

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

3 NORTH CAROLINA STATE,)
4 CONFERENCE OF THE NAACP,) V-I-D-E-O-T-A-P-P-E-D
5 et al.,)
6 Plaintiffs,) D-E-P-O-S-I-T-I-O-N
7 vs.) OF
8) SARAH FOSTER
9 PATRICK LLOYD MCCRORY, in) Civil Action No. 1:13-CV-658
10 his official capacity as)
11 the Governor of North)
12 Carolina, et al.,)
13 Defendants.)

14 LEAGUE OF WOMEN VOTERS OF)
15 NORTH CAROLINA, et al.,)
16 Plaintiffs,)
17 vs.) Civil Action No. 1:13-CV-660
18)

19 THE STATE OF NORTH CAROLINA,)
20 et al.,)
21 Defendants.)
22)
23 UNITED STATES OF AMERICA,)
24 Plaintiff,)
25 vs.) Civil Action No. 1:13-CV-861
26)

27 THE STATE OF NORTH CAROLINA,)
28 et al.,)
29 Defendants.)

30 * * * * *

31 MAY 15, 2015, AT THE HAMPTON INN, EDENTON, NORTH CAROLINA.

1 APPEARANCES OF COUNSEL:

2 FOR THE PLAINTIFF - MR. AVNER SHAPIRO
3 U.S. DEPARTMENT OF JUSTICE
4 CIVIL RIGHTS DIVISION
5 VOTING SECTION
6 950 PENNSYLVANIA AVENUE, NW
7 WASHINGTON, DC 20530
8 202-305-1840
9 avner.shapiro@usdoj.gov

10 FOR THE DEFENDANT - MR. MICHAEL D. MCKNIGHT
11 OGLETREE, DEAKINS, NASH, SMOAK
12 & STEWART, P.C.
13 4208 SIX FORKS ROAD
14 RALEIGH, NORTH CAROLINA 27609
15 919-789-3159
16 michael.mcknight@ogletreedeakins.com

17 ALSO PRESENT - MS. DELORIS HOLLEY
18 MS. CIRARA JOHNSON
19

20 VIDEOGRAPHER - BRAD SMITH
21

22 COURT REPORTER - SHEILA B. DARDEN
23
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STIPULATIONS: PRIOR TO THE GIVING OF ANY
TESTIMONY BY THE WITNESS, IT WAS EXPRESSLY STIPULATED AND
AGREED BETWEEN THE PARTIES TO THIS ACTION, THROUGH THEIR
RESPECTIVE COUNSEL, THAT:

1. BY NOTICE AND/OR CONSENT, THE VIDEOTAPED
DEPOSITION OF SARAH FOSTER WAS TAKEN ON THE 15TH DAY OF MAY
2015, BEGINNING AT 10:35 A.M., AT THE HAMPTON INN, EDENTON,
NORTH CAROLINA, BEFORE SHEILA B. DARDEN, A COURT REPORTER AND
NOTARY PUBLIC IN AND FOR THE COUNTY OF GREENE.

2. READING AND SIGNING OF THE TRANSCRIPT OF
TESTIMONY BY THE WITNESS IS WAIVED.

EXAMINATION OF WITNESS

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1 1 SARAH FOSTER, BEING BY ME FIRST DULY SWORN TO
2 2 SPEAK THE TRUTH, DEPOSES AND SAYS:

3 3 ON EXAMINATION CONDUCTED BY MR. AVNER SHAPIRO:

4 4 Q. Good morning, Ms. Foster.

5 5 A. Good morning.

6 6 Q. Ms. Foster, could you please state your whole
7 7 name for the record.

8 8 A. Sarah Lina Foster.

9 9 Q. Ms. Foster, where do you live?

10 10 A. I live at [REDACTED]

11 11 [REDACTED].

12 12 Q. And Hertford, North Carolina is that in --

13 13 A. Perquimans County.

14 14 Q. Perquimans County, thank you.

15 15 And for how long have you lived in Hertford?

16 16 A. All my life.

17 17 Q. And if I may ask, how old are you?

18 18 A. I am 75.

19 19 Q. And Ms. Foster, where did you -- to what --
20 20 strike that.

21 21 Ms. Foster, for how long did you go to school,
22 22 to what grade?

23 23 A. Oh, I went to the sixth grade.

24 24 Q. And what was the race of the other students in
25 25 your class? What race were they, the other students?

1 1 A. They were black.

2 2 Q. So was it a segregated school, and the white
3 3 students went to another school; --

4 4 A. Yes.

5 5 Q. -- is that correct?

6 6 And Ms. Foster, I understand that after school
7 7 you were busy working and then raising children then?

8 8 A. Yes.

9 9 Q. You had three children; is that correct?

10 10 A. Three childrens.

11 11 Q. Okay. And they're all grown now?

12 12 A. Yeah, all grown.

13 13 Q. I understand you have grandchildren, too?

14 14 A. Yes.

15 15 Q. Terrific. And Ms. Foster, currently, what is
16 16 your main source of income?

17 17 A. Well, I gets SSI.

18 18 Q. I see. And who do you live with?

19 19 A. I live with my daughter.

20 20 Q. Now did either you or your daughter have a car?

21 21 A. No.

22 22 Q. And how do you get a ride, when you need to
23 23 leave Hertford?

24 24 A. Well, I have my neighbors and my nephews and my
25 25 nieces that takes me where I want to go.

1 1 Q. So do you need to make arrangements with them in
2 2 order to get, let's say, to a neighboring town?

3 3 A. Yes. I -- I calls Social Service, yes, Social
4 4 Service --

5 5 Q. Okay.

6 6 A. -- and get a voucher for gas, and that's how I
7 7 get to the doctors and other places.

8 8 Q. Will Social Services give you a voucher for
9 9 whatever you want or just for certain things?

10 10 A. They give me a voucher for eight dollars to get
11 11 to Elizabeth City.

12 12 Q. For what purpose?

13 13 A. For doctor.

14 14 Q. For doctors?

15 15 A. Yes.

16 16 Q. I see. Now, Ms. Foster, do you or your daughter
17 17 own a computer?

18 18 A. No.

19 19 Q. Do you have a cell phone?

20 20 A. Not a cell phone.

21 21 Q. Have you ever accessed the Internet?

22 22 A. No -- no Internet.

23 23 Q. Okay. Ms. Foster, you mentioned that you were
24 24 able to get to sixth grade in school. As I understand it,
25 25 your mother, she only had a second grade education?

1 1 A. Second grade, my mother.

2 2 Q. And as I understand it, she worked in the fields

3 3 --

4 4 A. Yes.

5 5 Q. -- picking cotton?

6 6 A. Picked cotton.

7 7 Q. At times you were by her side --

8 8 A. Yes.

9 9 Q. -- when you were growing up?

10 10 A. Yes.

11 11 Q. Okay. Now, Ms. Foster, I would like to talk to

12 12 you a little, if I may, about types of documents that you may

13 13 have. Do you have any type of photo identification?

14 14 A. I had a housing ID.

15 15 Q. Okay. And could you describe for me what your

16 16 housing -- where you got your housing ID from?

17 17 A. I got it from the housing -- from the picture; I

18 18 have it with me.

19 19 Q. Is that from the apartment complex that you live

20 20 --

21 21 A. Yes.

22 22 Q. - provided you that?

23 23 A. Yes, it is.

24 24 Q. Okay. Do you have any other type of photo ID?

25 25 A. No.

1 1 Q. Have you ever had any other type of photo ID?

2 2 A. No, I never had a ID in my life.

3 3 Q. Okay. Now, Ms. Foster, at some point have you
4 4 ever -- strike that.

5 5 Have you ever tried to get an ID?

6 6 A. Yes, I tried to get a ID. I went to --

7 7 Q. Before you tell us what you did to get that, do
8 8 you recall how long ago that was that you went to try to get
9 9 an ID?

10 10 A. Some time ago. I can't remember the date.

11 11 Q. Okay. So you were saying you tried to get an
12 12 ID; where did you go to get an ID?

13 13 A. I know that -- where you get license from. They
14 14 will come once a month -- the second week of the month, and I
15 15 went down there --

16 16 Q. Do you know how often --

17 17 A. -- and tried.

18 18 Q. Do you know how often they come? Do they come
19 19 for a week, a day or --

20 20 A. I think they come just once a month.

21 21 Q. One day?

22 22 A. Just one day.

23 23 Q. Just one day.

24 24 A. Uh-huh.

25 25 Q. And so you said that you went -- you went there

1 1 to the location where they come --

2 2 A. Yes.

3 3 Q. -- where the people who provide licenses come?

4 4 A. Yes.

5 5 Q. And that's in Hertford?

6 6 A. Yes, that's in Hertford.

7 7 Q. And at the time, were you able to walk there?

8 8 A. Yes. At that time, I was able to walk.

9 9 Q. Would you be able to walk there now?

10 10 A. No. My legs are giving me lots of trouble.

