

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

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NORTH CAROLINA STATE CONFERENCE)
OF THE NAACP, et al,)
)
Plaintiffs,)
vs.)
)
PATRICK LLOYD MCCRORY, in his)
official capacity as Governor of)
North Carolina, et al.,)
)
Defendants.)
_____)

1:13CV658

LEAGUE OF WOMEN VOTERS OF)
NORTH CAROLINA, et al.,)
)
Plaintiffs,)
)
and)
)
LOUIS M. DUKE, et al.,)
)
Plaintiffs-Intervenors,)
vs.)
)
THE STATE OF NORTH CAROLINA, et al.)
)
Defendants.)
_____)

1:13CV660

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
THE STATE OF NORTH CAROLINA, et al.,)
)
Defendants.)
_____)

1:13CV861

VOLUME 1

VIDEOTAPED TELEPHONIC DEPOSITION OF ROSANELL EATON

(Taken by Defendants)

Raleigh, North Carolina

March 12, 2015

Reported by: Lynn A. Ruggiro,
Court Reporter
Notary Public

1 Q. And if the numbers didn't come out right,
2 people might lose faith in the election process,
3 right?

4 A. If they think something would happen but
5 nothing ever happened on all my tenure like that.

6 Q. Well, the lawsuit we're here to talk about
7 today makes several allegations about the effect
8 House Bill 589 will have on North Carolina voters.
9 And so my question for you is do you think that
10 House Bill 589 has affected your ability to vote in
11 any way?

12 MR. GLICK: Object to form.

13 You can answer the question.

14 A. It affected me in this change, is that
15 what you're talking about?

16 Q. Yeah. Have any of the changes in the
17 voting law that are the subject of this lawsuit,
18 have they affected your ability to vote in any way?

19 A. Well, it affects my ability, we don't have
20 enough time. Time is very important and the changes
21 in the hours, the changes in the dates, the deletion
22 of hours and days, seven days make a lot of
23 difference.

24 Q. And you're speaking of early voting; is
25 that right?

1 A. Early voting and all -- yeah, that affects
2 the main, you know, affects the major voting because
3 the early voting comes out to help out for the
4 overcrowdedness of the major voting.

5 Q. And you say the major voting, are you
6 talking about election day --

7 A. The primary, uh-huh, the primary and the
8 general elections because of the fact it's a lot
9 of -- we have a lot of people in the county, voters
10 in the county, in the state as far as that goes, but
11 the county has increased tremendously.

12 Q. Other than that, are there any other ways
13 in which you believe the changes that are the
14 subject to this lawsuit have affected your ability
15 to vote?

16 A. Well, concerning the voter IDs, that has
17 affected me a lot.

18 Q. How is that?

19 A. Because the voter ID bill, you know,
20 didn't -- actually, when I was born, we had midwives
21 and they had a lot to do and they didn't -- because,
22 you know, it was slow sending in our birthdays and
23 my birthday got mixed up, my dates, my name was
24 different than from what it was when my mom sent it,
25 you know, gave it to her. And that had to make a

1 lot of problems in my day in a lot of older people,
2 you know, because of that. And some going down
3 that's 50 some years old affected them because
4 they -- the report -- it went in on them but it
5 didn't go -- they would sometimes change the names
6 and sometimes they would add a name, and like mine
7 was, and it didn't -- then I had to change all of
8 that because of this changes that's been made. I
9 had to have it done, you know, I had to go and have
10 my name changed, like my driver's license on my --
11 anyway, my birth certificate had to tally with my
12 license and Social Security card and everything.

13 Q. So are you saying that your birth
14 certificate had to have the same name as your
15 license and your Social Security card?

16 A. My Social Security card and all had to be
17 with my birth certificate. Birth certificate comes
18 first, then everything else had to coincide with
19 that. I had to go get my birth certificate and
20 being so many years, you know, I didn't know where
21 it was here, there. So first of all, I had go to
22 the safe deposit box and I went to one that's begun
23 January the 6th checking on that, so -- because my
24 birthday comes up in [REDACTED].

