

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

NORTH CAROLINA STATE CONFERENCE  
OF THE NAACP, *et al.*,

Plaintiffs,

v.

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

Defendants.

**NOTICE OF FILING OF  
CORRECTED PLAINTIFFS'  
DEPOSITION DESIGNATION  
TRANSCRIPT EXCERPT  
TOGETHER WITH  
DEFENDANTS' COUNTER-  
DESIGNATION EXCERPT FOR  
DORIS BURKE**

Civil Action No. 1:13-CV-658

LEAGUE OF WOMEN VOTERS OF NORTH  
CAROLINA, *et al.*,

Plaintiffs,

v.

THE STATE OF NORTH CAROLINA, *et al.*,

Defendants.

Civil Action No. 1:13-CV-660

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF NORTH CAROLINA, *et al.*,

Defendants.

Civil Action No. 1:13-CV-861

As a result of a technical error, the combined deposition transcript excerpt for **Doris Burke**, which was filed as Attachment 8 to the Notice of Filing of Plaintiffs' Deposition Designation Transcripts Excerpts Together with Defendants' Counter-Designation Excerpts (ECF No. 325)), was incomplete. Plaintiffs in the above-captioned matters are hereby providing a replacement for that combined excerpt.

Dated: July 9, 2015

By: Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2015, I electronically filed the foregoing NOTICE OF FILING OF CORRECTED PLAINTIFFS' DEPOSITION DESIGNATION TRANSCRIPT EXCERPTS TOGETHER WITH DEFENDANTS' COUNTER-DESIGNATION EXCERPTS FOR DORIS BURKE, using the CM/ECF system in case numbers 1:13-cv-658, 1:13-cv-660, and 1:13-cv-861, which will send notification of such filing to all counsel of record, including those counsel listed below.

Respectfully submitted,

/s/ Daniel T. Donovan

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NORTH CAROLINA STATE )  
 CONFERENCE OF THE NAACP, et al., )  
 Plaintiffs, )  
 v. ) Civil Action  
 No. 1:13-CV-658 )

PATRICK LLOYD McCRORY, in his )  
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 Defendants. )

LEAGUE OF WOMEN VOTERS OF )  
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 v. ) Civil Action  
 No. 1:13-CV-660 )

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

UNITED STATES OF AMERICA, )  
 Plaintiff, )  
 v. ) Civil Action  
 No. 1:13-CV-861 )

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

TELEPHONIC DEPOSITION OF  
 DORIS BURKE

Friday Burke residence  
 June 12, 2015 2:105 Lyndhurst Drive  
 4:16 P.M. Raleigh, North Carolina 27601

1 INDEX OF EXAMINATION  
 2 WITNESS: DORIS BURKE  
 3 EXAMINATION PAGE  
 4 By Ms. Riggs.....4  
 5 By Ms. Murphy.....22  
 6 By Ms. Riggs.....34  
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 8 INDEX OF EXHIBITS  
 9 NO. DESCRIPTION PAGE  
 10  
 11 (None)  
 12  
 13  
 14  
 15  
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 23 --o0o--  
 24  
 25

1 PROCEEDINGS  
 2 \* \* \* \* \*  
 3 DORIS BURKE,  
 4 being duly sworn to tell the truth, the whole truth  
 5 and nothing but the truth, was examined and testified  
 6 as follows:  
 7 THE DEPONENT: Yes.  
 8 EXAMINATION  
 9 BY MS. RIGGS:  
 10 Q. Ms. Burke, my name is Allison Riggs. We've  
 11 spoken before. I represent the League of Women  
 12 Voters plaintiffs. With me on the phone is the court  
 13 reporter and Kathy Murphy, who is an attorney for the  
 14 AG's office representing the defendants in this case.  
 15 If you can't hear us, please let me know,  
 16 and I'll speak up and repeat myself.  
 17 Can you state your full name for the  
 18 record.  
 19 A. Doris -- do I need to give my middle name?  
 20 Q. Yes, please.  
 21 A. Doris McLean Burke.  
 22 Q. Okay. And, Ms. Burke, I think I misspelled  
 23 your first name, so could you spell your name for the  
 24 record?  
 25 A. M-c-L-e-a-n, B-u-r-k-e.



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1 Q. And how do you spell your first name?  
2 A. D-o-r-i-s.  
3 Q. Okay. Ms. Burke, have you ever had your  
4 deposition taken before?  
5 A. No, I have not.  
6 Q. Okay. Well, I'll just explain to you how  
7 it works really quickly. We're doing this deposition  
8 telephonically, and so I just need you to be clear --  
9 the -- answer clearly, if you can. If I ask for a  
10 yes or no question, please make sure to say yes or no  
11 rather than uh-huh. It will just make the court  
12 reporter's job a little bit easier.  
13 If you don't understand a question or can't  
14 hear it, please ask me or Ms. Murphy, who will be  
15 asking questions as well -- please ask us to restate  
16 the question so you can understand it and we can be  
17 sure you're answering the question we ask.  
18 The other thing that's a little harder with  
19 a telephonic deposition is that sometimes since we  
20 can't see each other, we might talk over each other.  
21 I'll do my best to sort of pause before I ask my next  
22 question so that I can be sure that you're done  
23 answering. Is all of that okay with you?  
24 A. Yes.  
25 Q. Okay. Ms. Burke, what address do you live

