EXHIBIT F
VIDEOTAPED DEPOSITION OF

SENATOR EARLINE W. PARMON

________________________________________________
1:02 P.M.
Friday, June 27, 2014

________________________________________________

Kilpatrick Townsend
1001 West Fourth Street
Winston-Salem, North Carolina

By: Amy A. Brauser, RPR, RMR, CLR
Forsyth County.

Q. Okay. Is that completely within Forsyth County?
A. It is.

Q. And do you have an occupation other than being a state legislator?
A. No.

Q. Okay. Can you tell me a little about your occupational background, what you've done in the past?
A. Most of my life has been in education administration.

Q. Okay.
A. Community advocate and organizer.

Q. Okay. All right. And when were you first elected to the legislature?
A. I was elected in 2002, started my first term in 2003.

Q. All right. And have you been continuously elected every year since then?
A. I have been.

Q. All right. So there have been no gaps in your legislative career since 2002?
A. That's correct.

Q. All right. And you understand that you gave a what's called a declaration in this particular case,
A. The job of the chair of the Education
K through 12 committee was to ensure that the agenda
was set and to preside over all meetings for the
General Assembly on set days of the committee
meetings.

Q. All right. Did the chairman generally get
to control which Bills got heard by the committee?
A. To some extent.

Q. Okay. Who -- who else could control who
the -- which Bills the committee heard?
A. The chair of the Rules Committee or the
speaker of the House.

Q. Okay. So between the speaker, the Rules
Committee chairman and then the chairman of the
committee, those three individuals would generally get
to decide what the committee would hear?
A. Yes.

Q. All right. I just want to ask you a few
questions just about the legislative process in
general. Does every Bill generally get heard in a
committee of some sort before it's enacted into law?
A. No.

Q. Okay. Does every Bill get a public hearing
before it's enacted into law?
A. No.
Q. I understand that when the House passes a version of the Bill and the Senate passes another version and there's a difference, that sometimes there's what's called a conference committee that's established. You're familiar with that?

A. Yes.

Q. All right. Is it -- is it -- is it the case that in every case a conference committee always resolves the differences between the House and the Senate?

A. Not in every case.

Q. Okay. Are there occasions when the one chamber will make changes and it'll come back over before just a concurrence vote?

A. That is correct.

Q. Okay. All right. Are you familiar with some lingo that I'm aware of down at the legislature called gut and amend?

A. Yes, I am.

Q. What does that mean?

A. That means that a Bill that may have had a title dealing with a total different subject is gutted and something -- another Bill replaces it.

Q. Okay. So they literally strip out all the substance of the former Bill and replace it with a
A completely new Bill?

A. Yes.

Q. All right. Is that relatively common occurrence?

A. It happens on occasions.

Q. And does it typically happen closer to the end of session when there's a time crunch?

A. It does.

Q. Speaking of the end of session, is it -- is it the case that a lot -- that a significant number of Bills get enacted towards the end of the session when there's a deadline to leave?

A. It does.

Q. Okay. All right. Let me ask you a few questions about the conference committee. Have you ever served on a conference committee?

A. I have.

Q. All right. Is it -- is it true that the conference committee meets in secret?

A. I wouldn't say in secret. It's -- the conference committee can meet without public notice.

Q. Okay. Are the conference committee meetings generally open and free to the public to attend?

A. It depends on who's chairing it and how they want to --
Q. All right.
A. -- operate.

Q. Have you ever been involved in a conference committee that did not have members of the public present?
A. I have.

Q. Okay. Tell me what you do, generally, when you are -- you come up with an idea for a Bill, then you're going to get it drafted and et cetera -- I don't need any specifics -- but just what do you do in general when you're developing an idea to turn it into a Bill?
A. Generally, when you come up with the idea and you want to get it drafted, you seek other members of the General Assembly to sponsor that Bill with you. And you find your sponsors -- you have what you call primary sponsors and that can be up, in the House, up to four people. Generally, that is the way most of us do it in order to have support and to get support for the Bill. And after that is done, the Bill is filed and other members of the General Assembly at that time can sign on as sponsors.
Q. Okay.
A. Cosponsors.
Q. And then in the process of actually drafting
the Bill, putting pen to paper, who does that?

A. Our staff works at drafting, the staff work with it. Sometimes you may call on -- specifically if it is education, you may call on members of educational groups or other people that have an interest, stakeholders in the particular legislations to get their opinion. Sometimes people that may be opposed, you may call on them to see if they would like to have some input into drafting the Bill, so that once it's drafted you have a better opportunity of it passing without a lot of controversy.

Q. And in -- is there any -- is there any rule that you have to share drafts of the Bill with the public?

A. I don't know that there is a written rule for that.

Q. Okay. All right. Essentially you can share the drafts with whomever you're comfortable sharing them with?

A. Yes.

Q. All right. And the staff itself, obviously they can't share it with anybody?

A. That's correct.

Q. And is it -- is it fairly typical that, in your experience, that members drafting Bills don't
make them available -- don't make the drafts available to the public?