25 I was Rosanell Johnson and I was actually,

1 my birth, my maiden name was. Well, my license,
2 my -- and everything was -- was that until I got
3 married then, you know, it changed to Rosanell
4 Johnson Eaton and all that but I went to the Motor
5 Vehicle place and talked to them about it and they
6 said it had to be just precisely like the birth
7 certificate before I married. And then I had to
8 change, you know, and put the Eaton, I'm Rosanell
9 Eaton, and so after she told me about that, then she
10 told me that I had to change my Social Security
11 number, and that depended -- my driver's license
12 depended on the Social Security number and so I had
13 to look for trying to get my Social Security number
14 changed, redone, whatever it was to do. So she sent
15 me to Henderson to the Social Security Department.
16 So I went there, that was like 25, 28 miles to get
17 that -- tried to get that taken care of. And I
18 talked with the staff person there, when they called
19 my name, I was there an hour 48 minutes because they
20 went by numbers and when I got there, I was Number
21 84 and, you know, you just had to wait until they
22 called you. And then when I went to her, she asked
23 me what did I want and I told her, so she worked
24 with that, and she told me it was fine and
25 everything would be all right. And my number was

1 going on to Raleigh and so then I waited, you know,
2 well, I waited on that for two -- two days or three
3 days and the Motor Vehicle Department, Ms. Made,
4 called me and told me that it wasn't right and she
5 didn't do it. She didn't extend it like she
6 should -- I mean whatever should have been done in
7 the Raleigh office wasn't done. So then she told me
8 then to maybe go to Raleigh and get it done, see if
9 I can get it done. It would kick out when she put
10 it in the computer, and go to Raleigh, I maybe could
11 get it done quicker.

12 So my daughter and I went to Raleigh, we
13 came to Raleigh and we went to the Social Security
14 Department. When we got there, there were people
15 all out on the walk on into the streets and we
16 couldn't even -- we got partially way into the
17 parking lot but we had a hard time getting out
18 because there was no parking. I mean you couldn't
19 get in if you stayed there, so I told her to just
20 take me back home, and let me get my car and I would
21 go to Henderson and see what I can do over there.
22 So that's what I did. So when I went over to
23 Henderson and back again, and when I got back that
24 time, it wasn't anybody in the parking area, the
25 place was closed. And I went to the door and it

1 said they closed at 12 and I got there about 12:45
2 because of administration work. So they were there
3 but they had so much piled up, they had -- they had
4 to close down to catch up because of the work. So I
5 just went back and got my car and drove back home
6 and then I went back the next day and checked in a
7 little earlier, a little earlier than I did the day
8 before because, you know. And so they finally got
9 to me, my number was 14 and I -- well went with
10 another staff person that day. And she was new, she
11 said and whatever. She looked at my credentials and
12 all of my papers and she said, well, there's nothing
13 she can do about it. And I asked her do, you know,
14 I had some numbers there that my Motor Vehicle lady
15 gave me in case they run into problems or whatever,
16 to call her, and I told her, gave it to her, and she
17 said well, there's nothing I can do, ain't no need,
18 you know, I just -- no need to call her, and
19 encouraged her to do so but she wouldn't.

20 And then I saw a gentleman going across
21 from behind where we were sitting, behind her desk,
22 I was sitting outside, and she -- and I -- and I
23 called him and she said, "Well, there is no use
24 calling him, he's a supervisor, somewhere, somebody
25 needs to know something." So anyway, he came over

1 and spoke to me and he was somebody, so he -- he
2 remembered me from years back and so he told her
3 that, you know, he told her something to do about
4 what was instructed for her to do, and she -- while
5 he was talking to me, like how you been doing and
6 blah-blah-blah, she took that paper and she called
7 this lady from the Motor Vehicle place. And so when
8 she called her, they talked, and so she -- she got
9 it straightened out with her, like she would have if
10 she had gone right on in the beginning.

11 So they worked with that with the Raleigh
12 office talking about what needed to be done
13 because -- so to straighten it out so I can get a
14 number, the right number put on my Social Security
15 number that was coinciding with my birth
16 certificate.