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1 at?  
2 A. I live at 2105 Lyndhurst Drive, Raleigh,  
3 North Carolina 27601.  
4 Q. Thank you, Ms. Burke.  
5 THE COURT REPORTER: What was the zip?  
6 MS. RIGGS: I'm sorry?  
7 THE COURT REPORTER: What was the zip code?  
8 MS. RIGGS: Ms. Burke, can you repeat the  
9 zip code?  
10 THE DEPONENT: 27601.  
11 THE COURT REPORTER: Thank you.  
12 BY MS. RIGGS:  
13 Q. Ms. Burke, can you state your date of  
14 birth?  
15 A. Do you have to give your date of birth?  
16 Q. If you're uncomfortable, that's -- if you  
17 don't mind. I can redact that information later, if  
18 you like.  
19 A. Okay.  
20 Q. So what is your date of birth?  
21 A. 7/21/30.  
22 Q. Okay. Excellent. Thank you.  
23 Ms. Burke, how long have you lived in  
24 Raleigh?  
25 A. I've lived in Raleigh since 1961. Um-hmm.

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1 Q. Did you grow up in North Carolina?  
2 A. Yes, I did.  
3 Q. What part?  
4 A. Lumberton, North Carolina, Robeson County.  
5 Q. And did you live there from the time of  
6 birth until you moved to Raleigh?  
7 A. Yes.  
8 Q. Okay. Have you lived at the same address  
9 the whole time you've lived in Raleigh?  
10 A. No, I haven't. It's one mile away from  
11 where I lived before.  
12 Q. Okay. So you've lived in the same  
13 neighborhood the whole time?  
14 A. Same neighborhood, basically, yes.  
15 Q. Okay. Ms. Burke, are you retired?  
16 A. Yes, I am.  
17 Q. What did you retire from; what line of work  
18 did you retire from?  
19 A. Educator.  
20 Q. How long were you an educator?  
21 A. I don't ever tell anybody that.  
22 Q. Was it, suffice it to say, a long time?  
23 A. I -- I retired at age -- when did I retire?  
24 Age 65, I think, or sixty --  
25 Q. Okay.

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1 A. I don't tell people how long I worked.  
2 Q. Did you work in public schools?  
3 A. Yes, I did.  
4 Q. Okay.  
5 A. Wake County.  
6 Q. And do you have family who still live in  
7 Wake County?  
8 A. Yeah. I have a son and my husband.  
9 Q. Ms. Burke, are you a registered voter?  
10 A. Yes.  
11 Q. Do you remember when you first registered  
12 to vote as a young woman?  
13 A. Oh, long ago, thank God.  
14 Q. Did you register as a young woman to vote?  
15 A. Yes, I did.  
16 Q. Was that in Lumberton?  
17 A. In Lumberton.  
18 Q. Okay. And were you 18 or do you think you  
19 were a little older when you first registered to  
20 vote?  
21 A. I think I was older.  
22 Q. Okay.  
23 A. I -- I don't remember.  
24 Q. Okay. That's fine. This isn't a memory  
25 test. Do you remember, did you ever vote in

1 Lumberton?  
 2 A. Yes.  
 3 Q. Okay. Was voting important to your family?  
 4 A. Oh, yes. My sister worked at the -- at the  
 5 polls every year, and she knocked on doors. I  
 6 remember it very well. And she lived a long life to  
 7 be 97, and she worked as long as she could.  
 8 Q. Was voting to your --  
 9 A. (Indiscernible).  
 10 Q. -- family important? I'm sorry.  
 11 A. (Indiscernible). Yes.  
 12 Q. Okay.  
 13 A. Yes.  
 14 Q. Was it important to your parents as well?  
 15 A. Yes, it was important to -- to my parents.  
 16 I don't think my parents at that age were able to  
 17 vote. I don't think so.  
 18 Q. When you said they weren't able to vote,  
 19 was it because voting used to be -- they used to  
 20 be --  
 21 A. Not allowed.  
 22 Q. Okay. Why is that?  
 23 A. I guess it was segregation. Are you  
 24 familiar with Lumberton, North Carolina, Robeson  
 25 County?

1 Q. I am, but if you'd like to take a minute  
 2 just to -- to tell the court reporter why -- why that  
 3 it is that Lumberton was so segregated --  
 4 A. It was that fifty years (unintelligible).  
 5 Q. Yeah. Did you have -- do you remember  
 6 voting in segregated polling places?  
 7 A. Oh, yes. That was even in Raleigh.  
 8 Q. Okay. So since 1961 when you moved to  
 9 Raleigh?  
 10 A. Yes.  
 11 Q. And did your parents ever have to do  
 12 anything like recite the Preamble in order to vote?  
 13 A. No, because they never -- I don't think  
 14 they ever had a -- an opportunity to vote.  
 15 Q. Okay. Did your parents pass away?  
 16 A. Yes.  
 17 Q. Okay. How long have they been gone?  
 18 A. Oh, my goodness. My father -- I had all of  
 19 those obituaries. My father passed away at 65 and my  
 20 mother passed away at 92.  
 21 Q. Okay.  
 22 A. I could look that information up for you.  
 23 Q. No, that's -- that's fine. No need to --  
 24 no need to do that.  
 25 Mrs. Burke, have you been a regular voter