A. In my experience that is true.

Q. You've been through several rounds of redistricting I believe; is that correct?

A. Yes. I would say two at least.

Q. Okay. So you were there in 2003 when they had some redistricting, right?

A. Yes, I was.

Q. And then, of course, you were in the legislature in the prior, what was it, 2011 --

A. Yes.

Q. -- redistricting?

A. Yes.

Q. And just so I make sure. You were initially elected to the House of Representatives, right?

A. That's correct.

Q. And how long did you serve in the House?

A. Ten years.

Q. And when were you appointed to the Senate?

A. I was elected to the Senate.

Q. I'm sorry, when were you elected to the Senate?

A. 2000 -- this is '14, 2011, I think that's -- 2013 --
Q. Okay.

A. -- because I'm in my first session.

Q. All right. So in the 2011 redistricting you were still in the House?

A. Yes.

Q. Okay. All right. Is the redistricting Bill, to you, is that a major piece of legislation?

A. It is.

Q. Is it a very important piece of legislation?

A. It is.

Q. Okay. I'm going to mark your declaration as the next exhibit -- 155, is that it?

(EXHIBIT NUMBER 155 WAS MARKED FOR IDENTIFICATION)

MR. STRACH: Okay. Here you go. I've got a copy for you.

BY MR. STRACH:

Q. And, Senator Parmon, if you would just flip through that. This is your declaration that's been marked as Exhibit 155, and if you would just flip through that as quickly or slowly as you would like to, and just confirm that that appears to be an entire copy of your declaration.

(WITNESS REVIEWS DOCUMENT)

A. Okay.

Q. Does that appear to be your entire
A. It is.

Q. Okay. If you will look at Paragraph 4 which is on page 3, and about halfway down it says that:

(Reading)

Unlike with all other major legislation of the magnitude of HB 589 that I have seen during my tenure in the General Assembly and as a member of the Senate Rules Committee, there was no advanced notice of the proposed legislation.

What did you mean by "there was no advanced notice"?

A. What I meant in making this statement is usually when there's a Bill of a magnitude of what I saw in 589, that the committee will say -- will send out a notice that the committee will be meeting and will be taking up 589. We will vote on it, or it will not be voted on, it's for discussion only.

Q. Okay. And as you recall, when the Senate Rules Committee first met regarding H 589 -- and you know what I mean when I reference a proposed committee substitute --

A. Yes.
Q. Are you aware of any impact that same-day registration has on the ability of the Board of Elections to verify voters before their ballot is counted?

A. No, I'm not.

Q. Okay. Are you familiar at all with the way the Board of Elections goes about verifying that voters are eligible to vote?

A. Yes.

Q. Okay. Tell me what you know about that.

A. I know that a voter uses a card to register to verify their name, birth date and certain other vital information. They turn that in to the Board of Elections who then verifies by address if the voter is a legal resident of the county.

Q. Do you know -- do you happen to know the specific process by which the Board of Elections engages in that verification of the address?

A. I do not.

Q. Okay. All right. So would it be fair to say then you would not know of any impact same-day registration would have on that process?

A. Can I --

MR. WOOD: If you don't understand the
question, you can just say you don't understand.

THE WITNESS: I do not understand --

MR. STRACH: Okay.

THE WITNESS: -- what you're asking.

MR. STRACH: Okay. All right.

BY MR. STRACH:

Q. Do you -- do you know -- is it fair to
say -- let me try to rephrase it. Is it fair to say
that you don't have any knowledge, personal knowledge,
regarding the impact of same-day registration on the
State Board's ability to verify voters?

A. Yes.

Q. Okay. And then if you'll look, Senator
Parmon, at Paragraph 25 which is on page 10. And this
is a paragraph in which you discuss Senate Bill 666
which contains some other election-related provisions;
is that right?

A. Yes.

Q. And two of those were regarding shortening
the early voting period and repealing same-day
registration, right?

A. Yes.

Q. And that was -- that Bill was filed on
April 2nd, 2013; is that right?

A. That's correct. April -- April 3rd it looks
Q. That's --
A. Yes, April 2nd.
Q. April 2nd, yes, ma'am.
And you mention in there that you were opposed to that Bill; is that correct?
A. I did.
Q. What steps did you take to oppose that particular Bill? Did you do anything?
A. I didn't do anything, because I don't think the Bill ever came out of committee.
Q. Okay. Did you do any research in order to be prepared in the event that that Bill came out of the committee?
A. No, because when it went to committee, there was no discussion, and it was pretty much a dead Bill.
Q. All right. Did you have any discussions with your constituents about this particular Bill or the ideas that it contained?
A. I didn't have the opportunity to have much discussion with my constituents because the short time frame, but I did talk to my colleagues.
Q. Okay. But you'll agree that you, beginning with April of 2013, you knew that these were potential ideas that would come up during the session?
A. I did not.

Q. You knew because they were in a Bill that had been filed, correct?

MR. MANER: Objection to form.

BY MR. STRACH:

Q. You can go ahead and answer.

A. Can you repeat the question?

Q. Sure. Absolutely.

You -- you knew that these ideas were in a pending Bill in the legislature as of April 2nd, correct?

A. I did not. Because it was in the Rules Committee, and usually when a Bill goes to the Rule Committee, we never see that Bill again. It's just because of process usually when a Bill goes to Rules, we don't see it again. So I had no idea that we would see the language in 666 again.

Q. Okay. And that wasn't a -- just being specific, that was an assumption you made because it went into the Rules Committee, right?

A. Historically -- I made that assumption based on how we historically operate in Bills -- of the process, let me just say.

Q. Okay. But it was an assumption based on your historical knowledge of your time in the
Q. Go ahead. Yeah, please feel free to tell me.