17 So I was there like 45 minutes or more
18 talking with them and then I went -- I went back and
19 I called the lady and she told me things should be
20 all right after, in a few days, and she would call
21 me and to come and drop off my license and, you
22 know, and get everything straight.

23 All in the mean time, she was contacting
24 the Board of Election because they need to know the
25 changes too, with my names and my dates, my date was

1 wrong and my name wasn't correct. So anyway, she
2 called me back when she got the report that things
3 were doing well and come down and work with her on
4 getting it all set up and everything. So I did, and
5 so I finally left and after a lot of going and
6 comings and all. And so --

7 Q. Were you finally able to get it
8 straightened out?

9 A. Yeah, I finally got it straightened out,
10 on the last visit of 3015.

11 Q. All right.

12 A. So to get my license, she gave me the test
13 and everything worked well and I got my driver's
14 license changed, because I -- that was my
15 intentions.

16 Q. Now, when did you get your license that
17 you're talking about here after you got all this
18 stuff straightened out? When did that happen?

19 A. That happened the 26th of January, it
20 took all that time, just missing a few days there
21 and it took ten trips to Raleigh and Henderson back
22 to Louisburg.

23 Q. So you have a driver's license now that
24 correctly reflects your name; is that right?

25 A. Right.

1 Q. And you got that on January 26th of
2 2015?

3 A. 2015.

4 Q. And when did you start that process?

5 A. January 5th.

6 Q. Of --

7 A. 2015.

8 Q. So it took about 21 days?

9 A. Uh-huh, yes.

10 Q. I just want to hand you a document that
11 I'm going to mark as Exhibit 1 here.

12 (EXHIBIT NUMBER NAACP 1 WAS MARKED FOR
13 IDENTIFICATION.)

14 MR. GLICK: Counsel, I would just warn and
15 I'll state for the record that the witness has
16 recently had eye surgery, so if you could just
17 be patient with her and if she needs assistance
18 being pointed any direction, I hope you give
19 some leeway.

20 MR. MCKNIGHT: Absolutely, absolutely.

21 MR. GLICK: So counsel is going to ask you
22 some questions about the document, okay? If
23 you have any questions or you can't read it,
24 and you need somebody to point it out, you let
25 him or you let me know, okay?

1 these Interrogatories?

2 MR. GLICK: Well, I don't know if she did
3 and I don't see the verification here.

4 MR. MCKNIGHT: Yes.

5 MR. GLICK: If you'll represent to me
6 that she did, then maybe she did.

7 MR. MCKNIGHT: No, I don't think we ever
8 received a verification from her.

9 MR. GLICK: Okay. You can still ask your
10 question.

11 Q. Well, Ms. Eaton, do you believe that House
12 Bill 589 will create hurdles that will make it
13 harder for you and other people to exercise their
14 right to vote?

15 A. Yes, I do.

16 Q. And can you explain what those hurdles
17 are?

18 A. The hurdles have been the beginning was
19 getting my name straight and all this we've gone
20 over. That was a beginning hurdle, I mean that was
21 one. And then others were it's -- it's difficult
22 to -- for everybody to get ready to vote in our
23 precincts because of the time and -- and the -- and
24 the dates and whatever it is to do, it makes it
25 harder for them to function as they should. It's

1 just more trouble. It's just a lot of headache

2 and -- in all these changes in this Bill 589.

3 Q. Do you think people will be able to

4 overcome those hurdles that you've described and

5 find a way to be able to vote if they want to vote?

6 MR. GLICK: Object to form.

7 You can answer.

8 Q. You can answer that.

9 A. It's -- it's something to get over. It's

10 not broken, so why you going to do all this to get

11 over something, to fix something? It wasn't broken.

12 The system wasn't broken.

13 Q. But --

14 A. They got to change and trying to get

15 people to keep the babies and get from work and it

16 just really unnecessary, and it's just more trouble,

17 more expense and it's more headache.

18 Q. Well, for example, if someone has a

19 driver's license issue like you did, you were able

20 to straighten that out, correct?

21 A. Yes, through a very expensive and time

22 consuming wear and tear on the body, your cars.