1 throughout your life?  
 2 A. Yes, ma'am.  
 3 Q. Is voting important to you?  
 4 A. Voting is very important to me. That's why  
 5 I tell everybody that I know your vote does count,  
 6 and your vote is important. A lot of people don't  
 7 think that their vote counts because they don't have  
 8 big jobs or big cars or houses and they're not going  
 9 to listen to me and whatever. But I take -- it takes  
 10 one vote, one vote, one vote and keep going until you  
 11 get a thousand, you get a million or whatever. Just  
 12 got to have that -- one vote is important.  
 13 Q. Yes. Absolutely.  
 14 Ms. Burke, are you involved with any  
 15 organizations?  
 16 A. Yes, I am.  
 17 Q. Which ones?  
 18 A. Well, I'm involved with the Voter  
 19 Coalition, the Raleigh-Wake Citizens Association,  
 20 the, uh, NAACP, Democrat Women, Senior Democrats. Do  
 21 you want me to name them all?  
 22 Q. No, that's -- that's very good, ma'am.  
 23 Thank you.  
 24 And with your work with those  
 25 organizations, have you ever had the opportunity to

1 work at any early voting or Election Day polling  
 2 places?  
 3 A. Every -- every year for the last, I guess,  
 4 maybe 20 years or 25 years. I have worked every year  
 5 since early voting. And before that, I worked at the  
 6 polls.  
 7 Q. Okay. And do you usually work on behalf of  
 8 the same organization or does it vary?  
 9 A. Oh, it varies.  
 10 Q. Okay. This past November, November of  
 11 2014, did you work at an Election Day polling place?  
 12 A. Yes, I did.  
 13 Q. Which Election Day polling place?  
 14 A. I worked at Chavis Heights Community Center  
 15 in Raleigh.  
 16 Q. Okay. And what part of Raleigh is that in?  
 17 A. Southeast Raleigh.  
 18 Q. Okay. When you say you worked there on  
 19 Election Day, how long were you there; do you recall?  
 20 A. I was there from the beginning of early  
 21 voting until the end of the -- of early voting, and I  
 22 worked every day from opening to close. And then I  
 23 worked on Election Day. And I guess I have to do  
 24 that now. I did that because we had a lot of  
 25 sickness in our family and we do not have donations

1 to give to the candidates. And I told myself working  
2 and handing out literature for them, you know, that  
3 was -- that would mean as much as money. I think I  
4 helped them maybe more that way than the \$25 that I  
5 would have given to them because I was a community  
6 active citizen and trying to show the people that  
7 live in the same area, in the neighborhood where I  
8 live, that we're interested in you as an individual  
9 and we're interested -- because I think the past  
10 year, we had the best candidates that we have ever  
11 had.

12 Q. What neighborhood -- what is the name of  
13 the neighborhood that you live in?

14 A. I live in Lyndhurst -- Lyndhurst Manor.

15 Q. Okay. And is that in Southeast Raleigh as  
16 well?

17 A. It is, yes. I can walk right out my back  
18 door to my polling place.

19 Q. And for people who might be reading this  
20 who aren't familiar with Raleigh, can you describe  
21 how Southeast Raleigh is, like the people who live  
22 there?

23 A. Um, uh, black predominantly. I would say  
24 it is 80 percent minorities. And it is just now  
25 beginning to become more integrated because of

1 housing. They're giving us a little better housing  
2 in this particular area and they're giving us better  
3 schools, better roads and better everything. And  
4 that is because we go to the polls and vote.

5 Q. Yes. Is Southeast Raleigh predominantly  
6 working class or lower income?

7 A. Lower income.

8 Q. Okay. So going back to Election Day, you  
9 said you worked the whole day. Do you remember about  
10 what time you got there?

11 A. Probably six -- six o'clock in the morning.

12 Q. Okay. And do you remember what time you  
13 left?

14 A. Oh, at the polls, I never left until the  
15 polls closed and I got the count.

16 Q. Okay. And did you leave during lunch or  
17 were you there the whole day?

18 A. I might have left for maybe a couple of  
19 hours, maybe one or two days. But most of the time,  
20 I did not leave.

21 Q. And so what -- so you're talking about  
22 during early voting?

23 A. During early voting. But then I did not  
24 leave on Election Day at all.

25 Q. Okay. And, Ms. Burke, on -- so, on

1 Election Day, were you work -- do you remember what  
2 organization you were there on behalf of?

3 A. The Raleigh-Wake Citizens Association.

4 Q. Okay. And can you tell us what  
5 Raleigh-Wake Citizens Association is?

6 A. Raleigh-Wake County Citizens Association is  
7 an organization that brings people together for the  
8 betterment of the community. We look at teachers,  
9 with the city council or the county commissioners or  
10 whatever, any issue that we might have,  
11 transportation or any -- any situation that would  
12 involve the community and help the community to stay  
13 viable and alive.

14 Q. Okay. Thank you.

15 Ms. Burke, did you see long lines on  
16 Election Day at the Chavis Recreational Center?

17 A. Did I do what?

18 Q. Did you see -- were there long lines of  
19 people waiting to vote?

20 A. Goodness, yes. Yes. The longest that I  
21 have ever seen, yes.

22 Q. And have you worked at Chavis before this  
23 past election?

24 A. Yes, I have at Chavis for seven years. And  
25 the lines -- the lines were longer this year than

1 ever before. And I think that we had more people to  
2 get angry with me and other people that were trying  
3 to help them because they had to wait in line so long  
4 to vote. And my thing has been that we should be  
5 trying to make it easier for people to vote than to  
6 make it, you know, more difficult.

7 Q. Okay. Did you see any voters being turned  
8 away without voting?

9 A. Oh, that -- well, there were lots of people  
10 like maybe -- we counted on the day of election, we  
11 probably sent away like 300 people who were at the  
12 wrong polling place.