11 11 Q. I see. So the time you walked there, you were

12 12 about to tell me what you did to try to get an ID when you

13 13 got there.

14 14 A. Yes. I have my baptism statement, and my Social

15 15 Security card, and he said I needed my birth certificate too,

16 16 you know, to get the ID.

17 17 Q. Okay. And what did you do --

18 18 A. So I left and I went and got my birth

19 19 certificate, but the name and date wasn't right on there so

20 20 --

21 21 Q. Let me back up. Where did you go to get your

22 22 birth certificate?

23 23 A. Over from the clerk of court.

24 24 Q. Okay. So you went -- do you recall how you got

25 25 there?

1 1 A. Well, yes, I walked. I walked there and got
2 2 that.

3 3 Q. Was that in Hertford?

4 4 A. Yes.

5 5 Q. Today, if you had to go to that clerk of court,
6 6 would you be able to walk there today?

7 7 A. No, not that far now. My legs would give out on
8 8 me.

9 9 Q. Okay. So at the time you were able to walk
10 10 there, and you said you got a birth certificate. Do you
11 11 recall if you had to pay anything for it?

12 12 A. I think I did pay something. I think I did pay
13 13 something --

14 14 Q. Okay.

15 15 A. -- for it.

16 16 Q. And so you got the birth certificate, and I
17 17 think you were beginning to tell me that the information on
18 18 the birth certificate was not right.

19 19 A. It was not the right name --

20 20 Q. Okay.

21 21 A. -- and the date. The month wasn't right.

22 22 Q. Do you recall what the name was on your birth
23 23 certificate?

24 24 A. Selery Ann Webb.

25 25 Q. Okay. And do you know why that last name was

1 1 Webb?

2 2 A. Well, my mother was a Webb.

3 3 Q. I see. At some point you got the name Foster?

4 4 A. Yes.

5 5 Q. Okay. And how about the first name, Selery,

6 6 that's not your --

7 7 A. Selery.

8 8 Q. Do you know where that came from?

9 9 A. No.

10 10 Q. Okay. So at that point you got -- strike that.

11 11 And how about the date of birth, was that

12 12 correct?

13 13 A. No, it was not.

14 14 Q. Was it the correct year?

15 15 A. The correct year, but the month --

16 16 Q. The month was wrong?

17 17 A. Uh-huh.

18 18 Q. Okay. You had a birth certificate with

19 19 information that was not correct?

20 20 A. Yes.

21 21 Q. Well, what did you do then?

22 22 A. Well, they told me that it could be changed if

23 23 my aunt would write them a letter stating that I was their

24 24 brother's child.

25 25 Q. Okay.

1 1 A. And my aunts they came down and I asked one of
2 2 them to go with me at the courthouse, and my other aunt said,
3 3 well, she'll be back next month, and she can do it then and
4 4 she --

5 5 Q. What happened?

6 6 A. -- and she was right there and I thought that
7 7 maybe that she would go with me, but she didn't. So she
8 8 left, and I wrote them a letter, but they didn't respond. So
9 9 both of them is gone now, and I don't have that now.

10 10 Q. I see. So if I understand you correctly, you
11 11 tried to get your aunts to help write a statement?

12 12 A. Yes.

13 13 Q. So that you could get a birth certificate --

14 14 A. Uh-huh.

15 15 Q. -- with the right information.

16 16 A. Uh-huh.

17 17 Q. But they never wrote that statement. They never
18 18 went to the courthouse.

19 19 A. No, they did not.

20 20 Q. Even though you wrote them a letter, and now
21 21 they're both passed away.

22 22 A. Yes.

23 23 Q. So do you know what you need to do in order to
24 24 get a birth certificate at this point?

25 25 A. Well, I guess I would have to pay for it, get a

1 1 lawyer or something and have it changed or something, that's

2 2 the only way I think.

3 3 Q. So this experience of trying to get a birth

4 4 certificate and a photo ID, was that some time ago before

5 5 your aunts passed away --

6 6 A. Yes, sometime ago.

7 7 Q. -- some number of years ago?

8 8 A. Yes.

9 9 Q. Okay. So for all of these years, you've been

10 10 living without an ID?

11 11 A. Without an ID.

12 12 Q. I see. Now we talked about your birth

13 13 certificate --

14 14 A. Uh-huh.

15 15 Q. -- this morning. I asked you to produce your

16 16 birth certificate, do you remember that?

17 17 A. Uh-huh.

18 18 Q. Were you able to find your birth certificate?

19 19 A. No.

20 20 Q. Do you know where your birth certificate is?

21 21 A. Not -- not at this moment, I do not.

22 22 Q. Okay. Do you recall I also asked you to find

23 23 your Social Security card?

24 24 A. Yes, I couldn't find that.

25 25 Q. Okay. So you don't have -- as we sit here today

1 1 now, you were not able to locate your Social Security card?

2 2 A. I was not able to locate it.

3 3 Q. Do you have a certified copy of your school
4 4 transcripts?

5 5 A. No.

6 6 Q. Do you have any tax forms, anything along those
7 7 lines where you have information, identifying information?

8 8 A. No.

9 9 Q. Were you ever -- strike that.

10 10 Do you have any legal documents, like a
11 11 certified marriage certificate or a divorce decree, anything
12 12 along those lines?

13 13 A. No.

14 14 Q. Is it fair to say you do not have a military ID;
15 15 is that right?

16 16 A. No.

17 17 Q. Is it your perception that to get a birth
18 18 certificate, a new birth certificate, you would have to pay
19 19 money to get a birth certificate, if you want to get a new
20 20 one?

21 21 A. Yes.

22 22 Q. And how about getting a photo ID from the place
23 23 where they give the licenses? Would you have to pay money
24 24 for that as well?

25 25 A. I think so.

1 1 Q. And to -- strike that.

2 2 And on your income that you said you got from
3 3 SSI, I believe you said.

4 4 A. Uh-huh.

5 5 Q. How easy would it be for you to spend that kind
6 6 of money for a birth certificate and for an ID?

7 7 MR. MCKNIGHT: Objection.

8 8 MR. SHAPIRO: On what grounds?

9 9 MR. MCKNIGHT: To form. It assumes facts not in
10 10 evidence, and because the IDs, you do not have to pay for
11 11 them in order to get an ID to vote or to get a birth
12 12 certificate to vote.

13 13 MR. SHAPIRO: Could you answer that question,
14 14 please?

15 15 A. You don't have to pay for a ID?

16 16 Q. It assumes facts that are not in evidence. If
17 17 you could answer my question, please. I asked, your
18 18 perception is that you would have to pay money to get a birth
19 19 certificate, correct?

20 20 A. Uh-huh.

21 21 Q. Is that right?

22 22 A. Yes.

23 23 Q. And you also testified that you understand you
24 24 would have to pay money -

25 25 A. Yes.

1 1 Q. - to get a photo ID?

2 2 A. Yes, you have to pay money to get a birth
3 3 certificate.

4 4 Q. And so my question to you is, spending that
5 5 money on a birth certificate and a photo ID, is it your
6 6 perception that would be a significant amount of money for
7 7 you to have to spend?

8 8 A. Yes.

9 9 Q. And so my question to you is, this is based on
10 10 your perceptions, not on counsel's statements, and your
11 11 perceptions, how easy would it be for you to spend that kind
12 12 of money?

13 13 A. Well, I wouldn't have too much left out of the
14 14 money that I get.

15 15 Q. For you, how easy is it to spend, say \$10, \$20,
16 16 that you weren't planning on spending? How easy would that
17 17 be to do?

18 18 A. Well, I have to let something else go in order
19 19 to get that.

20 20 Q. What other things?

21 21 A. Like my medicine.

22 22 Q. We didn't discuss medical conditions that you
23 23 have.

24 24 A. I know.

25 25 Q. What kind of medical conditions do you have?

1 1 A. With my eyes, very bad.

2 2 Q. What specifically is --

3 3 A. High blood pressure.

4 4 Q. I see. And you have medicine for both your eyes

5 5 and for your blood pressure --

6 6 A. Yes.

7 7 Q. -- that you have to pay for?

8 8 A. And I'm a diabetic.

9 9 Q. Uh-huh.

10 10 A. Arthritis. And the doctor just told me that I

11 11 had two leaking valves of the heart.

12 12 Q. This is all fairly serious medical --

13 13 A. Yes.

14 14 Q. -- conditions.

15 15 A. Yes.

16 16 Q. Well, Ms. Foster, I like to talk to you now, if

17 17 I may, about your experiences with voting, okay. Do you

18 18 vote?

19 19 A. Yes.

20 20 Q. And do you recall voting in presidential

21 21 elections in the past?

22 22 A. Yes.

23 23 Q. And do you recall how often you voted?

24 24 A. Well, in the past it was a few years down in the

25 25 past.

1 1 Q. Okay. Is it fair to say that over the years,
2 2 you've voted many times? I don't want to strain your memory,
3 3 but is that a fair statement?

