

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

3                   NORTH CAROLINA STATE            )  
4                   CONFERENCE OF THE NAACP,        )  
5                   et al.,                            )  
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vs.                                    )    Case No.: 1:13-CV-658

PATRICK LLOYD MCCRORY, in his )  
official capacity as the        )  
Governor of North Carolina,    )  
et al.,                            )  
Defendants.                        )

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LEAGUE OF WOMEN VOTERS OF     )  
NORTH CAROLINA, et al.,        )  
Plaintiffs,                      )

and                                   )    Case No.: 1:13-CV-660

LOUIS M. DUKE, et al.,         )  
vs.                                 )  
THE STATE OF NORTH CAROLINA,   )  
et al.,                            )  
Defendants.                        )

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UNITED STATES OF AMERICA,     )  
Plaintiff,                        )

vs.                                   )    Case No.: 1:13-CV-861

THE STATE OF NORTH CAROLINA,   )  
et al.,                            )  
Defendants.                        )

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DEPOSITION OF CAROLYN COLEMAN

1 DEPOSITION OF CAROLYN COLEMAN

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5 11:06 A.M.

6  
7 Friday, January 8th, 2016  
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10  
11 Guilford County Commissioner's Office

12  
13 301 Market Street

14  
15 Greensboro, North Carolina  
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21 By: Amy A. Brauser, RPR, RMR, CLR  
22  
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1 MS. JUDGE: She's getting her glasses  
2 so we'll be right with you.

3 THE WITNESS: That's okay. I'll use  
4 it.

5 Okay.

6 BY MR. BOWERS:

7 Q. You got it?

8 A. Yes.

9 Q. Okay. Now, Ms. Coleman, before we start  
10 looking at that I want to ask you, are you familiar  
11 with the Reasonable Impediment Amendment to the photo  
12 ID law in North Carolina?

13 A. Yes.

14 Q. Okay. And I'll represent to you that that  
15 was passed and adopted as law on or about June 22nd,  
16 2015. Do you recall that?

17 A. I didn't recall when it was passed, but  
18 I'm familiar with it.

19 Q. Okay. And you knew it was passed -- or  
20 let me ask you this. Did you know that it was passed  
21 sometime during the summer?

22 A. Yes.

23 Q. Okay. And have you read that law?

24 A. No, I have not.

25 Q. You have not, okay.

1                   In your -- let's go to the document that  
2 Donita just handed you, your responses to  
3 Defendant's Third Set of Interrogatories. Do you see  
4 that?

5                   A.       This is it here?

6                   MS. JUDGE:   Yes.

7                   THE WITNESS:  Okay.  Yes.

8 BY MR. BOWERS:

9                   Q.       Okay.  And on at least my copy of it, it's  
10 the third page back.

11                  A.       Okay.

12                  Q.       It says Interrogatory Number 30, do you  
13 see that?

14                  A.       Third page is Number 33.

15                  Q.       Okay.  Well, I'm looking -- I'm sorry  
16 then, I'm looking at Interrogatory Number 30.

17                  MS. JUDGE:  It would have been the  
18 third page, it's just that I pulled off the  
19 caption.

20                  MR. BOWERS:  Okay.

21                  MS. JUDGE:  Here is 30.  Here is 30.

22                  THE WITNESS:  Okay.

23 BY MR. BOWERS:

24                  Q.       Okay.  And I'll paraphrase, and Donita,  
25 please correct me if I misstate anything for the

1 record, I'll paraphrase that what we asked you was to  
2 identify anyone who you believe will be unable to vote  
3 in person during the 2016 election cycle because they  
4 were unable to obtain an acceptable photo ID or unable  
5 to use an expired photo ID or, and this is the  
6 important part, unable to execute a reasonable  
7 impediment declaration as permitted by the law. Okay?

8 And your response was, that you believe  
9 that Mrs. Jessie Walton and Mrs. Marie Sims will be  
10 unable to vote during the 2016 election cycle. Do you  
11 see that?

12 A. Yes.

13 Q. Okay. Before I ask you about Ms. Walton  
14 and Ms. Sims, let me ask you this. Is there anybody  
15 else at this time that you believe will be unable to  
16 vote because of the photo ID law or the Reasonable  
17 Impediment Provisions?

18 A. Well, I've not given thought to who those  
19 persons might be. However, I'm handicap and I ride a  
20 bus to the doctors' office quite often.

21 Q. Yes, ma'am.

22 A. And many senior citizens on that bus that,  
23 I would think, would fit into that category. I've not  
24 had the discussion with them but the fact that they  
25 ride the bus generally implies that you don't have

1 transportation during the day.

2 Q. Okay. But you haven't talked to any of  
3 those people, right?

4 A. No, no.

5 Q. And you don't know the names of any of  
6 those people?

7 A. No, I don't.

8 Q. Okay. So as we sit here today on January  
9 the 8th, 2016, the only names of people that you  
10 believe will not be able to vote are Ms. Walton and  
11 Ms. Sims; is that correct?