13 Q. They were in the -- they were what we call  
14 "out of precinct"?

15 A. Yes. And I was able to tell them -- and we  
16 had people on the computers and -- and on the phones  
17 telling them where to go. And some of them said they  
18 were going. And we had people to give rides, and --  
19 and some of them still refused to go. They'd say,  
20 This is it.

21 Q. How did you know that those people were in  
22 the wrong precinct?

23 A. Because by the addresses. I know most of  
24 the addresses, and I have worked -- I have worked as  
25 a precinct -- I work with my precinct, and I have

1 worked at a lot of the precinct voting places.  
 2 Q. Okay. Were you talking to voters while  
 3 they were waiting -- or when they were waiting in  
 4 line or when they came out?  
 5 A. No. (Unintelligible) area. They said do  
 6 not (unintelligible). Beyond this line and talk to  
 7 voters. Yes, I did. That was my sole purpose -- one  
 8 of my sole purposes was to try to make them feel  
 9 comfortable and that we wanted them to vote. And we  
 10 would thank them also for voting. And when they'd  
 11 come out with their voting tags on, we'd say, Yay,  
 12 you did it, and, you know -- and a lot of them felt  
 13 good about it.  
 14 Q. Did you talk to voters about being in the  
 15 wrong precinct before they went into the voting  
 16 polling place?  
 17 A. Sometimes we could because after a while,  
 18 they started asking, and I said, Do you have your  
 19 card? And some of them would have their card, and it  
 20 would be -- it wasn't funny; it was sad. And I would  
 21 show them on the card where their precinct is, where  
 22 they're supposed to vote, and they'd say, Damn, I --  
 23 you know, I live right there, you know, quickly. And  
 24 I think really the -- in order -- what we need to be  
 25 doing is to help people to understand their voting

1 precincts. And that's what we're working on now  
 2 through the co -- coalition, getting ourselves  
 3 prepared to vote, not trying to keep them from  
 4 voting, but opening the doors for them to vote.  
 5 Q. Okay. When you say "the card," are you  
 6 talking about a voter registration card?  
 7 A. A registration card, yes.  
 8 Q. Okay. And then did you have the  
 9 opportunity to talk to voters about -- who were in  
 10 the wrong precinct after they came out of the polling  
 11 place?  
 12 A. Yes. And most of them, I mean, they would  
 13 be just steaming. They would be so angry with  
 14 themselves. Some of them would be angry with  
 15 themselves, they would be angry with the Board of  
 16 Election, they'd be angry with the people on the  
 17 inside and just angry, period.  
 18 But I was thinking -- our Board of  
 19 Elections, they tried hard to please everybody.  
 20 Every -- the judges and everybody was at our precinct  
 21 where I worked. They tried hard to please everybody.  
 22 But it's just difficult to do because a lot of them  
 23 I -- and I know. And they're just -- they're not  
 24 people that -- they're educated people that -- a lot  
 25 of them that really, you know, don't know and they

1 don't want you to tell them. And I said, We're just  
 2 here to help you. And you can feel fine and good,  
 3 you know. We'd send them, you know, on their way.  
 4 Q. Right. Ms. Burke, do you know -- did some  
 5 of those people who came out of the polling place  
 6 without voting, did they end up not voting at all?  
 7 A. Oh, many of them. A lot of them said, Oh,  
 8 no, I'm not going anyplace. I caught that bus and I  
 9 came over here and I've done this and I've done that.  
 10 And I would tell them, Don't be angry -- angry with  
 11 yourself. Be angry with me. I said, You don't know  
 12 how long -- how many years it took -- I waited to  
 13 vote years to vote and you're just waiting a few days  
 14 to vote. I waited --  
 15 MS. MURPHY: Objection to hearsay.  
 16 BY MS. RIGGS:  
 17 Q. You can keep going.  
 18 MS. MURPHY: Yeah. Just did the court  
 19 reporter get it?  
 20 THE COURT REPORTER: Yes.  
 21 MS. MURPHY: Okay. Thank you.  
 22 BY MS. RIGGS:  
 23 Q. You can keep telling your story,  
 24 Ms. Burke.  
 25 A. Huh? No, that's what I was saying when

1 they'd get angry after. I'd say, you -- you know,  
 2 you're upset over one day. It took me years to have  
 3 this opportunity to vote, you know. And I said,  
 4 We're so thrilled to have you to come and participate  
 5 in the procedure, you know, to let people -- because  
 6 if you don't vote -- you want change. You can't have  
 7 changes made for the betterment of the people and the  
 8 community unless you vote -- you know, come out and  
 9 vote. And we tried hard to make it easier for them  
 10 to vote.  
 11 Q. Okay. So you felt like you had to  
 12 encourage people to vote because you believed --  
 13 A. Oh, yes. A lot of encouraging. We did a  
 14 lot of encouraging.  
 15 Q. And you felt like you had to encourage the  
 16 people who got turned away in Chavis because they  
 17 were in the wrong precinct?  
 18 A. And most of them -- a lot of them -- since  
 19 they're probably in the general area, I could tell  
 20 them exactly how to get to, you know, the gas station  
 21 and the drug store and the whatnot because I've been  
 22 here a long time.  
 23 Q. Okay. Ms. Burke, can you hear me?  
 24 A. Yes, I hear you.  
 25 Q. Okay. You said you counted about 300 --

1 A. Yes.

2 Q. -- people that were turned away from

3 Chavis?

4 A. Yeah. We had about 300 on Election Day

5 that was turned away because they were at the wrong

6 precinct. We counted them.