4 4 A. I know I voted in the past, and I voted the last
5 5 few years.

6 6 Q. Okay. And do you -- do you like voting?

7 7 A. Yes, I like voting.

8 8 Q. Is it important to you?

9 9 A. Yes.

10 10 Q. And why is that?

11 11 A. Well, to help peoples.

12 12 Q. And you see voting as a way of helping --

13 13 A. Yes.

14 14 Q. -- other people?

15 15 A. Uh-huh.

16 16 Q. That's great. Now when you vote, how do you do
17 17 it? Do you go to the polling site, or do you vote by mail?

18 18 A. Go to the poll.

19 19 Q. Have you ever voted by mail in your life?

20 20 A. No.

21 21 Q. Do you know the requirements and rules for
22 22 voting by mail?

23 23 A. No, I don't.

24 24 Q. And you said you go to the polls; why do you
25 25 like going to the polls to vote?

1 1 A. Well, I have peoples to help me, that's why I
2 2 like going to the poll.

3 3 Q. Okay. And how do you get to the polls; do you
4 4 walk?

5 5 A. Well, I used to walk when my legs were in good
6 6 shape, but I gets a ride from my niece.

7 7 Q. Does she make arrangements for how to get you to
8 8 the polls?

9 9 A. Well, I just go over there to her house, and she
10 10 says, Aunt Sarah, do you want to vote?

11 11 Q. Okay.

12 12 A. And I say, yes. And she says, about what time
13 13 do you want to go? She gets in the car and we take off.

14 14 Q. That sounds great. Now have you heard anything
15 15 about having to have a type of ID, photo ID, for the next
16 16 election?

17 17 A. No.

18 18 Q. At any point has anyone told you anything about
19 19 maybe having to have an ID at the next election?

20 20 A. No, but you came by.

21 21 Q. I came by.

22 22 A. Yes.

23 23 Q. Okay.

24 24 A. You came by and you said something about it to
25 25 me.

1 1 Q. Okay. So when I came to you and told you that
2 2 to vote at the polls, you may need to have an ID? Is that
3 3 the first time you've heard anything about this?

4 4 A. Is the first time that I heard.

5 5 Q. And now that you have heard something about it,
6 6 what are your plans about how to go forward in the next
7 7 election?

8 8 A. Well, I'm going to try to get my ID.

9 9 Q. You're thinking that you might try?

10 10 A. Yes. I might try to get that.

11 11 Q. Do you know how you're going to go about doing
12 12 that?

13 13 A. No, I don't, but for to get an ID I know it s
14 14 going to take money to get a ID.

15 15 Q. Ms. Foster --

16 16 A. Uh-huh.

17 17 Q. -- how fair do you think this new requirement
18 18 to have a photo ID is to people like you?

19 19 A. Well, I think I should have a ID.

20 20 Q. You think you should have an ID?

21 21 A. Uh-huh.

22 22 Q. How easy do you think it's going to be for you
23 23 to get an ID?

24 24 A. I don't even know how easy it would be.

25 25 Q. Okay. And do you think it's fair for the State

1 1 of North Carolina to have this new requirement to have an ID,

2 2 after so many years you were able to vote without an ID?

3 3 A. Do I think that it's fair?

4 4 Q. For them now, for the first time, after all

5 5 these years?

6 6 A. The first time for me to vote you got to have an

7 7 ID.

8 8 Q. Yeah. What do you think about that?

9 9 A. Well, that's not fair to -- all these many years

10 10 and I didn't have any ID, and I could go vote, but now you've

11 11 got to have one to vote. No. I don't think that's fair to a

12 12 person like me or anybody that ain't got any ID, and they

13 13 can't vote.

14 14 MR. SHAPIRO: Thank you, Ms. Foster. I think at

15 15 this time I have nothing -- nothing further.

16 16 ON EXAMINATION CONDUCTED BY MR. MICHAEL D.

17 17 MCKNIGHT:

18 18 Q. Good morning, Ms. Foster.

19 19 A. Good morning.

20 20 MR. SHAPIRO: Actually, if I can just -- before

21 21 you start, as I mentioned at the outset, there are two

22 22 documents that we may want to get in the record. Her ID, her

23 23 current photo ID from her apartment --

24 24 MR. MCKNIGHT: Okay.

25 25 MR. SHAPIRO: -- complex, and there's also the

1 1 document she got from her church --

2 2 MR. MCKNIGHT: Okay.

3 3 MR. SHAPIRO: -- when she was born. I can -- we
4 4 can do that at the end. I don't want to break up your --

5 5 MR. MCKNIGHT: Why don't we go ahead and make
6 6 copies of that now. We'll go ahead and let you get that on
7 7 the record and ask any questions that you want to about that,
8 8 then I can come back and ask any questions I have about those
9 9 things.

10 10 MR. SHAPIRO: Fair enough.

11 11 MR. MCKNIGHT: I think that may be the cleanest
12 12 way to do things.

13 13 MR. SHAPIRO: Okay. Sure. All right, let's go
14 14 off the record.

15 15 AN OFF-THE-RECORD BREAK WAS TAKEN FROM 11:02
16 16 A.M. to 11:07 A.M.

17 17 COURT REPORTER'S NOTE: MR. SHAPIRO WILL
18 18 INTRODUCE EXHIBITS INTO THE RECORD AT THIS TIME.

19 19 ON EXAMINATION CONDUCTED BY MR. AVNER SHAPIRO:

20 20 Q. Ms. Foster, I'm showing you what's been marked

21 21 as Exhibit Foster [1]. Do you recognize that document?

22 22 A. Uh-huh.

23 23 Q. And what does that photocopy show?

24 24 A. Sarah Foster, my picture ID.

25 25 Q. That's a photocopy of your picture ID?

1 1 A. Yes. Uh-huh.

2 2 Q. And again, that picture ID is an ID. Could you
3 3 describe to us what that ID is?

4 4 A. This is from the housing where we live in the
5 5 project.

6 6 Q. I see. And they provided you --

7 7 A. Yes.

8 8 Q. -- with that ID?

9 9 A. Yes.

10 10 Q. I see. Does that fairly and accurately
11 11 represent what that ID looks like?

12 12 A. Yes.

13 13 Q. Okay. Now I'm going to show you what's been
14 14 marked as Foster [2]. Do you recognize that document?

15 15 A. Yes.

16 16 Q. And what does that document show?

17 17 A. This is a certificate of baptism, when I got
18 18 baptized. Sarah Foster.

19 19 Q. And did you get that from --

20 20 A. First Baptist Missionary Church.

21 21 Q. - from your church?

22 22 A. Yes.

23 23 Q. And does that copy fairly and accurately
24 24 represent your certificate?

25 25 A. Yes.

1 MR. SHAPIRO: Okay. Thank you. I have no
2 further questions.

3 ON EXAMINATION CONDUCTED BY MR. MICHAEL D.

4 MCKNIGHT:

5 Q. Ms. Foster, good morning, again.

6 A. Good morning.

7 Q. Michael McKnight, attorney for the State Board
8 of Elections, defendants in this matter.

9 I wanted to follow up with you on some questions
10 on the first exhibit that's been marked as Foster [1]. And
11 this is a -- you testified this is an ID that you received
12 when you went to live in your current residence right now; is
13 that right?

14 A. Yes.

15 Q. And this ID that you received from -- it says
16 the Hertford Housing Agency on it.

17 A. Yes.

18 Q. And they own the place where you live?

19 A. Yes.

20 MR. SHAPIRO: Can I just interrupt, if I may?

21 Ms. Foster, it's very important for you to wait
22 for Mr. McKnight to finish his question --

23 MS. FOSTER: Yes.

24 MR. SHAPIRO: -- and not to talk over him. So
25 if you could - if you could just remember to do that. Sorry.

1 1 MR. MCKNIGHT: No problem. Thank you.

2 2 Q. When you got this ID from the Hertford Housing
3 3 Agency, did you have to show them any documents that had your
4 4 name on them?

5 5 A. No. They say everybody that live in the Project
6 6 have to have a picture ID.

7 7 Q. Now when you applied to live at the housing
8 8 owned by the Hertford Housing Agency, did you have to apply
9 9 to do that?

10 10 A. Apply to do --

11 11 Q. Well, let me ask my question a different way.
12 12 Did you have to fill out an application?

13 13 A. My daughter filled out application.

14 14 Q. Okay. And when you filled out that application,
15 15 what sorts of information did you have to provide to the
16 16 Hertford Housing Agency so that they would allow you to live
17 17 there?

18 18 MR. SHAPIRO: Objection. Foundation.

19 19 MR. MCKNIGHT: You can answer.

20 20 A. Well, my daughter rents the house. She filled
21 21 out application.

22 22 Q. Okay. And in order to get this ID from the
23 23 Hertford Housing Agency, what did you have to do?

24 24 A. She just say come in and get your picture taken.

25 25 Q. Okay. And did you provide her any other

1 1 information?

2 2 A. No, that's all she said.