A. One is the elimination of straight party ticket voting.

Q. Okay.

A. There were only one site for intercity voting, and that would -- where most people would have to go to vote that lived in the city. So it would just make longer lines and waiting for people to vote.

Q. All right. Now, the -- the decision to have one site in the intercity is a decision that the county board makes, not the legislature, correct?

A. That's correct.

Q. In your experience, prior to the passage of House Bill 589, did people have to wait in line longer than five minutes in elections?

A. Maybe in some instances, but because there were more than one sites, people had options to go. And if they went to one site and there were lines, they could go to other because it was more than one site to go to.

Q. Okay. So that's a problem connected with the number of sites --

A. Yes.

Q. -- correct?
A. Uh-huh.

Q. Okay. If you'll look at Paragraph 40 which is on page 15. This addresses the 2011 redistricting and split precincts; is that correct?

A. Yes.

Q. And is it true that the folks who were assigned new districts have had the 2012 elections to learn where their new precinct locations are?

MR. JOYNER: I'm going to object, but go ahead and answer.

A. I can't speak for, you know, certain individuals and what they learned in the amount of time.

Q. Sure.

But -- okay, is it fair to say, though, that folks have had the opportunity in the 2012 election to learn where their new precinct was?

MR. WOOD: Object to form. Go ahead.

A. Some people may have and some may not.

Q. Okay. And then the same is true with the 2013 municipal elections, folks would have learned where their new precinct locations were then too?

MR. WOOD: Object to form.

A. Some may have.

Q. All right. Okay. And in Paragraph 41,
the scope of what I was addressing here in 42.

Q. Sure. And obviously the other people will make decisions about what's relevant and out of the scope. I'm just asking if you can offer an opinion on that, or if you are declining to offer an opinion on that?

MR. WOOD: Object to form. Go ahead.

A. I think if you want my opinion --

Q. Yes, ma'am.

A. -- I think that if someone is legally registered and meet the qualifications for voting in North Carolina and that they are in another county, yes, it should be counted for a statewide vote.

Q. Okay, thank you.

Okay. Senator Parmon, I'm going to move to a few other documents to ask you to look at and the first one we will mark as Exhibit 156.

(EXHIBIT NUMBER 156 WAS MARKED FOR IDENTIFICATION)

BY MR. STRACH:

Q. Senator Parmon, you mentioned earlier that you were present in the House during the debate over the 2003 House Redistricting Plan; is that correct?

A. That's correct.

Q. And does this -- are you familiar with the General Assembly's web site?
this exhibit for the 2003 House Redistricting Plan,

based on your memory, does that look correct?

A. According to this document, yes.

Q. Okay. Do you recall the Bill beginning in

the House chamber on November 24th?

A. Yes.

Q. All right. And according to this, do you

recall the House passing that Bill with its second and

third reading on the same --

A. Yes.

Q. -- I'm sorry, on the same day?

A. Yes.

Q. And then it went over to the Senate and was

referred to the redistricting committee; is that

right?

A. That's correct.

Q. And on November 25th it appears that the

Senate redistricting committee reported out a

committee substitute; is that right?

A. That's correct.

Q. And then the -- the committee substitute was

placed on the Senate calendar that same day,

November 25th, correct?

A. Correct.

Q. And it passed its second and third reading
in the Senate, correct?

A. That's correct.

Q. And then do you recall that day when it came back to the House to be concurred in?

A. I see on the record that it -- it was --

Q. All right.

A. -- received back in the House.

Q. Do you have any independent recollection of that day?

A. I do not.

Q. All right. And is it correct that the process as displayed by this document does not show that it went into any conference committee?

A. According to this document it doesn't.

Q. Okay. So according to this document, the Senate changed the Bill and sent it back to the House and the House concurred in the Senate's changes?

A. Yes, according to this document it did.

Q. Okay. Senator Parmon, I'm going to hand you another document that is going to be marked as Exhibit 157. There you are.

(EXHIBIT NUMBER 157 WAS MARKED FOR IDENTIFICATION)

BY MR. STRACH:

Q. Senator Parmon, this is a transcript of the session on November 24, 2003, for that 2003
Redistricting Plan?
A. Uh-huh, yes.
Q. And, of course, take as much time as you would like to with the document. My initial question is, does this refresh your recollection at all regarding the -- that particular session?
MR. MANER: Phil, do you have any more copies of that?
MR. STRACH: I do have one, I think.
MR. MANER: Thank you.
(WITNESS REVIEWS DOCUMENT)
THE WITNESS: Okay. I'm finished.
BY MR. STRACH:
Q. Okay, thank you, Senator Parmon.
Were you physically present during this particular session of the House of Representatives?
A. I was.
Q. All right. Do you have any reason to doubt the accuracy of the transcription of that session?
A. I do not.
Q. Okay. If you will look at page 4 of this transcript -- the numbers are in the top right-hand corner of each page.
A. Okay.
Q. It references the speaker being Speaker
yes.

Q. Okay. Did the district that ultimately got enacted differ from what the district you had provided input on?

A. I can't recall exactly if --

Q. Okay.

A. -- I can't recall exactly.

Q. All right. That's fair.

If you will look at page 5, this contains some remarks by Representative Culpepper. Do you remember who that was?

A. I do.

Q. Who is that?

A. Representative Culpepper was the chair of the Rules Committee.

Q. Okay. All right. And he -- on this particular page it appears that he's reviewing the rules. It says here: (Reading)

These are pretty standard rules that we have adopted for previous extra sessions. It looks like he was looking at the rules; is that correct?