23 Q. Well, do you think other people will be

24 able to get an issue like that straight if they have

25 one?

1 MR. GLICK: Object to form.

2 Go ahead.

3 A. It's going to be difficult, they may get
4 discouraged and they don't have the money to pay
5 people to wait all day and -- and it's just a lot of
6 headache in it, a lot of -- a lot of expense,
7 trouble, because you can't catch a bus to here to
8 there, you got to drive and it's just -- it's
9 just -- yes, I do.

10 Q. Ms. Eaton, thinking back to 2014, to the
11 general election, were you able to vote in the
12 general election in November 2014?

13 A. Was I?

14 Q. Yes.

15 A. Yes.

16 Q. Okay. Did you have any problems voting in
17 that election?

18 A. No.

19 Q. Okay. How about in the primary in May
20 2014, were you able to vote in that election?

21 A. Yes, I was, I voted.

22 Q. And did you have any problems voting in
23 the May 2014 primary?

24 A. No, I haven't had any problems myself.

25 Q. And do you know anyone else who was not

1 EXAMINATION BY COUNSEL FOR THE PLAINTIFFS

2 BY MR. GLICK:

3 Q. Ms. Eaton, my name is Michael Glick and
4 I'm counsel for the plaintiffs, okay?

5 A. Yes.

6 Q. Can you just state your name again for the
7 record?

8 A. Rosanell Eaton.

9 Q. And where were you born, Ms. Eaton?

10 A. Franklin County.

11 Q. Here in North Carolina?

12 A. North Carolina.

13 Q. How -- have you lived in North Carolina
14 your whole life?

15 A. Yes, all my life.

16 Q. And how old are you today?

17 A. Ninety-three years old.

18 Q. Ms. Eaton, earlier today you testified
19 about your experience obtaining a driver's license
20 here in North Carolina. Do you recall that?

21 A. Yes, I do.

22 Q. I don't want to rehash that but I wanted
23 to ask a few follow-up questions, okay?

24 A. Yes.

25 Q. Ms. Eaton, why did you obtain a new

1 driver's license?

2 A. Well, I obtained -- I wanted -- I wanted
3 to drive, you know, I want to drive and I didn't
4 want anything to hinder me from driving, so I got
5 the notice that, you know, my driver's license will
6 soon be expired in my birthday, so I wanted to be
7 prepared to drive because I felt like that was
8 something I had a right to do and I wanted to do.

9 Q. Ms. Eaton, I want to pull out again
10 Exhibit, NAACP Exhibit 1 as well as NAACP Exhibit 3,
11 okay?

12 A. This is it here.

13 Q. Now, Ms. Eaton, NAACP Exhibit 1 was the
14 license that you had prior to January 1st of 2015?

15 A. Yes.

16 Q. Okay. And Exhibit 3 is your Franklin
17 County voter card, correct?

18 A. Yes.

19 Q. Do the names on NAACP Exhibit 1 and NAACP
20 Exhibit 3, do they match?

21 A. No, not -- no, the date, birth date.

22 Q. Just the names.

23 A. Oh, my name is Rosanell -- yes, no, I mean
24 that's -- NAACP Number 1 is Rosa Johnson Eaton and
25 NAACP Number 3 is Rosanell Eaton.

1 Q. And if we pull out NAACP Exhibit 2, that
2 is NAACP Exhibit 2?

3 A. That's Rosanell Eaton 1921.

4 Q. And that NAACP Exhibit 2 is the license
5 that you ended up obtaining in January of 2015?

6 A. Yes.

7 Q. Okay. What was the first day that you
8 attempted -- you can put those down, Ms. Eaton.

9 A. Okay.

10 Q. Ms. Eaton, what was the first day that you
11 attempted to obtain a new driver's license with a
12 name that matched your voter registration card?

13 A. January 5th, 2015.

14 Q. And what was the day that you ultimately
15 obtained a new driver's license with the name that
16 matched your voter registration card?