3 3 Q. So you just got your picture taken, and they
4 4 sent you an ID later?

5 5 MR. SHAPIRO: Objection. Foundation.

6 6 A. No.

7 7 Q. Okay. What happened?

8 8 A. They took a picture of me and gave me the
9 9 picture.

10 10 Q. Okay. Did they give it to you at the same time
11 11 they took your picture?

12 12 A. Yes.

13 13 Q. Okay, I see. I think you said that you lived
14 14 with your daughter currently, is that right?

15 15 A. Yes. Yes.

16 16 Q. And what is your daughter's name?

17 17 A. Phyllis Foster.

18 18 Q. And does your daughter work outside the home?

19 19 A. She doesn't work.

20 20 Q. What's your daughter's date of birth?

21 21 A. [REDACTED] .

22 22 Q. Is it [REDACTED] ?

23 23 A. Yes.

24 24 Q. Okay. All right. And does your daughter --
25 25 does she have any kind of photo identification?

1 1 A. Yes, I think she does.

2 2 Q. What kind of photo identification does she have?

3 3 A. A driving license.

4 4 Q. And I think you said that she doesn't drive; is
5 5 that right; or she doesn't have a car?

6 6 A. No. She don't have a car now.

7 7 Q. Okay. But she drove at one time?

8 8 A. Uh-huh.

9 9 Q. Okay. And she still got a current driver's
10 10 license?

11 11 A. Yes.

12 12 Q. Did she ever drive any other people's cars?

13 13 A. No.

14 14 Q. Okay. I didn't know if she ever drove to take
15 15 you places or not.

16 16 A. Yes.

17 17 Q. She does sometimes?

18 18 A. When she did have a car, yes.

19 19 Q. Okay. And do you know if she has any plans to
20 20 get a car in the future?

21 21 A. Well, I think so.

22 22 Q. Okay. How long ago was it that she lost her
23 23 car?

24 24 A. I can't remember.

25 25 Q. Okay. And your current address is [REDACTED]

1 1 [REDACTED]; is that right?

2 2 A. Yes.

3 3 Q. Do you remember how long you've lived there?

4 4 A. I can't remember.

5 5 Q. And how long have you lived in a place owned by
6 6 the Hertford Housing Authority?

7 7 A. Okay. At this address on that is, what? On
8 8 [REDACTED]; that's where we live at now.

9 9 Q. Okay. Have you ever lived at another address in
10 10 that same complex?

11 11 A. Not in -- not in the same house, in the same
12 12 area, yes.

13 13 Q. Okay. Do you remember how long ago that was?

14 14 A. It's been some years.

15 15 Q. Okay. You think ten years, or five years; do
16 16 you remember?

17 17 A. Yeah, something like that.

18 18 Q. Okay. Have you ever lived at an address that
19 19 was [REDACTED]?

20 20 A. Uh-huh.

21 21 Q. Okay. Do you know how long ago that was?

22 22 A. I just can't remember.

23 23 Q. That's all right.

24 24 Was that [REDACTED] address, was that in
25 25 the same area as [REDACTED]?

1 1 A. No. No.

2 2 Q. That was somewhere different?

3 3 A. Yes.

4 4 Q. Okay. That wasn't a Hertford Housing and
5 Authority address?

6 6 A. Yes, it were.

7 7 Q. It was, okay.

8 8 A. Uh-huh.

9 9 Q. It was just in a different area?

10 10 A. Yes.

11 11 Q. Okay. And do you remember how you registered to
12 vote? And, I guess, specifically, I'm thinking about when
13 you registered to vote at [REDACTED]? Do you remember
14 how you registered?

15 15 MR. SHAPIRO: Objection. Assumes facts not in
16 evidence.

17 17 Q. Well, let me back up then and let me ask you a
18 question. Are you registered to vote at [REDACTED] in
19 Hertford?

20 20 A. Oh, yes.

21 21 Q. You are? And do you remember how you registered
22 to vote at that address?

23 23 A. Well, I - this address on the certificate
24 right here was 102 -- 102.

25 25 Q. I see that, yeah.

1 1 A. [REDACTED].

2 2 Q. Uh-huh.

3 3 A. Well, right across -- I live at 105.

4 4 Q. Okay.

5 5 A. Some years back.

6 6 Q. Okay.

7 7 A. In years back.

8 8 Q. Okay. So that's at [REDACTED] is another
9 address that you've lived at in the past?

10 10 A. Yes.

11 11 Q. Okay. So what I wanted to talk about though was
12 you said you were registered to vote at [REDACTED] in
13 Hertford; is that right?

14 14 A. Uh-huh.

15 15 Q. Do you remember when you registered to vote at
16 that address?

17 17 A. Well, my daughter -- no, I don't remember.

18 18 Q. I'm going to hand you a document then that I'm
19 going to mark as Foster Exhibit [3], and I want you to take a
20 look at this document, Ms. Foster, and let me know if it's a
21 document that you recognize?

22 22 A. Uh-huh. Yes. Uh-huh.

23 23 Q. And is this a document that you filled out at
24 some point?

25 25 A. Yes. Yes, this is.

1 1 Q. Okay. And what is this document?

2 2 A. This is registration for voting.

3 3 Q. Okay. And the address on this form is [REDACTED]

4 4 [REDACTED] --

5 5 A. Yes.

6 6 Q. -- is that right?

7 7 A. Yes. Uh-huh.

8 8 Q. And it looks like it's dated November 6, 2012.

9 9 A. 12, uh-huh.

10 10 Q. Okay. And do you think -- do you remember when
11 you completed this form?

12 12 A. Yes, I remember now.

13 13 Q. Okay. Where were you when you completed it?

14 14 A. It was at the courthouse --

15 15 Q. Okay.

16 16 A. - in Hertford.

17 17 Q. Okay. And did you turn it in there; is that
18 what you did?

19 19 A. Yes. I was in there when I signed it.

20 20 Q. Okay. And why did you complete this form?

21 21 A. What do you want?

22 22 Q. Had you moved to this address recently? Is that
23 why you completed this form?

24 24 A. Yes. Yes, 'cause I moved from, what is it,

25 25 115. Did you say [REDACTED]?

1 1 Q. [REDACTED].

2 2 A. Uh-huh.

3 3 Q. You think you moved from [REDACTED]?

4 4 A. When I moved here.

5 5 Q. Okay. And you filled out this form to update
6 your address; is that right?

7 7 A. Yes. Uh-huh.

8 8 Q. Okay. Do you think that was on election day
9 when you did that?

10 10 A. I don't know if it was election day or what.

11 11 Q. You just remember you were at the courthouse.

12 12 A. I remember I was at the courthouse --

13 13 Q. Okay.

14 14 A. -- when I did this.

15 15 Q. Okay. Did somebody tell you, you needed to
16 update your address?

17 17 A. Yes, because they had another different address.

18 18 Q. But you've lived in Perquimans County your whole
19 life?

20 20 A. Yes.

21 21 Q. So every address you've had, has been in
22 Perquimans County?

23 23 A. Uh-huh.

24 24 Q. Okay. Ms. Foster, what is your date of birth?

25 25 A. [REDACTED].

1 1 Q. And were you born at the hospital or were you
2 2 born at home?

3 3 A. I guess I was born at home at that time.

4 4 Q. Okay. And other than your daughter, do you live
5 5 with anyone else?

6 6 A. No.

7 7 Q. And do you have the telephone in your home, Ms.
8 8 Foster?

9 9 A. Yes.

10 10 Q. And who's responsible for paying that telephone
11 11 bill?

12 12 A. I pays it.

13 13 Q. Okay. So the telephone is in your name?

14 14 A. Yes, it is.

15 15 Q. And you receive a bill to your address at [REDACTED]
16 16 [REDACTED] ?

17 17 A. Yes.

18 18 Q. Okay. And how do you pay that bill; do you pay
19 19 it in person, or do you send it off in the mail?

20 20 A. Yes, in the mail.

21 21 Q. And how about electricity; who's responsible for
22 22 paying the electricity bill in your home?

23 23 A. Well, right now I am.

24 24 Q. Okay. And is that electricity in your name?

25 25 A. No, it's not.

1 1 Q. Whose name is it then?

2 2 A. Phyllis.

3 3 Q. Your daughter's name.

4 4 A. Uh-huh.

5 5 Q. Okay. And do you have natural gas or anything
6 6 like that?

7 7 A. It's a gas stove and we have a -- them thing you
8 8 turn on the wall and you get heat.

9 9 Q. Okay. Okay. You have gas heat, too, then?

10 10 A. Uh-huh.

11 11 Q. Do you get a gas bill? Do you get a bill from
12 12 the gas company?

13 13 A. If we use -- over gas, we get a bill from the
14 14 office.

15 15 Q. Okay. And whose name is that bill in? Is that
16 16 in your name?

17 17 A. My daughter name.

18 18 Q. Okay. And with the Hertford Housing Authority,
19 19 did you have some sort of an agreement that allows you to
20 20 live there; do you have a lease or other type of agreement?