A. Yes.

Q. And if you'll flip the page, he references
Section 7 which allows for the Speaker to place a resolution or a Bill on calendar without it being referred to a committee. Do you recall that that was the rule that was adopted for this particular process?

A. I don't personally recall but it says here.

Q. All right. Is it unusual in the normal legislative process for the Speaker to be able to put a Bill on the calendar without it going to a committee or being referred to a committee?

A. Is it unusual?

Q. Yes.

A. Yes.

Q. Okay. And then it says that Section 8 allows for more than one reading to occur on the same day without a suspension of the rules. Let me ask you this. In -- let's say in 2000 -- in the 2010 short session, you would have been in the House, correct?

A. That's correct.

Q. What would have been the rule for dispensing with a third reading on the same day?

A. I don't recall because the rules change.

Q. Okay.

A. From session to session they change, so I don't recall what it would have been.

Q. All right. Do you know what the rule is
this particular session?

A. I don't.

Q. Okay.

A. Not from memory.

Q. Do you know if it would be unusual to allow a third reading to occur on the same day without having to suspend the rules?

A. Would you repeat the question?

Q. Yes, ma'am.

Would it be unusual to allow a third reading on the same day without having to suspend the rules?

A. Yes.

Q. Okay. And then if you will look at page 10, it looks like in the middle of the page the Speaker says that House will be in recess until five, and then according to this transcript, you came back at 5:09 p.m. Do you recall that, coming back in the evening for that session?

A. No.

Q. Okay. The Speaker then says, he brings the House to order and he says: (Reading) The staff will pass out the Bills, and the intention is for you to have until 6:00 to look at the Bill, look at your precincts, and then we
will begin the process.

Do you recall that at all?

A. No, I do not.

Q. All right. Is it unusual for the members to have less than an hour to review a Bill before they're going to take a vote on it?

A. Is it usual?

Q. Is it unusual?

A. Unusual, yes.

Q. Particularly a Bill as big as a redistricting Bill, correct?

A. Yes.

Q. All right. And then Senator Parmon, if you'll look at page 31.

A. Okay.

Q. And I'm looking particularly in the middle of the page at the remarks by Representative Michaux?

A. Yes.

Q. Do you recall him making remarks on the House Bill at this time?

A. I do remember Representative Michaux making remarks.

Q. All right. He says -- in the second paragraph he says: (Reading)

I have a problem with, number
(EXHIBIT NUMBER 158 WAS MARKED FOR IDENTIFICATION)

BY MR. STRACH:

Q. And, again, this comes off the General Assembly web site. It's a voting tally for a particular Bill. Does this look -- does this format look familiar to you?

A. It does.

Q. And this particular roll call transcript concerns Senate Bill 133 from 2005, the Bill reconfirming provisional voting, and I think we talked about that Bill earlier that you talked about in your declaration; is that correct?

A. That's correct.

Q. And do you recall -- the first page of this exhibit is the House vote.

A. Yes.

Q. Is it fair to say based on what this sheet displays that this was a party line vote?

A. Yes.

Q. All right. And then on the second page shows the Senate vote. Is it fair to say that the Senate vote was also a party line vote?

A. Yes.

Q. Senator Parmon, with respect to the process followed by House Bill 589, do you contend that any
legislative rules were actually broken in that process or violated?

A. I don't know what the rules as written for this session really says, so I can't say that the rules were broken, any rules were broken.

Q. Okay. Do you recall whether any amendments were allowed to House Bill 589 when it was in the Senate?

A. No.

Q. Okay. Do you recall an amendment being allowed from Senator Josh Stein?

A. I don't recall.

Q. All right. Do you recall an amendment being allowed from Senator Dan Blue?

A. I don't recall.

Q. All right. Do you remember how many days of debate on the floor of the Senate there were on House Bill 589?

A. To my recollection, one.

Q. Do you recall whether or not a third reading was objected to on the first day so that another day of legislative debate could be held?

A. I'm not sure.

Q. Okay. During the -- when I use the term point of order, do you know what I'm referring to?
A. Yes.

Q. That's -- is that a way for a member of the Senate, let's say, to object and point out a rules violation?

A. Yes.

Q. Did you raise any points of order during the debate on House Bill 589 in the Senate?

A. I did not.

Q. Okay. Do you recall if anyone else did?

A. I do not.

MR. STRACH: Swain, are you all going to have questions?

MR. WOOD: Yes.

MR. STRACH: Okay. Then I'm done for now and I'll --

THE WITNESS: I'd like to take a break.

MR. STRACH: Yes, let's please take a break. That's a great idea.

THE VIDEOGRAPHER: Off the record at 2:12 p.m.

(RECESS TAKEN)

THE VIDEOGRAPHER: Back on the record at 2:36 p.m.
A. That's correct.

MR. STRACH: Objection to form.

Q. All right. Now -- and I think the intent here was to draw some comparison between the rules for this extra session and the adoption of the 2003 Redistricting Rules and the series of events which surrounded the adoption of HB 589. Based on your experience, are the two situations comparable?

A. No, they are very different.

Q. Okay. In what way do they differ?

A. Operating under the rules for the regular session that's adopted by the members of the General Assembly is very different than the rules for operating under the extra session where we can only deal with a specific issue for which we were called back into session. The rules dealing with regular session outlines how Bills would be heard, the committee process and that sort of thing, and extra session would not have rules to that magnitude because we could only focus on one issue.