7 Q. Okay. When you say "we," who is we?

8 A. Um, volunteers. They -- see, we had -- we

9 had maybe 10 or 12 volunteers on Election Day all day

10 long.

11 Q. Okay. And, Ms. Burke, could you tell how

12 long people -- when the lines got to be longer, could

13 you tell about how long people were having to wait to

14 get into the polling place?

15 A. I think about three hours was the longest

16 at our polling place.

17 Q. Okay. And about at what time of the day

18 was -- did the lines get the longest?

19 A. In the evenings and early morning.

20 MS. RIGGS: Okay. Ms. Burke, those are all

21 the questions I have. Ms. Murphy is going to

22 have a couple of questions for you real quick if

23 that's okay.

24 THE DEPONENT: Yes.

25 EXAMINATION

1 BY MS. MURPHY:

2 Q. Okay. Good afternoon, Ms. Burke. I'm

3 Kathy Murphy. I'm representing the defendants. And

4 I -- I just have a couple of questions for you.

5 Do you know why the lines were so long on

6 Election Day?

7 A. I think that the lines were long on

8 Election Day because I don't think the Board of

9 Elections increased the number of people who were

10 working because usually you have more people. This

11 time it was opposite from the last year of early

12 voting. The laws were I think about the same or

13 similar. On Election Day, you know, everybody knew

14 this was the last day and they came, you know,

15 running in, and it took them a little longer on

16 Election Day.

17 Q. Okay. And do you know why there were so

18 many people at the wrong polling place on that day?

19 A. Misinformation. Misinformation. Because

20 one lady told me, she said, at her job, they told her

21 that they were supposed to come and vote the next

22 day. And she said she knows all the rules and all

23 those things. She said, I said, We're supposed to

24 vote today. And we -- we laughed about it. And I

25 said, You were right, you know.

1 And you hear people talking. A lot of

2 times they don't know, and they're trying to tell

3 other people, you know, and they're getting the date,

4 you know, mixed up all -- the wrong date. So she

5 said (unintelligible). We were told we were supposed

6 to vote tomorrow.

7 Q. Okay. Well, that's just the date. Do you

8 know why they were at the wrong polling place, that

9 they weren't in the right precinct?

10 A. They didn't look at their -- their voter

11 registration card.

12 Q. Okay. And you said there was at least one

13 person who had the voter registration card with them

14 and it showed the correct polling place. So do you

15 think they just never looked to see what their

16 correct polling place was?

17 A. It would vote -- the day that they voted,

18 they did early voting at the same precinct last year.

19 They'd say, Well, I voted here last year. But they

20 weren't thinking that it was early voting that they

21 voted. I said, Yeah, you could but not on Election

22 Day, you did not vote here. And some of them, they

23 wanted to -- to, you know, dispute what I was saying.

24 They'd say, No, we voted here on Election Day. I'd

25 say, No, you didn't. You did not vote. It was early

1 voting. I said, But, anyway, I want you to get to

2 your poll and vote. And I'd just try to tell them,

3 you know, where they're supposed to go.

4 Q. Okay. And you said you -- do you know for

5 a fact one way or the other whether any of these

6 people that came out actually did not vote?

7 A. I know some of them did not vote because

8 they told me they weren't going to vote; they were

9 going home. They weren't -- they were going -- they

10 were gonna get on the bus and go home. And we

11 offered them rides. We had rides for them to go to

12 their polls. And they'd say when they get there -- I

13 said, Well, the person will bring you back here, you

14 know, and then you can -- can you get home from here?

15 And they'd say, No. That's all right. I'm just not

16 going to vote.

17 Q. Okay. And so they had the opportunity to

18 get to the other polling place. Did they have time

19 to get to the other polling place?

20 A. At -- at 5:30 or 6:30, no, some of them

21 didn't have time, lots of them. If they had their

22 own transportation, they would run to their car and

23 try to, you know, make it.

24 Q. Okay. How many people of the 300 would you

25 say said they weren't going to vote even though they

1 had transportation and opportunity?  
 2 A. I would say at least half of them. At  
 3 least it seemed added to those people, they -- you  
 4 know, they would say we're not angry -- a lot of them  
 5 would say I'm angry with myself that I did not, you  
 6 know, do this. And I'd say, Well, we're going to  
 7 have to do a better job of educating people and  
 8 trying to fix something that's not broken.  
 9 Q. And what do you mean by that, fix something  
 10 that's not broken?  
 11 A. Well, when I say fix something that's not  
 12 broken, in -- in our area, we have not had any  
 13 problems with the kind of voting two or three times  
 14 or -- at different polling places. And I don't even  
 15 think the state of North Carolina has had that many  
 16 problems. That's why I say we're -- it looks like  
 17 they're trying to fix something that's not broken.  
 18 Q. You mean by not letting these 300 people  
 19 vote in that precinct that wasn't their precinct?  
 20 A. No. This is -- this is what I'm saying.  
 21 They had early voting and like they had continued it  
 22 -- see, they cut it shorter. If they had it longer,  
 23 it probably would have helped a lot.  
 24 Q. Would there be --  
 25 A. The days were cut. And we had to really