21 21 A. Well, my daughter have her lease, and I'm on it.

22 22 Q. So your name is on the lease?

23 23 A. Yes, it is.

24 24 Q. Okay. Is your daughter responsible for paying
25 25 the rent, or is it both of you, or how does that work?

1 1 A. Well, she don't have a job right now -- and --

2 2 Q. Okay. And do you receive mail at your address

3 3 at [REDACTED] in Hertford?

4 4 A. Yes.

5 5 Q. Okay. And do you ever send letters by mail?

6 6 A. Sometime.

7 7 Q. Okay. You're able to just drop those in the

8 8 mailbox at your house?

9 9 A. Uh-huh.

10 10 Q. Okay. And what was the name of the school you

11 11 attended? I think you told Mr. Shapiro you made it through

12 12 the sixth grade. What was the name of the school that you

13 13 attended?

14 14 A. All these many years, I just can't remember.

15 15 Q. That okay. That's okay. I just thought I'd

16 16 ask. Have you ever been employed in the past, Ms. Foster?

17 17 A. No.

18 18 Q. Okay. I think you said your primary source of

19 19 income is SSI; is that correct?

20 20 A. Uh-huh.

21 21 Q. Is that for disability?

22 22 A. Yes, it is.

23 23 Q. Okay. And how long have you received SSI

24 24 payments?

25 25 A. I think it was in '91 when I start receiving.

1 1 Q. And did you have to apply for those benefits?

2 2 A. Yes, I applied for it.

3 3 Q. And when you applied for those benefits, what

4 4 did you have to do?

5 5 A. I just can't remember.

6 6 Q. Do you remember -- did you have to fill out a

7 7 form?

8 8 A. Yes. I went through so much - different

9 9 doctors and everything.

10 10 Q. Okay. You had to provide some medical --

11 11 A. Yes.

12 12 Q. -- documentation?

13 13 A. Yes. Uh-huh.

14 14 Q. Okay. Okay. It sounds like it was quite a

15 15 process.

16 16 A. Yeah.

17 17 Q. Okay. How long did it take you to -- to apply

18 18 for those benefits?

19 19 A. I think when I applied it was, like, I think it

20 20 was in '82 when I applied. I think it was '82, '84, or '86

21 21 or something like that there.

22 22 Q. So you started applying in the 1980s?

23 23 A. Yes, '82.

24 24 Q. Okay. And sounds like it took you several years

25 25 to get it; is that right?

1 1 A. Oh, yes. Yes.

2 2 Q. Okay.

3 3 A. Yes. They kept turning me down.

4 4 Q. Okay. So you had to fill out an application,

5 5 and you had to submit some doctor's notes; is that correct?

6 6 A. Uh-huh.

7 7 Q. And anything else you can remember about that

8 8 process?

9 9 A. No.

10 10 Q. Did anyone ever ask you for any type of

11 11 identification?

12 12 A. No.

13 13 Q. Did they ever ask you for a photo ID?

14 14 A. No.

15 15 Q. Okay. And how did you find out what you needed

16 16 to do to apply for disability income?

17 17 A. Well, I think I got a card in the mail, got a

18 18 card in the mail.

19 19 Q. And do you know who that card was from?

20 20 A. No, I don't.

21 21 Q. Okay. Well, did you have a lawyer help you

22 22 apply for those benefits, or did you do it on your own?

23 23 A. Well, I did -- I did get a lawyer.

24 24 Q. And that person helped you through the process?

25 25 A. Uh-huh.

1 1 Q. Okay. And it still took several years?

2 2 A. No, when I got the lawyer, it didn't take that
3 3 long.

4 4 Q. Okay. So you started applying on your own
5 5 first?

6 6 A. Uh-huh.

7 7 Q. Okay. And then at some point, you got a lawyer
8 8 to help you?

9 9 A. Yes.

10 10 Q. Okay. And, Ms. Foster, have you ever had a
11 11 driver's license?

12 12 A. No.

13 13 Q. And I want to talk about -- you said earlier you
14 14 had tried to get an ID some years ago; is that right, a photo
15 15 ID?

16 16 A. Uh-huh.

17 17 Q. And you tried to get that photo ID from the
18 18 department of motor vehicles, the DMV? Now why did you --
19 19 why were you trying to get an ID several years ago?

20 20 A. Well, some of my friends say you got to get you
21 21 a ID.

22 22 Q. And why was that?

23 23 A. They had a ID, and they say you got one of
24 24 these, I said, no. They said you better go and get your ID,
25 25 so I went trying to get one.

1 1 Q. And did they tell you any particular reason why
2 2 it would be a good idea to have an ID?

3 3 A. No, but I couldn't get one unless I had a birth
4 4 certificate.

5 5 Q. Was it because you needed a photo ID for a lot
6 6 of different things that you may do?

7 7 MR. SHAPIRO: Objection. Asked and answered.

8 8 A. No.

9 9 Q. Okay. So you don't -- do you know why, other
10 10 than the fact that your friends had recommended you tried to
11 11 get a photo ID, can you think of any other reason why you
12 12 wanted to get one at that time?

13 13 A. No.

14 14 Q. Okay. Well, how long ago was it that you were
15 15 trying to get an ID? I know you said you couldn't remember,
16 16 but would you say it was five years ago or ten years ago; can
17 17 you put any kind of time frame on it like that?

18 18 A. No. I can't really say the date.

19 19 Q. Okay. It was just several years ago?

20 20 A. I know it was some years back.

21 21 Q. Okay. Ms. Foster, when you have to get out of
22 22 your house and go places, I think you said you get around
23 23 several different ways, right? You say you have neighbors
24 24 that help you --

25 25 A. Uh-huh.

1 1 Q. -- is that right?

2 2 A. Uh-huh.

3 3 Q. And so you asked those neighbors to take you
4 4 places?

5 5 A. Uh-huh.

6 6 Q. And what sort of places do your neighbors take
7 7 you?

8 8 A. To the doctor.

9 9 Q. Okay. And where is your doctor's office
10 10 located?

11 11 A. It's in Elizabeth City.

12 12 Q. How often would you say you go into Elizabeth
13 13 City for a doctor's appointment?

14 14 A. I was going like three times a week sometime.

15 15 Q. Okay.

16 16 A. That was for my eyes.

17 17 Q. All right. Any other doctors that you visit in
18 18 Elizabeth City?

19 19 A. No, just to the eye doctor.

20 20 Q. Okay. And how about when you want to go out and
21 21 get groceries; how do you do that?

22 22 A. Well, my friends or neighbors or nephews or
23 23 nieces.

24 24 Q. Okay. I think you also said, too, why you
25 25 brought that up, you said your nephews and nieces also help

1 1 give you rides when you need them; is that right?

2 2 A. Uh-huh.

3 3 Q. Okay. And what sort of places do your nephews
4 4 and nieces take you?

5 5 A. To the grocery store, to my doctor in Hertford.

6 6 Q. And we're sitting here in Edenton today for your
7 7 deposition; how did you get here for your deposition today?

8 8 A. Oh, I rode with him today.

9 9 Q. So Mr. Shapiro brought you?

10 10 A. Uh-huh. Yes.

11 11 Q. Okay. All right. And I see that you have a
12 12 baptism form from the First Baptist Missionary Church in
13 13 Hertford.

14 14 A. Uh-huh.

15 15 Q. Do you still attend church?

16 16 A. No.

17 17 Q. Okay. Why not?

18 18 A. My legs, walking and going like that.

19 19 Q. Well, could you get a ride to church if you
20 20 wanted to go?

21 21 A. Yes. I could get a ride to church if I wanted
22 22 to go.

23 23 Q. But your legs make it difficult for you to go?

24 24 A. Yes. Uh-huh.

25 25 Q. Okay. And you said you've been to doctor's

1 1 appointments, right, in Elizabeth City and Hertford?

2 2 A. Uh-huh.

3 3 Q. And when you go to the doctor, how do you pay
4 4 for those doctor's visits? Do you have insurance or --

5 5 A. Yeah, Medicaid.

6 6 Q. -- do you pay some other way?

7 7 A. Medicaid, Medicare.

8 8 Q. And did you have to apply to receive Medicaid
9 9 benefits?

10 10 A. Oh, yes, I applied and got it.

11 11 Q. And do you remember when you did that?

12 12 A. Well, it's been some years ago. I can't say the
13 13 date.

14 14 Q. Okay. Has it been -- do you think you've had
15 15 Medicaid for more than 10 years maybe?

16 16 A. Oh, I think so.

17 17 Q. Okay. Would you remember anything about what
18 18 you had to do to apply for Medicaid?

19 19 A. Well, no, uh-uh. I can't remember that.

20 20 Q. Well, did you have to fill out an application?

21 21 A. Yes. I did fill out application for it at some
22 22 time.

23 23 Q. Okay. Who told you what you needed to do to
24 24 apply for Medicaid?