Q. Okay. Now, and I know you weren't in the General Assembly at the time that the original House Bill 3 or the redistricting Bill for 2003 was enacted. But do you know if there was committee hearings and public input relating to the redistricting in the --
following the 2000 census?

A. Yes. As a member of the community that kept up with redistricting and having been a part of redistricting in the community, very much was aware that a lawsuit had been filed based on redistricting and that that lawsuit took quite a few years, a couple years, I think. And I think we were called back in session to deal with that lawsuit that had been filed.

Q. Okay. Now, with respect to House Bill 589, do you -- was there a lawsuit involved with that piece of legislation?

A. Not to my knowledge.

Q. Okay. Were -- were special rules enacted?

A. Not to my knowledge. The only -- the rules that we were abiding under was the rules that had been adopted by us as members of the General Assembly for the operation of that session.

Q. Okay. Now, notwithstanding in -- in a response to a question that you had earlier, you indicated that none of the rules of the General Assembly were violated in the enactment of 589; is that correct?

A. The question as asked pertaining -- it said to my knowledge, were any rules broken, and I think my response was no. And my response to that was just
based on whether I remember any specific rules then --
written rules that -- but -- as far as the process,
that was a concern. But the written rules, I can't
recall whether we went back to see if any written
rules had been violated.

Q. But -- but they did violate the normal
protocol?

A. The process --

MR. STRACH: Objection.

A. -- and protocol.

Q. All right. How were the normal protocol
violated?

A. The normal protocol and process for a Bill
to be heard, it first would be referred to the
committee of substance that would have a hearing and a
committee hearing announcement to the public that that
Bill would be heard in committee, date and time, room.

And with the House Bill 589 that was not
done, and that was unusual for an election law Bill to
be heard in Rules during a recess of a session.

Q. Okay. Now, I'm just trying to get some
clarity on exactly what the process was. Initially,
HB 589, as I understand it, was a voter ID Bill?

A. Exactly, the -- originally 589 was a House
Bill that had proposed changes to the election law
requiring voters, eligible voters, to have obtained a
photo ID in order to be able to vote, and that
Bill 589 came over and it went to Rules.

Q.   All right. Now, let me just ask you, did
the original 589 include provisions about any other
thing dealing with voting?

A.   No. House Bill 589 dealt primarily with
voter ID for voting, photo ID for voting.

Q.   Do you know if there were committee
discussions and public input as it related to the
original HB 589?

A.   There were many public hearings, committee
meetings held on House Bill 589 with only provisions
voting to voter ID. And none of the provisions at
that time during the public opportunity to speak on
the Bill or committee meetings that we see the
provisions that came out in the Senate.

Q.   All right. So when the House voted to --
and passed 589 and sent it over to the Senate for its
consideration, what happened to the Bill?

A.   It went to the Rules Committee.

Q.   Is that the normal positioning that that
Bill would end in?

MR. STRACH: Objection, foundation.

A.   No, normally a Bill that passes the House
and comes to the Senate would be referred to the
committee of essence that would see that Bill. And in
the Senate it would have been a judiciary committee,
because we don't have an election law committee in the
Senate as the House does. So it would have gone to a
J committee for a committee hearing, it would have
been placed on the committee agenda, public notice
would have gone out that House Bill 589 was going to
be heard, the date, the time and the room.

Q. Okay. Do you know why the Bill went to the
Rules Committee rather than to the Judiciary
Committee?

A. Usually historically and procedurally when a
Bill goes to the Senate Rules Committee, it means that
essentially it's a dead Bill. As members, we refer to
it as the Bill graveyard.

Q. All right. Now, you indicated earlier
that -- that this process was unusual. Was that one
of -- and by "that" I mean referring this Bill to the
Rules Committee, was that one of the unusual and
irregular things that occurred with 589?

MR. STRACH: Objection.

A. With 589, it was.

Q. Okay. Now, were you a member of the Rules
Committee?
A. I was.

Q. All right. And what was your first -- well, to the best of your recollection, what was your first contact with HB 589 as a member of the Rules Committee?

A. I first saw House Bill 589 on July -- I can't recall the date.

Q. Okay. You need to look at your declaration?

A. Yes, all right. I have it, the date was July 23rd.

Q. Okay. And do you recall what was contained in the Bill, in 589, when you first saw it on July --

A. The 23rd.

Q. -- the 23rd, that's correct?

A. Well, when I saw the revised version of House Bill 589 it contained several -- several areas of new -- new legislation, proposed legislation. It was a new Bill, basically, than the House 589, that was calling for photo ID. This Bill 589 as it was presented to us in the Rules Committee on July 23rd had proposed eliminating same-day registration, shortening early vote. The initial version had -- that would call for students -- parents not to be able to claim them on their tax return if they're registered other than where they lived. It also
contained a provision that eliminates same -- straight
party ticket voting, several things that we had never
ever seen before in 589.

Q. Okay. Was that inclusion of all of these
different provisions in the Bill, was that unusual?

A. It was, because it was a new Bill.

Q. Do you know how the other provision or these
additional provisions got introduced into 589?

A. I do not, because there certainly -- even in
the Rules Committee, they would look at the Bill and
have a PCS, a proposed committee substitute, and if
that's adopted, then it happened. This 589 when we
were presented to -- presented 589 as members of the
committee, these provisions were already drafted and
there had been no prior discussion in the committee.
These provisions were already agreed to by someone and
placed in there, and a motion was made to accept this
PCS before there was any discussion by members of the
committee.