17 A. January 26.

18 Q. Also 2015?

19 A. 2015.

20 Q. Counting that first trip on January 5 and
21 the last trip three weeks later on January 26th,
22 how many total trips did it take you to obtain your
23 new driver's license?

24 A. Well, it took me ten trips.

25 Q. And where did you have to go for those ten

1 trips?

2 A. Well, first I went to the Motor Vehicle
3 Department in Louisburg, North Carolina, Franklin
4 County.

5 Q. Did you go anywhere else other than the
6 Motor Vehicle Department in Louisburg, Franklin
7 County?

8 A. No, I didn't go anywhere else in Franklin
9 County. Then I was -- well, I went to the safe
10 deposit boxes, my safety deposit box I visited too.

11 Q. Well, let me pause you for a second.

12 A. Uh-huh.

13 Q. I want to know -- my question was more
14 broad.

15 A. Right.

16 Q. I just want to know during your various
17 trips, the ten trips that you identified, I just
18 want to know the names of the different offices that
19 you -- and locations that you attended. So you
20 mentioned the DMV in Louisburg.

21 A. Right.

22 Q. What other places did you attend or
23 attempt to attend?

24 A. First Citizen's Bank in Franklinton and
25 Credit Union in Louisburg.

1 Q. Okay. That's three.

2 A. And the First Citizens Bank in Louisburg.

3 Q. Okay. Earlier today you mentioned the
4 Social Security Office?

5 A. Oh, yes, I went to Social Security Office.

6 Q. And which Social Security did you go to?

7 A. Henderson, Vass County.

8 Q. Did you attempt to go to any other Social
9 Security office?

10 A. Yes, I attempted to go to Raleigh, come to
11 Raleigh.

12 Q. Okay.

13 A. I actually came but it was no -- I
14 couldn't get in. There was just so many people in
15 line, I just went back and went to Henderson again.

16 Q. Okay. Focusing first on the Louisburg
17 DMV, how far is the Louisburg DMV from your home?

18 A. About eight miles.

19 Q. Eight miles one way?

20 A. One way.

21 Q. And how many times did you have to go to
22 the DMV during this process?

23 A. Four times.

24 Q. Four times just to the DMV?

25 A. Four times in all, you know, I went to

1 Louisburg.

2 Q. And you mentioned the Raleigh Social
3 Security Office.

4 A. Yes.

5 Q. How far is that from your home?

6 A. It's about -- it's 35 miles from the city
7 limits so to get to the Social Security Office, it
8 was at least five or six miles over this way.

9 Q. Okay. But total miles from your home
10 about 25 miles you said?

11 A. Total miles from where?

12 Q. The mileage from the Raleigh Social
13 Security Office to your home is how far?

14 A. Forty miles, it's around 40 miles.

15 Q. And what about the Henderson Social
16 Security Office, how far is that from your home?

17 A. That's around, that's about 25 or 28
18 miles.

19 Q. And how many times did you have to go to
20 that office during this process?

21 A. Three times.

22 Q. Now, you mentioned going to the Raleigh
23 Social Security Office and not being able to get in.
24 Why was that?

25 A. It was so crowded, it was just so many

1 people, they were all on the streets and -- and you
2 just couldn't even get in the parking lot, it was
3 just people standing waiting to get in the building.
4 So I mean it was just a lot of people. You just
5 knew you couldn't get in, so.....

6 Q. In total, Ms. Eaton, what is the total
7 mileage that you traveled across the ten trips it
8 took to obtain your newer driver's license?

9 A. Well, actually, to be truthful, I haven't
10 added them up, I just -- I really don't know, it was
11 just tanks of gas, about two tanks of gas, all I
12 know. I mean really, I haven't added them up.

13 Q. Okay. And on average, how long did you
14 have to wait at each of the various locations each
15 time you went to obtain your new driver's license
16 and supporting material?

17 A. The Motor Vehicle Department, I had to
18 wait until my turn which was like 40 minutes and
19 then the -- when I would go to Social Security
20 Office, the first visit was like an hour and 48
21 minutes, I timed that, but because I had to wait
22 until my turn, then I had to go into the staff, you
23 know, the question. And then the last one was like
24 45 minutes, the last trip I made there.