25 25 A. I go to social services; they would - they

1 1 would help me.

2 2 Q. And did anybody ever ask if you had any kind of
3 3 ID when you applied for Medicaid?

4 4 A. Uh-uh. No.

5 5 Q. Okay. Well, did they ever ask if you had any
6 6 documents that showed you lived where you said you lived?

7 7 A. Uh-uh.

8 8 Q. And do you have a banking account, Ms. Foster?

9 9 A. Yes.

10 10 Q. So the -- I think the SSI income, that you have,
11 11 is that deposited into a bank account?

12 12 A. Yes. Uh-huh.

13 13 Q. And do you receive bank statements?

14 14 A. Oh.

15 15 Q. Are you okay? If we need to take a break, we
16 16 can.

17 17 A. It's okay. I gets like this all the time, legs,
18 18 you know.

19 19 Q. Do you want to take a break?

20 20 A. It's okay.

21 21 MR. SHAPIRO: How much do you have left to go?

22 22 MR. MCKNIGHT: I'm not sure at this point, but
23 23 I'm fine taking a break.

24 24 MR. SHAPIRO: Yeah. It makes more sense if
25 25 she's more comfortable.

1 1 MR. MCKNIGHT: Why don't we do that.

2 2 MR. SHAPIRO: Do you want to just stretch your
3 3 legs?

4 4 AN OFF-THE-RECORD BREAK WAS TAKEN FROM 11:35
5 5 A.M. to 11:38 A.M.

6 6 Q. Ms. Foster, before we took a quick break there,
7 7 we were talking about whether you had a bank account, and I
8 8 believe you said that you did; is that right?

9 9 A. Uh-huh.

10 10 Q. Okay. And do you receive bank statements at
11 11 your home from that bank account?

12 12 A. Yes. Uh-huh.

13 13 Q. And that account is in your name?

14 14 A. Yes.

15 15 Q. And those bank statements have your name and
16 16 address on them?

17 17 A. Uh-huh.

18 18 Q. Okay. And other than disability income, do you
19 19 receive any other sort of financial assistance from the state
20 20 or federal government?

21 21 A. No.

22 22 Q. And earlier you mentioned that you had
23 23 previously -- or the name on your birth certificate rather,
24 24 your last name was listed as Webb; is that right?

25 25 A. Uh-huh.

1 1 Q. What was the name on your birth certificate?

2 2 A. Selery Ann Webb.

3 3 Q. How do you spell Selery?

4 4 A. Well, I think it starts with a "S," I think.

5 5 Q. Is it S-e-l-e-r-y.

6 6 A. I just can't remember. S-e-r - Oh, boy --
7 e-r. I can't.

8 8 Q. That's -- that's -- that's okay. You said the
9 middle name was --

10 10 A. I was trying to find it to bring it along.

11 11 Q. Sure.

12 12 A. I couldn't -- I couldn't get to it.

13 13 Q. Sure, that's okay. But you said the middle name
14 on there was listed as Ann.

15 15 A. Ann, Uh-huh.

16 16 Q. Okay. And the last name was Webb.

17 17 A. Yeah. Uh-huh.

18 18 Q. Now at what point did you start going by the
19 name Sarah Lina Foster?

20 20 A. That's all I've been going by all my life.

21 21 Q. Uh-huh. Did you ever get your name changed at
22 any point?

23 23 A. No. Uh-uh.

24 24 Q. Okay. And the name Foster; is that the result
25 of a marriage?

1 1 A. My mother was married to a Foster.

2 2 Q. And have you ever been married?

3 3 A. No.

4 4 Q. And I believe you said you had children, right,
5 5 two?

6 6 A. Yes.

7 7 Q. Okay. And you said you had grandchildren too;
8 8 is that right?

9 9 A. Yes.

10 10 Q. Okay. How many grandchildren do you have?

11 11 A. I have 11 grandkids.

12 12 Q. Wow.

13 13 A. And I got great-grandchildren.

14 14 Q. Okay. How many of those do you have?

15 15 A. Oh, boy. I was just counting -- trying to count
16 16 them the other day.

17 17 Q. That's okay. That would be hard to keep track
18 18 of.

19 19 In terms of your children, do they have birth
20 20 certificates?

21 21 A. Yes.

22 22 Q. And is your name on their birth certificates?

23 23 A. Yes.

24 24 Q. And how is your name listed on their birth
25 25 certificate, if you know?

1 1 A. Sarah Lina Foster.

2 2 Q. So that's your correct name?

3 3 A. Uh-huh.

4 4 Q. And that's the same name you used to register to
5 5 vote?

6 6 A. Uh-huh.

7 7 Q. And do you know if your children have copies of
8 8 those birth certificates?

9 9 A. I think so.

10 10 Q. And do you have copies of those birth
11 11 certificates?

12 12 A. I think I -- I think I have Ann's if I ain't
13 13 gave it to her.

14 14 Q. So you might have one of them?

15 15 A. That's my daughter over there.

16 16 Q. Okay.

17 17 A. Deloris.

18 18 Q. Deloris. All right. Okay. And, Ms. Foster,
19 19 have you ever filed income taxes?

20 20 A. No.

21 21 Q. And do you know if someone else claims you as a
22 22 dependent on their income taxes?

23 23 A. I don't know.

24 24 Q. Okay. And you said you had a social security
25 25 number; is that right?

1 1 A. Uh-huh.

2 2 Q. And you have a Social Security card?

3 3 A. Yes.

4 4 Q. And your polling place where you go to vote, is
5 5 that at the courthouse?

6 6 A. At the courthouse.

7 7 Q. Okay. I know we talked earlier about your
8 8 efforts to get a photo ID several years ago, but that wasn't
9 9 for the purpose of voting, was it?

10 10 A. No.

11 11 Q. Okay. That was because your friends had
12 12 suggested you do that?

13 13 A. Uh-huh.

14 14 Q. Have you made any efforts to get a photo ID for
15 15 the purposes of voting?

16 16 A. Well, I would like to get one.

17 17 Q. And I want to talk about that a moment as well.
18 18 You testified earlier, when Mr. Shapiro was asking you
19 19 questions, that it was your perception that you would have to
20 20 pay something to get a photo ID in order to vote; is that
21 21 right?

22 22 A. Uh-huh.

23 23 Q. And who told you that you would have to pay

24 24 something in order to get a photo ID to vote?

25 25 A. To get an ID?

1 1 Q. To vote, yes.

2 2 A. Well --

3 3 Q. Who told you, you would need to pay something
4 4 for that?

5 5 A. Well, I knowed that my grandchildren gets IDs
6 6 and they have to pay for to get it, ID.

7 7 Q. Your grandchildren are not getting IDs to vote,
8 8 are they?

9 9 A. I know they're not getting IDs to vote, but I do
10 10 know that they pay for ID.

11 11 Q. Well, did anyone ever tell you that you would
12 12 have to pay for an ID if you needed one in order to vote?

13 13 A. No. Ain't nobody told me that I'm going to have
14 14 to pay for it, but I know that you do pay for IDs.

15 15 Q. Okay. You just know from your general
16 16 experience, that you do have to pay for IDs sometime?

17 17 A. Yes.

18 18 Q. Now, this ID that you got from the Hertford
19 19 Housing Agency, did you --

20 20 A. I paid five dollars for that.

21 21 Q. You had to pay for that, too?

22 22 A. Yes, five dollars.

23 23 Q. Five dollars?

24 24 A. Uh-huh.

25 25 Q. Okay. And do you know why the Hertford Housing

1 1 Agency required you to have a photo ID?

2 2 A. They say everybody have to show ID in the
3 3 apartments.

4 4 Q. Everyone had to show an ID in the apartments?

5 5 A. Yes.

6 6 Q. Do you know what they --

7 7 A. If they live in -- anybody live in the Project,
8 8 they have to show ID, that they live there.

9 9 Q. I see.

10 10 A. Okay.

11 11 Q. I see. And you said that the first time that
12 12 you heard that you need a photo ID to vote in 2016 was from
13 13 Mr. Shapiro; is that right?

14 14 A. Yes.

15 15 Q. And did Mr. Shapiro at any time ever tell you
16 16 that you could obtain a photo ID to vote for free?

17 17 MR. SHAPIRO: Objection.

18 18 MR. MCKNIGHT: What's the basis of the
19 19 objection?

20 20 MR. SHAPIRO: As to foundation.

21 21 MR. MCKNIGHT: She said that you told her that
22 22 the first time she learned that she needed an ID to vote was
23 23 from you; so I'm following up on that -- that line of
24 24 questioning.

25 25 Q. So, Ms. Foster, I'm going to ask the question

1 1 again. You said earlier, correct, that Mr. Shapiro was the
2 2 first person who told you that you would need a photo ID to
3 3 vote in 2016; is that right?

4 4 A. Yes.

5 5 Q. And did Mr. Shapiro, at any time, ever tell you
6 6 that you could obtain a photo ID in order to vote for free?