Q. Tell us -- just describe the deliberations
or the conversations that members of the committee had
after this Bill was presented to them?

MR. STRACH: Objection. Irv, could you
be more specific as to which committee meeting
you're talking about?
MR. JOYNER: I'm referring now to the Rules Committee.

MR. STRACH: But which Rules Committee meeting are you speaking about, the one where the Bill was initially distributed to members of the committee or to any subsequent Rules Committee meeting?

BY MR. JOYNER:

Q. At what point did -- what -- at what point did you receive the 589 in its amended form?

A. The initial Bill 589 that we saw was on July the 23rd at a recess of session, for a called meeting of the Senate Rules Committee.

Q. Okay.

A. And that was on July 23rd.

Q. On that date and in that committee, were there discussions of the contents of 589?

A. There attempted to be. Members like myself who had never seen the contents of this Bill before was asking how did all these provisions get put in the Bill, where was the meeting held that there was agreement or even discussion and there was very little debate. Several members, including myself, raised their hands to be recognized to ask questions, and we were told we had to get back to session and was not
able to ask questions about the new provisions and
really the new Bill.

Q. Okay. Did an occasion occur when you were
able to ask questions about the Bill or that there
were further discussions about the contents of 589?
A. On the floor of the Senate the next day we
were able to debate and ask -- not so much ask
questions, but debate Bills and try to offer
amendments.

Q. Okay. And this would have been which date?
A. The 24th. Let me look at the records. But
the next day would have been the 24th. I don't see it
here. Let me see if I --

(WITNESS REVIEWS DOCUMENT)

I don't see the date in my declaration, but
it would have been the 24th, the next day.

Q. Okay. When the Bill was presented on the
24th, it would have been on the floor?
A. Yes.

Q. Okay. Was there an opportunity to have
dialogue about the Bill?
A. It was.

Q. Okay. How much time was given or allocated
to a discussion on the Bill?
A. I don't remember in time, but there was a
lot of discussion and many members spoke on the Bill and some members tried to do amendments. In terms of time, I'm not -- I can't recall.

Q. Do you recall if there were any time limits placed on the ability of each person to speak?
A. Yes.

Q. And how much time was that?
A. Well, the rule says that a member can speak up to 20 minutes on a Bill, and then you may have a second opportunity to speak after that. And some members after they spoke the first time, was not given the second opportunity, as the rules say, to speak again. And there -- and I know in one particular instance I wanted to ask a question after my time had expired, and your opportunity to ask a question is not normally considered a part of your talking time, debate time, and I was not allowed to ask a question, because my time had been expired according to the rules.

Q. Uh-huh. And this was on the 24th, right?
A. Yes.

Q. Let me just direct you back to the 23rd, July the 23rd.
A. Uh-huh.

Q. Do you recall if public input was allowed on
the 23rd?

A. Absolutely not. There was no notice that we were going to meet on Senate Bill -- I mean, House Bill 589, because it happened in the afternoon during a session. And, generally, the public -- we don't have committees doing session, so there was not an opportunity to do public notification or for the public to be notified that there was going to even be a committee meeting.

Q. On which day was the 589 finally enacted by the -- by the Senate?

A. Best of my recollection, it was July 24th when it passed on Senate floor.

Q. Do you recall the vote on that date, what the division in the vote was?

A. It was a straight -- well, I would say it was along party lines, all of the Republicans voting for 589 and Democrats voting against 589.

Q. All right. I want to just direct you back to House Bill 3, the redistricting Bill.

A. Yes, sir.

Q. Do you recall whether that vote fell on party lines for the -- for its adoption? If you don't recall --

A. I don't recall.
So it wasn't -- it was an ongoing effort
over a number of years even after the Voter Right Act
of 1965 we still had to -- have coalitions to work
together to encourage and inform people that they had
a right to vote and that they couldn't be fired from
their jobs because they registered.

Q. Okay. And over the years leading right up
until today, have you been continuously involved in
these voter registration and voter education efforts?

A. Right up until right -- 30 days before the
primary this time, I've been a part of registration
drives. And the reason I say up to 30 days before the
primary this time, because early One-Stop Voting was
done away with, was eliminated. So we had to
ensure -- all the folk that wanted to vote in the
primary had to be registered 30 days, 25 or 30 days
before the actual primary.

Q. And did you -- did you run into any problems
with that, or did people have any problems with
this --

A. Oh, people were very confused. Because
people weren't used to -- they thought they would have
extra time if they didn't get to register. They
thought they could actually go register and vote at
the same time, because that had become a thing that
people were getting accustomed to. Ran into several people that we were able to register, but they couldn't vote because of the time had been shortened and they could not do early voting.

Q. Now, at some point you became a candidate for elective office?
A. Yes, sir.
Q. When was that?
A. I became a candidate in 1989 for the office of county commissioner in Forsyth County, and I was elected in 1990.
Q. How did that come about?
A. Because of my years as a community organizer and working in campaigns in Forsyth County, helping other people get elected, the community -- well, it was because of redistricting and single member districts being established for school board, county commissioner and the state house. A lawsuit was actually filed and single member districts were established.