12 A. Yes.

13 Q. Okay. Thank you, ma'am.

14 Let me ask you, do you know how old those  
15 people are?

16 A. Both of them would be in their eighties.  
17 I think Mrs. Walton would probably be about 86. I  
18 went to her 80th birthday so it's been five or six  
19 years ago.

20 Q. Okay.

21 A. I don't know Mrs. Sims' approximate age,  
22 but she's in her eighties.

23 Q. Okay. Let's talk about Ms. Walton first,  
24 okay?

25 A. Uh-huh.

1 Q. Tell me -- tell me why you believe she  
2 will not be able to vote in the next election in light  
3 of the photo ID provision and the reasonable  
4 impediment exception?

5 A. Well, Mrs. Walton's daughter, who is now  
6 deceased, usually got -- obtained an absentee ballot  
7 for her to vote. Her daughter's been dead now about  
8 five years and I don't know how she has voted during  
9 that period except that some of us have taken her to  
10 vote but -- in other words, I don't know on a yearly  
11 basis how she's voted. Some of us have transported  
12 her to the polls. But I would think that because  
13 she's not driven in a number of years, she does not  
14 have a current driver's license and would not be able  
15 to drive herself.

16 Q. Okay. Do you know for a fact whether or  
17 not she's voted in the last five years?

18 A. I'm certain that she has, yes, because  
19 some of us have transported her to the polls.

20 Q. Okay. Have you personally taken her to  
21 the polls and seen her cast a ballot since her  
22 daughter died?

23 A. No, I have not.

24 Q. Okay. But you believe other folks within  
25 NAACP have done that?

1 A. Yes.

2 Q. Okay.

3 A. Well, actually, it was Congresswoman Adams  
4 that took her the last time because we were friends of  
5 her daughter's and she was not a Congress person at  
6 that time and wanted to be sure that she was able to  
7 vote.

8 Q. Okay. Anybody else that you can think of  
9 that -- by name that has -- that took her to vote  
10 since her daughter died and watched her cast a ballot?

11 A. No, I really don't know how she handled  
12 that.

13 Q. Okay. That's fine.

14 You said Ms. Walton's -- both these ladies  
15 are in their eighties. Do you know if she -- if  
16 Ms. Walton ever had a driver's license?

17 A. Oh, yes, she still owns a car that's just  
18 parked in her driveway.

19 Q. Okay. And she hasn't -- do you think that  
20 she has a driver's license even though -- even if it's  
21 expired, do you think she has one?

22 A. I doubt it because she was not driving  
23 when her daughter was alive so that's -- I wouldn't  
24 venture to guess how many years she's not driven, but  
25 I know it was prior to her daughter's death so . . .



1 Q. Okay. But you believe at one time she did  
2 have a driver's license?

3 A. Yes, she did.

4 Q. Okay. But do you know one way or the  
5 other whether she still has one?

6 A. I don't.

7 Q. Okay.

8 A. Well, I know she doesn't have a current  
9 driver's license now. As to whether she has a expired  
10 license, I don't.

11 Q. Okay. Are you aware that voters under the  
12 law, voters over the age of 70, may use an expired  
13 driver's license?

14 A. Yes.

15 Q. Okay. Is there any other reason that you  
16 believe Ms. Walton will not be able to cast a ballot  
17 in 2016 other than what you've just described to me  
18 about transportation and her daughter's death?

19 A. No, I think, otherwise, she -- she'd  
20 probably be able to do it.

21 Q. Okay. All right.

22 MS. JUDGE: I just want to object for  
23 the record that that's pure speculation. We  
24 don't know.

25 MR. BOWERS: Objection noted.

1 BY MR. BOWERS:

2 Q. Give me just one second, please, ma'am.

3 I'm sorry.

4 Okay. Let's talk about Ms. Sims.

5 Ms. Coleman, why do you believe that Ms. Sims will  
6 not -- will be unable to vote during the 2016 election  
7 cycle?

8 A. Well, again, Mrs. Sims does not drive and  
9 hasn't driven I would think for at least two years.  
10 And so I think because of that, she would not be able  
11 to vote because she would not be able to obtain a  
12 driver's license or some other ID that she'd have to  
13 go to the Department of Motor Vehicles to obtain.

14 Q. Okay. Do you know whether or not she ever  
15 had a driver's license?

16 A. Well, I don't -- I'm assuming again with  
17 both these women that they had driver's license, but I  
18 don't know, I've never seen the licenses.

19 Q. Okay. But since you're assuming that  
20 Ms. Sims did have one, you know, wouldn't she also be  
21 covered by the exception for voters over the age of 70  
22 to have an expired license?

23 A. Well, if she has an expired license. But  
24 as you recall, I just indicated that I really have  
25 never seen her license so I'm assuming she was driving

1 with a valid license, but I don't know that.

2 Q. Okay. And are you aware that the  
3 Reasonable Impediment -- let's assume that she doesn't  
4 have a license and/or she just can't find it, okay?

5 A. Okay.

6 Q. Are you aware that the Reasonable  
7 Impediment Provision says that Ms. Sims could sign a  
8 declaration describing her impediment which would be  
9 transportation and that she could still cast a ballot?