7 7 A. Well, I was voting but now you have to have an
8 8 ID to vote.

9 9 Q. So you know you have to have a photo ID --

10 10 A. Do you have to have an ID to vote?

11 11 Q. But did Mr. Shapiro ever tell you that you could
12 12 obtain an ID to vote for free?

13 13 A. Oh, you still can vote. You don't have to have
14 14 no ID?

15 15 Q. That's not what I am saying. I'm asking whether
16 16 Mr. Shapiro ever told you that you could go to the North
17 17 Carolina DMV and obtain an ID that you can use to vote, for
18 18 free?

19 19 A. I can't remember.

20 20 Q. Okay. Well, did Mr. Shapiro ever tell you that
21 21 your perception that you would have to pay for an ID, a photo
22 22 ID from the DMV was not correct?

23 23 A. No. He ain't told me I had to pay for no ID.

24 24 Q. Well, you said earlier that you thought you
25 25 would have to pay for an ID, right?

1 1 A. Yes. Uh-huh.

2 2 Q. And did Mr. Shapiro ever tell you that you could
3 3 obtain a photo ID for free, if you needed it to vote?

4 4 A. I can't remember.

5 5 Q. Well, if you knew that you could obtain a photo
6 6 ID, in order to vote for free, how would that make you feel?

7 7 A. Well, it would be just like the same. I don't
8 8 have to have no ID.

9 9 Q. And explain what you mean by that?

10 10 A. If I don't have to have no ID, that's like -- is
11 11 the same thing. All these many years, I ain't had no ID.

12 12 Q. Well, if you did have to have an ID to vote in
13 13 person, but you could obtain one for free, how would that
14 14 make you feel about the law?

15 15 A. Well, I would like to get one.

16 16 Q. Okay. You would like to get an ID?

17 17 A. Uh-huh.

18 18 Q. And did Mr. Shapiro ever tell you that you could
19 19 obtain a birth certificate for free, if you needed it, in
20 20 order to get a photo ID to vote?

21 21 A. No. You can get a birth certificate for free,
22 22 too?

23 23 Q. Well, did Mr. Shapiro ever tell you that you
24 24 could obtain a birth certificate for free, if you needed it,

25 25 --

1 1 A. No.

2 2 Q. - in order to obtain a photo ID to vote?

3 3 A. No.

4 4 Q. He never told you that?

5 5 A. Uh-huh.

6 6 Q. And you didn't know that?

7 7 A. No.

8 8 Q. And how would that make you feel if you knew
9 9 that you could obtain a birth certificate, for free, if you
10 10 needed it, in order to obtain an ID to vote?

11 11 MR. SHAPIRO: Objection. Lack of foundation and
12 12 speculative.

13 13 MR. MCKNIGHT: You can answer the question.

14 14 A. So in order -- you are telling me I can get a
15 15 free -- a free -- just go to the courthouse, and get a free
16 16 ID and can go to the DM and get a free ID -- ID and birth
17 17 certificate?

18 18 Q. What I can represent to you, ma'am, is that the
19 19 law says that you can get a photo ID from the North Carolina
20 20 DMV for free, so that you could go to the DMV mobile unit,
21 21 when it comes to Hertford, and apply for a photo ID for free,
22 22 and you would need to be able to show documentation of your
23 23 identity and address in order to do that.

24 24 A. Uh-huh.

25 25 Q. But -- so before today, were you aware that you

1 1 could go and get a free ID from the DMV mobile units when it

2 2 comes to Hertford in order to vote?

3 3 A. I didn't know.

4 4 Q. Okay. And if you need a birth certificate, in

5 5 order to obtain that free ID, did you know that you could

6 6 obtain that from the Department of Vital Records for free in

7 7 North Carolina?

8 8 A. I didn't know.

9 9 Q. Okay. Did you know that, that was part of the

10 10 Voter ID Law?

11 11 A. Uh-uh.

12 12 Q. Okay. Does that make you feel better about your

13 13 chances of getting a photo ID?

14 14 A. Well, I would like to get one.

15 15 Q. And I think you testified earlier that you had

16 16 not voted before by absentee ballot -- by mailing in an

17 17 absentee ballot; is that right?

18 18 A. Never mailed nothing out.

19 19 Q. And if you knew that you would not have to show

20 20 a photo ID, if you used a mail-in absentee ballot, is that

21 21 something you would be willing to look into?

22 22 A. No, 'cause of my eyes, the reading and stuff

23 23 like that there. My eyes are getting terrible.

24 24 Q. Okay. And how do you currently fill out a

25 25 ballot, given the situation with your eyes?

1 1 A. Well, when the last time I voted and filled out
2 2 papers, my eyes were doing good but my eyes now, is really
3 3 bad.

4 4 Q. So do you get assistance from someone in order
5 5 to fill out the ballot --

6 6 A. Yes.

7 7 Q. -- or it's not been a problem before?

8 8 A. My niece be with me and guides me along.

9 9 Q. Do you think your niece could assist you in
10 10 filling out an absentee ballot?

11 11 A. I don't know. She done moved from her Hertford.

12 12 Q. Your niece moved from Hertford?

13 13 A. Yes. My niece, she done moved -- the one that
14 14 was really carrying me off places, she done moved.

15 15 Q. Well, do you think that you could get assistance
16 16 from anyone else in filling out an absentee ballot, if you
17 17 wanted to vote that way?

18 18 A. I don't - I don't know.

19 19 Q. Okay. And do you remember going to vote in
20 20 2014?

21 21 A. Yes.

22 22 Q. And do you remember going to vote in November of
23 23 last year?

24 24 A. Yes, I do.

25 25 Q. And when you went to vote, did anyone tell you

1 1 that you would need a photo ID to vote in the future?

2 2 A. No. I didn't heard nobody say that.

3 3 Q. Do you remember anybody asking you if you had a

4 4 photo ID when you went to vote in November?

5 5 A. I just can't remember.

6 6 Q. You can't remember either way?

7 7 A. Uh-huh.

8 8 Q. Okay. And so to get a photo ID to vote, what

9 9 sorts of things do you think you would need in order to do

10 10 that?

11 11 A. My right birth certificate. I would need that.

12 12 Q. So correct birth certificate?

13 13 A. Uh-huh.

14 14 Q. In order to get that, what do you think you

15 15 would need to do?

16 16 A. I would have to find out how to do it.

17 17 Q. And I believe you said you knew that the DMV

18 18 sends a mobile unit to Hertford once a month; is that right?

19 19 A. Uh-huh.

20 20 Q. And in order to get to that mobile unit, what

21 21 would you need? Would you need a ride?

22 22 A. Yeah. I would need a ride, 'cause my legs

23 23 bother me like this.

24 24 Q. And do you think you then could get a ride to

25 25 get there?

1 1 A. Yeah. I believe so.

2 2 Q. And has anyone at the U.S. Department of
3 3 Justice, Mr. Shapiro or anyone else, offered to assist you
4 4 with any of those things?

5 5 A. I don't remember.

6 6 Q. You don't remember?

7 7 A. Uh-huh.

8 8 Q. Has Mr. Shapiro or anyone with the Department of
9 9 Justice asked if they could assist you in obtaining a photo
10 10 ID to vote?

11 11 A. I don't remember.

12 12 Q. Did you know that the State Board of Elections
13 13 would provide you with assistance, in order to help you
14 14 obtain a photo ID to vote?

15 15 A. No.

16 16 Q. Would you be interested in receiving assistance
17 17 from the State Board of Elections in obtaining an ID to vote?

18 18 A. Yes. Yes.

19 19 Q. Okay. And what kind of assistance do you think
20 20 you would need?

21 21 A. For it to go.

22 22 Q. So some information of where to go?

23 23 A. Uh-huh.

24 24 Q. Some information on whether --

25 25 A. And how -- what do I do to get it, and how would

1 1 I get it and everything.

2 2 Q. Maybe some help with that birth certificate
3 3 issue?

4 4 A. Uh-huh.

5 5 Q. Okay. And so if the State Board of Elections
6 6 wanted to contact you to assist you with that, what's the
7 7 best telephone number they could use to contact you?

8 8 A. [REDACTED].

9 9 Q. And the area code there would be [REDACTED]?

10 10 A. Yes.

11 11 Q. And you wouldn't have any objection to someone
12 12 from the State Board of Elections calling to assist you with
13 13 obtaining a photo ID?

14 14 A. No. Uh-uh.

15 15 Q. Okay. And if they wanted to send you something
16 16 in the mail, they could mail it to [REDACTED], in
17 17 Hertford?

18 18 A. Yes. Uh-huh.

19 19 Q. Okay. And have you requested assistance in
20 20 obtaining a photo ID from anyone at this point?

21 21 A. No.

22 22 Q. And I believe you said you had spoke with
23 23 Mr. Shapiro about the photo ID requirements. How many times
24 24 have you spoke with Mr. Shapiro about that?

25 25 A. Maybe twice.