25 Q. Mrs. Eaton, between all the time you spent

1 in the car and all the time you spent in the various
2 offices, either waiting to be served or being
3 served, how many hours would you estimate it took to
4 obtain your new driver's license?

5 A. Oh, it was all the length of time I was
6 gone, I was going about everyday practically six
7 hours there and back and waiting and getting gas and
8 doing all of that.

9 Q. And that was six hours out of each day you
10 had to leave your house to go to one of these
11 offices?

12 A. Right, yeah.

13 Q. Could you have taken public transportation
14 to these locations?

15 A. No.

16 Q. How did you get there?

17 A. My daughter took me two days and I drove
18 the others.

19 Q. Overall, Mrs. Eaton, how would you
20 describe the process for obtaining your new driver's
21 license to match the name on your voter registration
22 card?

23 A. It was really stressful and difficult,
24 headache and expensive, everything you could name,
25 it's boring and tiring.

1 Q. Would you encourage someone else to go
2 through that process?

3 A. Yes, I would encourage them to go through
4 it because I want them to be able to vote, if that's
5 what they would, you know -- yes, I wouldn't deny
6 it.

7 Q. Ms. Eaton --

8 A. If they were....

9 Q. I'm sorry. Were you done?

10 A. Yes.

11 Q. Mrs. Eaton, are you aware that you could
12 vote by mail-in absentee ballot in North Carolina
13 elections?

14 A. Yes.

15 Q. But you vote in person, correct?

16 A. Yeah, I -- the process of it and your
17 rights and your privileges is, you know, it's been a
18 lot done to get that opportunity and I personally
19 love to do it myself.

20 Q. Now, is that why -- why do you vote in
21 person as opposed to the mail-in form?

22 A. Because I wanted to exercise my rights and
23 you go and -- and make that last step to perform or
24 maintain what I want to do, that's why I wanted to
25 do it and....

1 a -- they made us train or something, made up a
2 committee of three out of the county commissioners
3 and they named us voter registrations commissions,
4 so we worked together, it was a man and a woman and
5 myself, and we would get appointments at the
6 college, Louisburg College to go in there and
7 register people. And -- and then I would
8 register -- go to schools, they would let me come
9 there and anybody came up, if they, whatever party
10 they did or whatever, I made them welcome and
11 registered them, young boys and young girls and any
12 places that I could do that to, and taught them how
13 to do it and what to do and what to write down.

14 Q. Mrs. Eaton, you talked about being

15 involved in North Carolina elections for 70 years.

16 In your 70 years of involvement, have you ever

17 experienced voter fraud or election fraud in any

18 North Carolina election?

19 A. Never in my life.

20 Q. Earlier today in response to one of Mr.

21 McKnight's questions, I think you used the phrase,

22 "If it ain't broke, don't fix it." What did you

23 mean by that?

24 A. If the system and everything going right,

25 you know, why you going to even mess with trying to

1 fix something and seem like it's -- you're doing it
2 worse than it was first, and that's what, you know,
3 I mean. It wasn't, you know, no fraud. We kept up
4 in the county, in the state with the voters and it
5 was just fine, you know. And -- and knowledgeable
6 about it, I guess, you know, I thought it was
7 somebody, a person that knew about this, about the
8 voting and whatever, and that's what I meant. The
9 system was doing fine.

10 MR. GLICK: I have nothing further. I'm
11 happy to pass the witness.

12 MR. MCKNIGHT: Does anyone else on this
13 side on have any other questions?

14 MS. GREEN: No questions.

15 MR. MCKNIGHT: Okay, just a couple of
16 follow-ups, Ms. Eaton.

17 FURTHER EXAMINATION BY COUNSEL FOR THE DEFENDANTS

18 BY MR. MCKNIGHT:

19 Q. Looking at Exhibit 1, NAACP Exhibit 1
20 here.

21 A. Uh-huh.

22 Q. Did anyone ever tell you that you would
23 not be able to vote using the license that is
24 depicted in Exhibit 1 because it did not match the
25 name on your voter registration card?