10 A. Where would she sign this declaration?

11 Q. At the polling place.

12 MS. JUDGE: I object. It calls for a  
13 legal conclusion.

14 MR. BOWERS: Okay. But you can still  
15 answer.

16 BY MR. BOWERS:

17 Q. It would be signed at the polling place?

18 A. That's the reasonable declaration that she  
19 could sign that says she doesn't have it, but she  
20 would have to have some other ID, right?

21 Q. No. If she's a registered voter, all she  
22 would have to do is declare that she has a reasonable  
23 impediment, and the lack of transportation is an  
24 example of an impediment, and she would just have to  
25 sign that declaration and cast a ballot.

1 MS. JUDGE: I also object, it assumes  
2 facts not in evidence.

3 You can continue to answer.

4 THE WITNESS: Well, I don't know that,  
5 no.

6 BY MR. BOWERS:

7 Q. Okay. Are you aware, Ms. Coleman, that  
8 qualified voters who due to age or physical disability  
9 can vote from a vehicle? That's called curbside  
10 voting. Have you ever heard of that?

11 A. Yes, I've voted by curbside voting.

12 Q. Are you aware that people who vote by  
13 curbside voting could provide non photo ID and still  
14 vote, such as a utility bill or a bank statement? Are  
15 you aware of that?

16 A. I was just told that a couple days ago,  
17 but again, this is just through conversation with a  
18 friend --

19 Q. Yes, ma'am.

20 A. -- so I cannot say that I can substantiate  
21 that. But I have heard it.

22 Q. Okay. So if -- if Ms. Sims could get a  
23 ride to the polls and let's say she couldn't find her  
24 photo ID, are you aware that she could vote either by  
25 going inside and doing the Reasonable Impediment

1 Affidavit or she could vote curbside without the photo

2 ID, are you aware of that?

3 MS. JUDGE: Again, objection, assumes

4 facts not in evidence.

5 MR. BOWERS: That's fine.

6 BY MR. BOWERS:

7 Q. You can answer, ma'am.

8 A. You know, as I indicated, I have just

9 learned that recently, but my concern is not so much

10 about myself but about people like Ms. Sims and

11 Ms. Walton finding this information out. They may not

12 be aware of it and, as a result, may not go to vote

13 because they don't have the proper ID.

14 Q. Okay. So but okay --

15 A. In other words, there are thousands of

16 Ms. Sims and Ms. Waltons across the state that have

17 heard that they cannot vote if they don't have a photo

18 ID. So I'm concerned about those people learning this

19 information. I just -- and, you know, I've been out

20 not as active in the last year because I had surgery,

21 but I consider myself as being fairly knowledgeable,

22 and, again, I'm just learning this myself. So I would

23 think that a number of -- especially the more senior

24 persons would not know this.

25 Q. But you're speculating as to that, right?

1 You can't name me anyone other than Ms. Sims and  
2 Ms. Walton who you believe won't be able to vote,  
3 right?

4 A. Okay. But I wasn't speaking of not being  
5 able to vote. You asked me if I was aware of this  
6 information that they could vote at curbside voting  
7 without an ID, and I was trying to explain to you that  
8 there are a number of people that don't know this.

9 Q. Okay. Even if that's been the law for a  
10 long time, they don't know that?

11 A. Well, that's -- again, I didn't know that  
12 was the law for a long time. I thought this was a  
13 part of the bill that was just passed in June -- July.  
14 I voted curbside voting, but, generally, they don't  
15 ask for your ID when you come in to vote in the booth  
16 or whether you're at the curbside. So I just assumed  
17 that that was just the way it was done.

18 Q. Yes, ma'am.

19 Ms. Coleman, would you agree with me that  
20 if Ms. Sims had a ride to the polling place, she could  
21 cast a ballot -- and she didn't have a photo ID, that  
22 she could cast a ballot either with the Reasonable  
23 Impediment Declaration or with the curbside voting?

24 MS. JUDGE: Objection. It calls for a  
25 legal conclusion.

1 BY MR. BOWERS:

2 Q. Okay. You can answer.

3 A. Well, sir, you're asking me to agree with  
4 something that I'm really not sure exists. I know  
5 what you have said, I know what my friend said to me a  
6 couple days ago, but I've not read this. I've not  
7 been in a NAACP training session where this was  
8 discussed. So I mean, very frankly, I would just be  
9 agreeing for the sake of agreeing.

10 Q. And Ms. Coleman, I certainly don't want  
11 you to do that, because if you don't know, then you  
12 don't know and that's okay.

13 A. Yeah, I don't know.

14 Q. You don't know, okay. I'll leave it at  
15 that.

16 Ms. Coleman, will you give me like 30  
17 seconds and let me review my notes? I think we might  
18 be finished.

19 A. Sure.

20 Q. Ms. Coleman, thank you very much.

21 A. Sure.

22 Q. I don't have any other questions at this  
23 time.

24 A. All right. Thank you.

25 MS. JUDGE: Butch, thank you very much.