1 1 Q. Did Mr. Shapiro visit your home today?

2 2 A. Yes.

3 3 Q. And did he tell you anything about this lawsuit
4 4 that we're involved in?

5 5 A. Yes.

6 6 Q. And what did he tell you about this lawsuit?

7 7 A. Things that you are talking about right now.

8 8 Yeah. Uh-huh.

9 9 Q. Okay. And before today, have you and I spoken
10 10 before?

11 11 A. No.

12 12 MR. MCKNIGHT: I don't think I have any further
13 13 questions for Ms. Foster at this time.

14 14 MR. SHAPIRO: Okay, Ms. Foster, just a few
15 15 questions.

16 16 ON EXAMINATION CONDUCTED BY MR. AVNER SHAPIRO:

17 17 Q. Okay, Ms. Foster, you -- I believe you testified
18 18 that, on cross that you had a perception that you would have
19 19 to pay for an ID; based on the fact that your daughters had
20 20 to pay for their IDs when they got IDs in the past; is that
21 21 correct?

22 22 A. Uh-huh. Yes.

23 23 Q. Is that why you have that perception?

24 24 A. Yes.

25 25 Q. Okay. In the past has anyone from the State

1 1 Board of Elections or has Mr. McKnight or has anyone else
2 2 ever approached you to tell you that you could get an ID for
3 3 free prior to today?

4 4 A. No.

5 5 Q. Has anyone ever suggested that, that's a
6 6 possibility?

7 7 A. No.

8 8 Q. Has anyone from the Board of Elections or
9 9 Mr. McKnight or anyone else approached you or suggested to
10 10 you, prior to today, that there may be some way that you can
11 11 get a birth certificate for free for voting? Have you ever
12 12 heard of that before today?

13 13 A. Not before today.

14 14 Q. So the first time you ever heard of this --

15 15 A. First time.

16 16 Q. -- possibility is from Mr. McKnight?

17 17 A. First time.

18 18 Q. Okay. And if you had not been here today and
19 19 not heard this from Mr. McKnight?

20 20 A. I wouldn't have known, so.

21 21 Q. You would not think that, that's even a
22 22 possibility; is that right?

23 23 A. Right.

24 24 Q. Okay. And how about people in your situation
25 25 who may not be in a position to hear from Mr. McKnight today

1 1 here. Someone who's in the exact situation as you, what do
2 2 you think their perception would be about whether they have
3 3 to pay for IDs, or whether they have to pay for birth
4 4 certificates?

5 5 MR. MCKNIGHT: Objection. Calls for
6 6 speculation.

7 7 Q. Based on everything you know, what do you think
8 8 their perception would be --

9 9 MR. MCKNIGHT: Same --

10 10 Q. -- in the same situation as you?

11 11 A. Yeah. They would have to do the same thing that
12 12 I'm going through with, have to pay --

13 13 Q. Which is what?

14 14 A. -- for the documents.

15 15 Q. Uh-huh. Do you recall ever receiving anything
16 16 in the mail telling you about a new ID requirement for
17 17 voting?

18 18 A. No.

19 19 Q. Did you ever -- apart from me mentioning that
20 20 there may be a new requirement, ID requirement for voting,
21 21 has this issue ever come up before? Had you heard it from
22 22 anyone?

23 23 A. No.

24 24 Q. Had you read anything about it?

25 25 A. No. I haven't read anything.

1 1 Q. Okay. Now, Mr. McKnight had shown you this
2 2 document, which has been marked as Foster [3].

3 3 A. Yes.

4 4 Q. Let me turn your attention to that document.
5 5 Does that show that -- do you see the date there --

6 6 A. Uh-huh.

7 7 Q. - it says 11-6-2012?

8 8 A. Yes.

9 9 Q. And that's around the time of elections.

10 10 A. Uh-huh.

11 11 Q. November, early November. Is it possible that
12 12 you filled out this form when you went to vote; is that
13 13 possible?

14 14 A. Yeah. I think -- I think that was the date.

15 15 Q. Okay.

16 16 A. Uh-huh.

17 17 Q. So you filled this out, possibly, when you went
18 18 to vote?

19 19 A. Yes.

20 20 Q. And your address had changed?

21 21 A. Yes.

22 22 Q. And so you were asked to fill out this form --

23 23 A. Uh-huh.

24 24 Q. - is that right?

25 25 A. Yes.

1 1 Q. Okay. And so why is it that you, if I may ask,
2 2 why did you have a change of address from one part of
3 3 Hertford to another? How is it that, that happened?

4 4 A. Okay. I was living at [REDACTED].

5 5 Q. And then you moved to 105?

6 6 A. Yes.

7 7 Q. [REDACTED]?

8 8 A. Uh-huh.

9 9 Q. Why did you move?

10 10 A. The lady say she had apartment -- apartment
11 11 there --

12 12 Q. Okay.

13 13 A. -- and that, you know, told my daughter, and my
14 14 daughter went on and took the apartment that she had for her.

15 15 Q. Okay. So the House Authority asked you --

16 16 A. Yes. I was living at 115.

17 17 Q. So the House Authority encouraged you to move or
18 18 --

19 19 A. No. My daughter and I moved with my daughter.

20 20 Q. Okay. You moved in with your daughter.

21 21 A. Uh-huh.

22 22 Q. Is there a possibility that you may move, for
23 23 one reason or another, to another apartment? Could that
24 24 happen, in Hertford?

25 25 A. No. She just had apartment vacant, and she just

1 1 changed apartment with her.

2 2 Q. Okay.

3 3 A. Just changed apartment.

4 4 Q. Let me ask it another way. In the future if
5 5 something changes, could it happen that you may have to move
6 6 one day, again, to some other apartment? Is that possible?

7 7 A. It might.

8 8 Q. It might happen?

9 9 A. Uh-huh.

10 10 Q. And if that happened and you wanted to register
11 11 and vote, what would you do? Would you do something similar
12 12 to what you did in this case?

13 13 A. Yeah. Because if I moved to another address,
14 14 you can't keep the same address, so you have to change your
15 15 address.

16 16 Q. Uh-huh. So when you wanted to vote, what would
17 17 you do?

18 18 A. I have to go and change my address to them.

19 19 Q. And would you do that at the time of the
20 20 election?

21 21 A. No. I would do it ahead of time.

22 22 MR. SHAPIRO: You would do it ahead of time,
23 23 okay. All right. No further questions.

24 24 MR. MCKNIGHT: Just one more, Ms. Foster.

25 25 ON EXAMINATION CONDUCTED BY MR. MICHAEL D.

1 1

2 MCKNIGHT:

3 2 Q. Did you have any plans to move out of Perquimans
4 3 County?

5 4 A. Well, I was thinking of moving with my daughter
6 5 there.

7 6 Q. To moving where?

8 7 A. Greenville.

9 8 MR. MCKNIGHT: Greenville, okay. Okay. Okay.

10 9 All right. Very good.

11 10 Well, I really appreciate your time today, Ms.
12 11 Foster. It's been a pleasure to meet you. And you may get
13 12 up to stretch your legs now. I don't want to keep you any
14 13 further. Have a good one.

15 14 MR. SHAPIRO: Thank you very much, Ms. Foster.
16 15 We appreciate it. Thank you so much.

17 16 THE VIDEOTAPED DEPOSITION CONCLUDED AT 12:05 P.M.

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1 STATE OF NORTH CAROLINA)
2) C-E-R-T-I-F-I-C-A-T-I-O-N
3 COUNTY OF GREENE)

5 I, SHEILA B. DARDEN, A COURT REPORTER AND NOTARY
6 PUBLIC IN AND FOR THE AFORESAID COUNTY AND STATE, HEREBY
7 CERTIFY THAT THE FOREGOING IS AN ACCURATE TRANSCRIPT OF THE
8 VIDEOTAPED DEPOSITION OF SARAH FOSTER, WHICH WAS TAKEN BY ME
9 BY STENOMASK, AND TRANSCRIBED BY ME.

10 I FURTHER CERTIFY THAT THE DEPONENT WAS FIRST DULY
11 SWORN BY ME, AND THAT THE DEPONENT AND PARTIES WAIVED THE
12 SIGNING OF THE DEPOSITION BY THE DEPONENT.

13 I FURTHER CERTIFY THAT I AM NOT FINANCIALLY
14 INTERESTED IN THE OUTCOME OF THIS ACTION, A RELATIVE,
15 EMPLOYEE, ATTORNEY OR COUNSEL OF ANY OF THE PARTIES, NOR A
16 RELATIVE OR EMPLOYEE OF SUCH ATTORNEY OR COUNSEL.

17 ON THIS THE 18TH DAY OF MAY, 2015

18 NOTARY NUMBER: 19950550046

21 /S/ SHEILA B. DARDEN
22 COURT REPORTER AND NOTARY PUBLIC
23 CAROLINA COURT REPORTERS, INC.
24 105 OAKMONT PROFESSIONAL PLAZA
25 GREENVILLE, NC 27858