1 fight to get it. Had to (unintelligible) like in the  
 2 -- in our community, a -- a polling place for the  
 3 people to go and vote. We had to go down and -- and  
 4 fill up the Board of Election room and make speeches  
 5 in order to get a -- a -- the polling place here for  
 6 early -- early voting.  
 7 Q. Do you know whether the 300 people who came  
 8 on Election Day were there on Election Day because of  
 9 the shortened early voting period?  
 10 A. I can imagine some of them. You know, how  
 11 we'll -- some people, how they wait until the last  
 12 minute and they just think they have time to do it.  
 13 Q. So do you think that --  
 14 A. A lot of them work. Coming from work and  
 15 they see all these cars and say, I'll do it tomorrow.  
 16 The next day is the same thing: I'll do it tomorrow.  
 17 And they -- the clock runs out or runs down.  
 18 Q. So do you think most of those 300 people  
 19 just waited and waited and waited, and then early  
 20 voting was over and they had no choice but to vote on  
 21 Election Day?  
 22 A. I -- what -- I don't -- I -- I can't -- I  
 23 can't speak for all of those people, but it was a lot  
 24 of them. And this is a fact that we wrote this down.  
 25 Q. And so who were the volunteers that were

1 counting how many people were in the wrong precinct?  
 2 A. Well, you know, when you go to the polls,  
 3 we have -- we have pieces of main -- and a lot of  
 4 those people, I never seen them before, but we would  
 5 introduce ourselves, and they'd say who they were  
 6 working for or they would be passing out the same  
 7 literature, so we would -- we would know what to --  
 8 what to do or what to expect. Because --  
 9 Q. Did you --  
 10 A. -- where I was working, a lot of people  
 11 said -- I'd say, I know you want to talk and help me  
 12 out for a couple of hours, you know, and give me a  
 13 break. And they'd laugh. And they would stay and  
 14 they -- and the next day, I'd look up and they would  
 15 be coming back to help.  
 16 Q. Did someone tell you specifically to watch  
 17 for people who were in the wrong polling place?  
 18 A. No. Not -- you -- I -- you wouldn't know  
 19 -- you wouldn't know until they went in and they  
 20 came out and how they couldn't vote. And they would  
 21 come -- a lot of the people, they personally know me,  
 22 and they would ask me -- they would come to me and  
 23 would ask me do I know where their polling place is,  
 24 and I'd say, What's the address? And they would tell  
 25 me, and I'd say, Yes, I do. I know you passed right

1 by it coming here.  
 2 Q. What made you decide to start keeping a  
 3 tally of how many people were leaving because they  
 4 were in the wrong precinct?  
 5 A. Uh, because it had been happening for early  
 6 voting, and I just thought we would tally them.  
 7 Q. (Unintelligible)?  
 8 A. (Unintelligible). A lot of people would  
 9 come for early voting and they would have their card  
 10 in their hands. And we'd tell them, you know, keep  
 11 that one until 2016. We had even then to move signs  
 12 that we stuck in the -- in the ground for them to  
 13 see. And they would -- they would know.  
 14 Q. Okay. My question was why --  
 15 A. Anything about the, uh -- to me was the  
 16 college students.  
 17 Q. My question was why -- what made you decide  
 18 to start counting these people who were leaving the  
 19 polls on Election Day because they were in the wrong  
 20 precinct?  
 21 A. Because I wanted to come in to give  
 22 reports.  
 23 Q. Okay. Who did you give reports to?  
 24 A. See, we worked everything. We worked  
 25 Martin Street Baptist Church.

1 Q. Okay. Who were you giving the reports that  
2 you made to?

3 A. The -- the people that were in charge of  
4 the volunteers.

5 Q. Who were the people in charge of the  
6 volunteers?

7 A. Well, I -- am I supposed to be recalling  
8 somebody's name?

9 Q. No, no. Was it -- I'm asking about was it  
10 an organization or --

11 A. The two organizations that I worked  
12 personally with was the Voter Coalition and the RWCA.  
13 Those are the ones that I volunteered to work for.

14 Q. Okay. And so they asked you to make a  
15 report after you --

16 A. They -- child, I've been doing this so  
17 long, I decided to do this -- do it on my own because  
18 with the voter ID card coming up, a lot of people  
19 were just really concerned and they would be asking  
20 questions about it. And we would tell them you don't  
21 need that until 2016.

22 Q. Did you --

23 A. In fact, most of them were at the wrong  
24 polling place.

25 Q. Did you keep a list of the names of the

1 people who were leaving because they were at the  
2 wrong voting place?

3 A. No, ma'am. No, ma'am. I wouldn't have  
4 gotten my job done had I done that.

5 Q. Did you keep the tally of -- or you count,  
6 was it something you wrote down on a piece of paper?

7 A. On -- on a piece of -- on a piece of paper.  
8 And I think probably I recycled that probably last  
9 week or a couple of weeks ago.

10 Q. How can you be sure now that it was 300  
11 people?

12 A. Uh, let me see. It seemed like to me there  
13 were several -- I'm trying to think. I might -- uh,  
14 the person that counted them, you know, I -- we would  
15 count them as they would come out and say they  
16 weren't able to vote. If -- you know, if -- if you  
17 were working as a team, you would need to know if I  
18 would ask them to list what you -- you know, write  
19 down this number for me. You know, when they'd come  
20 out, they'd tell me they were not able to vote; they  
21 were at the wrong -- but I didn't ask them for their  
22 names.

23 That's the -- people think you're too  
24 personal and you're wanting to know a bunch of their  
25 business. And I was not there to find out anything

1 about their personal business, why they were voting.  
2 We just had a slate of people where we had  
3 interviewed them, and I went to every one of the  
4 interviews but one, and we felt that they were good  
5 candidates to vote for.

6 Q. When the people were coming out who were  
7 not able to vote, did you talk to anybody who was not  
8 able to vote for a reason -- a different reason?