And so after that was established for North Carolina, people in this community said to me, well, it's time for you to stop helping other folk and become a target -- no, I just said -- but become a part of the process, and so I was encouraged to run
conversation or contact with other African American
groups and organizations from around the state that
encountered the same type problems?

A. Absolutely. I mean, it was -- in the
eastern part of the state it was even worse in terms
of getting African Americans to vote, because the
fear, the intimidation that went on in communities.
And we have actually gone into other areas to help
people to register and help other groups register
people to vote, with the NAACP, student groups. Yeah,
so we did it not only in Forsyth County but across the
state.

Q. So then would the push -- or the push for
legislation around early voting, would that have been
an idea that originated from the African American
community?

A. Right, and it was a statewide effort.
Constituents from all over the state of North
Carolina, once the idea was brought up and it was
discussed -- we used to have a statewide organization
called the North Carolina Black Leadership Caucus, and
voting and education and these kinds of issues were
issues that were discussed. And ideas would come up
in these statewide meetings of efforts to get our
legislators to provide more opportunities, legally,
and to tear down some of the barriers that were in
place legally to prevent people from voting.

Q. All right. Now, in 1999 the early voting
legislation was passed. Did it make a difference?
A. It did make a difference. With the longer
voting times you saw a great increase in the number
of -- particularly African Americans that voted,
because you had an extended period of time to vote.
Prior to that, the turnouts among African Americans
and low income citizens were very low, but with
extended days and times . . .

And then also during early voting we saw
events come about called, like, Souls to the Polls
where African Americans and churches and other
community organizations made this an event where
families could go to the Board of Election together,
and it significantly increased the number of people
that voted, particularly on Sundays.

Q. Why was it difficult before early voting was
enacted for African American -- poor African Americans
to vote?
A. Several reasons. One -- one that comes to
mind is financial impact. People had to work, low
income people, many of them had to work five to six
days a week. Go to work at 7 in the morning, get off
served on Health. I served on Education Appropriations and the Appropriations Committee.

Q. Okay. And in your capacity as a legislator, did you sponsor any legislation to deal with voting issues, voter registration issues and concerns?

A. Yes, sir, and I was proud to be one of the sponsors of the One-Stop Early Voting which allowed a person to register and vote the same day. That's a piece of legislation I will always be proud of.

Q. Okay. Why -- why did you feel it was necessary to pursue One-Stop One-Vote?

A. Similar to what I have said before is because in the low income community, people had less opportunities, because they worked and many times they could not get off work in time enough to meet the threshold for voting within a certain period of time. This way, this was another opportunity that gave people the opportunity to vote. It removed the barriers of transportation. And because of being low income and having to work five and six days a week, that traditionally kept people from registering and voting.

It gave people an opportunity to plan. It was many people that said, well, I'm going to be off Thursday, I can be picked up and taken to the polls.
So it increased the number of people that took the opportunity, took advantage of the opportunity. And not that people didn't want to vote, it was just that the opportunities -- there were many barriers and the opportunities weren't as great.

Q. Now, did you have any cosponsors for this same-day registration?

A. I did.

Q. Okay.

A. And I -- it was four of us, but the only one I can recall from memory, Representative Deborah Ross, because we worked very, very closely together on this legislation, contacting groups that had talked to us about or provided more opportunities through legislation for folk. I can't recall the names of the other sponsors.

Q. Okay. And did this Bill have bipartisan support?

A. My memories would say, yes, I think it did.

Q. Okay. You don't remember specifically who, some of the names of the Republican members who voted or supported this Bill?

A. No, sir, not that I can accurately call -- remember.
Q. Senator Parmon, I'm handing you what has been marked as Exhibit 159 and 160.
A. Yes.

Q. Can you just describe what Exhibit 159 is?
A. Exhibit 159 shows the voting on -- on the One-stop Voting sites, and it shows the number of people that voted yes and no. It's House Bill 91.

Q. And does that document identify the names of the legislators voting yay and those voting no?
A. It does.

Q. And among the legislators voting yay, are there Republicans listed?
A. It is.

Q. And who are they?
A. Representative Justice, Representative McComas and Representative Walker.

Q. Okay. Now, I want to just direct your attention to Exhibit 160, and if you could just describe what that document is?
A. It's a Senate vote on House Bill 91 showing the yays and nays on this vote.

Q. And that's House Bill 91; is that correct?
Q. And does it show the -- or does it name Republicans who voted in favor of that piece of legislation?
A. It does.
Q. And who are they?
A. Senator Bingham, Senator Brunstetter, Senator Hartsell and Senator Stevens.
Q. Now, by looking at that, am I to understand that with one exception all of the Democratic senators voted for that Bill?
A. That's correct.
Q. And the exception would be an excused absence that appears on that document?
A. That's correct.
Q. Okay. And with respect to the -- Exhibit 159, does that document indicate that with two exceptions all of the Democratic House members voted for that Bill?
A. It does.
Q. And does it further indicate that the two exceptions to that was Representative Hackney who was the speaker and didn't vote?
A. That's correct.
Q. Okay. And Representative Womble --
A. That's correct.

Q. -- who had an excused absence?

A. That's correct.

Q. And who was Representative Womble?

A. Representative Womble is former representative who should have been senator, of Winston-Salem who at the time was representing District 71.

Q. And he had an excused absence on that day?

A. On that day he did.

Q. Okay. Now, as a result of the HB 91, same-day registration, what was the impact of that legislation in the African American community?

