personal transportation to participate in the electoral process.

49. Based on my work at the polls, I know young people also disproportionately relied upon same-day registration. This was especially the case for those voting for the first time in a new area. Same-day registration allowed college students to get acclimated to their new campus surroundings while also participating in the electoral process. Without same-day registration many of these student and other young voters likely will not be able to vote as they are not familiar with the nuances of North Carolina’s absentee balloting and registration procedures.

50. I strongly believe we should have expanded our state’s voter-friendly same day registration system as opposed to eliminating it.

The Impact of HB 589: Out of Precinct Voting

51. The invalidation of previously valid out of precinct ballots will disproportionately impact low-income and African American communities. The invalidation of out of precinct balloting will greatly impact these communities as they are more reliant upon public or non-personal forms of transportation that can, in turn, lead to casting of an out of precinct ballot.
52. In my time working the polls, I regularly encountered voters casting a provisional ballot because they were outside of their home precinct or could only access transportation to a location outside of their home precinct.

53. An episode that I observed occasionally was voters being dropped off by a friend or getting off of public transportation at a precinct other than their home precinct. These voters were rightly voting in House District 57 but were simply not at their home precinct. When these voters contacted the county board of elections they were told to cast a provisional ballot if they could not get to the proper precinct in time. This is no longer an option due to the enactment of HB 589. As a result, these voters will not have their ballots counted and will not have the opportunity to have their voice heard through the ballot box.

54. This declaration is not intended to capture all of my knowledge or experiences that may be related to this matter.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 1, 2014.

Mary Price Taylor Harrison