9 A. Uh, a lot -- lots of people that were not  
10 able to vote. And I'd say, Thanks for voting. Then  
11 they'd say, I was not able to vote. I'd say, I don't  
12 see your "I Voted" sticker, you know, or something  
13 like that. And they'd say, Because I didn't vote. I  
14 was not able to vote.

15 Q. Was the only reason they weren't able to  
16 vote because they were at the wrong polling place?

17 A. Well, some of them, they didn't have the  
18 right information. Some of them, you know, they'd  
19 only get light bills and -- and different things, you  
20 know, telephone bills or whatever they needed. I  
21 think one of the big problems was in the, uh,  
22 curbside voting where they had a lot of them. And,  
23 you know, those -- those people, if they're like me  
24 and they don't figure a way out, they -- they're not  
25 coming back. They may have gotten (unintelligible)

1 and they're not going to ask them anymore to do that.  
2 So they just let it go.

3 Q. Well, is your 300 count including these  
4 other people as well or is the 300 just the people  
5 who were at the wrong --

6 A. Not one person voted -- we don't know what  
7 happened with the curbside voting. These were people  
8 walking. And this is a fact.

9 Q. I'm sorry. What is a fact?

10 A. Yeah, it's a fact that I counted -- when we  
11 -- after we counted -- I stopped counting at 300, and  
12 when I went to the meeting, I reported that we had  
13 that many.

14 Q. And I'm just trying to understand what --  
15 what about the other people? You said there were  
16 people who didn't have the right documents that  
17 couldn't vote. Were you counting those people as  
18 well, or no?

19 A. The people that had the wrong documents?

20 Q. Right. Did you count those people too?

21 A. I said that -- that if they -- if they came  
22 out and told me that they were not able to vote, I  
23 didn't ask them if -- Was it because you didn't have  
24 your -- your light bill or your -- I didn't -- I  
25 didn't ask them those personal questions. They just

1 said, I was not able to vote.  
 2 Q. So the 300 people, the people who were not  
 3 able to vote, you don't know exactly what the reason  
 4 was for those 300 people?  
 5 A. Most of them were at the wrong polling  
 6 place.  
 7 Q. And how do you know that if you weren't  
 8 asking them why they couldn't vote?  
 9 A. Because they would ask me.  
 10 Q. Okay. They'd ask you where their proper  
 11 polling place was?  
 12 A. Yeah. Where is Southeast Raleigh, where is  
 13 (unintelligible) school, where is (unintelligible),  
 14 and I could tell them. At least 20 of them.  
 15 Q. Okay.  
 16 A. I've been doing this for --  
 17 Q. In the past, did people ever ask you where  
 18 their correct polling place -- in other years, did  
 19 people who were in the wrong place ask you?  
 20 A. It seemed to me they -- since they started  
 21 this ID thing that people are a little more nervous  
 22 about it. And, uh, no, I didn't have that many. No,  
 23 no.  
 24 MS. MURPHY: I have no further questions.  
 25 Thank you very much, Ms. Burke.

1 EXAMINATION  
 2 BY MS. RIGGS:  
 3 Q. Ms. Burke, this is Allison again. I just  
 4 have two more follow-up questions.  
 5 The people who were not -- who were leaving  
 6 the polling place after not voting because they were  
 7 in the wrong precinct, were those predominantly  
 8 people of color?  
 9 A. Yes.  
 10 Q. Okay.  
 11 A. Yes.  
 12 Q. And just to clarify, about how many of  
 13 those 300 do you think were turned away because they  
 14 were in the wrong precinct?  
 15 MS. MURPHY: Objection.  
 16 A. I would --  
 17 MS. MURPHY: Calls for speculation.  
 18 BY MS. RIGGS:  
 19 Q. You can answer.  
 20 A. (Unintelligible). A percentage?  
 21 Q. Roughly a percentage.  
 22 A. (Unintelligible).  
 23 Q. The question is about what percentage of  
 24 those 300 people who left without voting -- what  
 25 percentage were because they were in the wrong

1 polling place?  
 2 A. (Unintelligible).  
 3 MS. MURPHY: And I'm going to object. I'm  
 4 sorry.  
 5 A. (Unintelligible).  
 6 MS. MURPHY: I need to put my objection on  
 7 the record. She's already testified that she  
 8 didn't ask the people why they weren't voting, so  
 9 I think there's no basis, there's no knowledge  
 10 there.  
 11 But go ahead. You can answer, Ms. Burke.  
 12 I'm sorry to interrupt.  
 13 THE DEPONENT: Because I know in my  
 14 precinct -- I know 95 percent are minorities or  
 15 98 percent are minorities in this general area,  
 16 whole area.  
 17 BY MS. RIGGS:  
 18 Q. Okay.  
 19 A. Minorities. So you can't make them into  
 20 anything else but minority.  
 21 Q. Ms. Burke, I know you testified that you  
 22 weren't asking people why they were unable to vote.  
 23 Were people telling you anyway why they were unable  
 24 to vote?  
 25 A. Yeah. Most of them. I'd say -- when I