A. We saw a greater increase in the number of people who registered and voted on the same day. It was just more participation. And I remember, significantly, how people that was going to work -- had to go to work would be able to go vote and then -- register and vote and go to work, catch the bus. Several times when we provided transportation for people that were being -- said, well, I can't go because I got -- I won't have a way to work, I miss the bus. But this gave them an opportunity to go register and vote and they didn't have to worry about it, convenient, and that excited
people. It made people feel good about that they actually had that opportunity and that window of time in which to register and also vote.

Q. Now, what was your involvement with these people for you to know that this is what they were thinking and what they were saying?

A. My involvement never wavered in terms of voter registration and education. There's not an election, pre-election, where I'm not in the community with some group and have been a candidate talking to people, helping people to understand the importance of voting, and letting people know about the opportunities that have been made available to help them vote more freely and, you know, and help do away with intimidation of voting.

That is still -- and still some areas of this state intimidation and fear is a part of the reason that low income and African American citizens don't vote. But just reassuring people that their right to vote could be upheld in the courts until recently.

Q. Okay. Now, I think Mr. Strach asked you about out-of-precinct voting, Senate Bill 133?

A. Yes.

Q. What was your involvement with Senate
students not passing their grades and failing is
because they moved so many times from school to
school, and that we should be able to give those
citizens an opportunity to have their votes counted,
because they were legally registered and that -- that
they should be able -- their vote should count.

Q. And was there a conclusion that -- that the
out-of -- or banning out-of-precinct voting had a
disproportionate impact on African American voting?
A. Yes.

Q. Did you ever see any data, any reports or
anything that supported that, I guess what your
observations were here in Winston-Salem?
A. Yeah, in Forsyth County the reason we could
tell that it disproportionately affected African
Americans because after the canvas and the Board of
Election do the canvas and show the number of
provisional votes not counted, you could see that
those votes and precincts where African Americans had
cast provisional votes were -- were disproportionately
not counted and it was a higher number of not counted
provisional ballots.

Q. And do you know whether that experience was
replicated in other parts of the state?
A. Yes, sir.
dealing with straight ticket voting?

A. Not -- I don't recall any other legislation.

I think that may have been before.

Q. That was before you --

A. Right.

Q. Okay. Now, but you are familiar with

straight ticket voting?

A. Yes, sir.

Q. Is that -- what -- what use of that

 provision of the law have you and members of your

organizations engaged in over the years?

A. Straight ticket voting has allowed people

and particularly African Americans who tend to vote

straight ticket Democrat because they favor

legislation coming from democratic members -- most of

the African American elected officials are Democrats

that -- so when they vote straight Democratic ticket,

if they hit the straight ticket, they know they've got

people that they want to elect.

With that provision being gone, I had just

in 2014 I don't know how many people that went in the

polls and only voted one office, because they were so

confused about who were Democrats and having to read

every name that's on the list. So it

disproportionately impacted a group of people who
Q. Now, would this have -- would this have been the situation in other parts of the state as well --

A. Absolutely.

Q. -- or do you know?

A. It caused total confusion, because the changes that occurred in 2014 has not been well publicized. The public are not aware of many of the election law changes, so when they go to the polls and find out, well, okay, that they can't vote straight democratic ticket, people are just totally confused about what's going on.

Q. I'm sorry, go ahead.

A. And people were confused that there was not Sunday voting anymore, people had made plans -- excuse me. So the new election laws, period, has caused confusion. It has provided, once again, those barriers that we worked so hard to dismantle. And it's an effort to suppress voters of African Americans with all -- when you look at all of the new laws that have been put in place, these are things that
going to have to go in and be faced with trying to
read everything on the sheet. Just the thought of
that was frightening to some people.

One lady related a story that this elderly
lady had voted -- been voting for years, but when she
learned that she was going to have to go in and name
by name, she wanted someone to write it down, asked
them would they write down the candidates that she
wanted so that she wouldn't make no mistake. But she
was terrified that she was going to have to be put to
doing that.

Q. I want to talk about this briefly, these
challenges, that's the part of the 589.

A. Right.

Q. Are you familiar with people coming in to
challenge individual voters in African American
communities?

A. All too familiar with it. I know instance
after instance where in certain low income precincts
where white males would appear wearing trench coats --
trench coats with badges, not necessarily saying
anything but just standing there when people come in.
They would be very intimidating with their hands in
their pocket looking at people, and it has a tendency
to keep people from voting.
And now that's a part of what's -- what can happen. Anyone can appear in any precinct and walk up to a person and ask for their ID, or who are you, are you in the right precinct, and I see that's as troubling in many instances. One, I can see your elderly being intimidated, and I can see your younger African Americans being aggravated and retaliating. And I can see unintended consequences --

Q. All right.

A. -- from this -- this type of observation.

Q. Okay. Is there a history of -- surrounding this -- these challenges within African American communities?

A. Yes, it goes back many years. That's where the idea of keeping eye on blacks that wanted to vote, who was too big for their pants, you would have what they call straw bosses or other white people that would go to the polls to see who was voting, and would report back to the factory boss who would then threaten them. People would lose their jobs.

So, yeah, it's -- it's a historical pattern that is being allowed to happen again that would disproportionately impact low income citizens and your elderly. I'm more concerned about your elderly citizens, because they are the ones that have -- the