1 would say, Thank you for voting, and they -- they'd  
 2 say, I didn't vote, I -- I'm in the wrong polling  
 3 place or I'm in -- they told me that. I didn't ask  
 4 them, you know, personal things.  
 5 Q. Right, but just because you didn't ask  
 6 doesn't mean that they didn't tell you?  
 7 A. They did -- well, most of them would tell  
 8 me. And I'll tell you, I would promise you 85  
 9 percent of them knew me personal.  
 10 Q. Okay. And then my last question is just to  
 11 clarify. You've never -- in prior elections, you've  
 12 never seen so many people turned away because they  
 13 were in the wrong polling place?  
 14 A. I've never seen so many people never  
 15 before.  
 16 MS. RIGGS: Okay, Ms. Burke. Those are all  
 17 the questions that I have.  
 18 MS. MURPHY: And I have no further  
 19 questions.  
 20 THE DEPONENT: Okay.  
 21 MS. RIGGS: We really, really, really  
 22 appreciate your time. Thank you so much.  
 23 THE DEPONENT: Okay. I was saying can I  
 24 close by saying is that I would like us -- to see  
 25 us to making it easier for people to vote and we



1 -- hello?  
 2 MS. RIGGS: Yes, we're here, Ms. Burke.  
 3 THE DEPONENT: And especially college  
 4 students, make it easier. They've got to have  
 5 IDs to be in a college and then they've got to  
 6 have IDs to vote, they've got to have I -- for  
 7 what -- whatever. And I was -- so just I thought  
 8 this is -- I think it's for some reason they're  
 9 trying to suppress voting rather than opening it  
 10 up and saying, Here we are, we're one -- we want  
 11 everybody to -- to vote.  
 12 And I want to really thank Dr. Barber and  
 13 the North Carolina NAACP for their support in  
 14 getting out the vote and getting people to -- to  
 15 -- the Voting Coalition, Brad Thompson, who is an  
 16 activist in this -- in this area and -- and, uh,  
 17 community.  
 18 And, uh -- there's just so many people that  
 19 I -- maybe I shouldn't be calling names and, you  
 20 know, because a lot of people are aware of the  
 21 voter suppression that we have and that it is  
 22 growing rather than getting smaller.  
 23 And if there's anything that you-all can do  
 24 to increase and get the interest of people to go  
 25 to the polls and vote, we're going to do our best

1 and try to do a better job and let people know  
 2 why they need to vote and that their vote does  
 3 count. That's the most important thing that I --  
 4 I have experienced is that because they're not  
 5 listed JIQ that their vote does not count. And  
 6 that's not -- that's not true.  
 7 MS. RIGGS: Well, Ms. Burke, we -- we all  
 8 certainly appreciate your long-term commitment  
 9 and your engagement and all of the work that  
 10 you've done over the years. It's such a huge  
 11 blessing to our community.  
 12 THE DEPONENT: Thank you.  
 13 MS. RIGGS: All right, Ms. Burke. Well  
 14 thank you very much, and we'll talk to you later.  
 15 THE DEPONENT: Thank you. Thank you.  
 16 MS. RIGGS: Okay. Have a good evening.  
 17 THE DEPONENT: Yes. Thank you.  
 18 MS. RIGGS: All right. Bye-bye.  
 19 MS. MURPHY: Allison, are you still there?  
 20 MS. RIGGS: I am, yes.  
 21 MS. MURPHY: I think we need to take the  
 22 last speech off the record since it wasn't in  
 23 response to any question.  
 24 MS. RIGGS: Well, you can put that  
 25 objection in.

1 MS. MURPHY: Okay. I guess we hadn't  
 2 officially gone off the record. It was kind of  
 3 hard to speak over her but ...  
 4 MS. RIGGS: Right. I'm fine recognizing  
 5 that objection being lodged.  
 6 MS. MURPHY: Well, the deposition was over  
 7 and then she -- and so I can't really follow up  
 8 on anything she's saying, you know, after the  
 9 deposition. But, anyway, I'll go ahead and -- if  
 10 that's in the record, then I will make an  
 11 objection to it.  
 12 (SIGNATURE RESERVED.)  
 13 (THE DEPOSITION CONCLUDED AT 5:00 P.M.)  
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1 ERRATA SHEET  
 2 Case name: NC NAACP VS. McCrory, et al.  
 3 Witness name: DORIS BURKE  
 4 Deposition Date: Friday, June 12, 2015  
 5  
 6 Page/Line Reads Should Read  
 7 \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
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 23 \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
 24  
 25 Signature Date

1 ACKNOWLEDGEMENT OF DEPONENT

2 I, DORIS BURKE, declare under the penalties  
3 of perjury under the State of North Carolina that I  
4 have read the foregoing 40 pages, which contain a  
5 correct transcript of answers made by me to the  
6 questions therein recorded, with the exception(s)  
7 and/or addition(s) reflected on the correction sheet  
8 attached hereto, if any.

9 Signed this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

10  
11

\_\_\_\_\_

DORIS BURKE

12  
13

14 State of: \_\_\_\_\_

15 County of: \_\_\_\_\_

16 Subscribed and sworn to before me this \_\_\_\_\_ day  
17 of \_\_\_\_\_, 2015.

18  
19

20

21 Notary Public

My commission expires:

22  
23  
24  
25

1

STATE OF NORTH CAROLINA )

2

C E R T I F I C A T E

COUNTY OF WAKE )

3

4 I, EILEEN M. DUNNE, Court Reporter and  
5 Notary Public, the officer before whom the foregoing  
6 proceeding was conducted, do hereby certify that the  
7 testimony of said witness was taken by me  
8 stenographically to the best of my ability and  
9 thereafter transcribed under my supervision; and that  
10 the foregoing pages, inclusive, constitute a true and  
11 accurate transcription of the testimony of the  
12 witness.

13 I do further certify that I am neither  
14 counsel for, related to, nor employed by any of the  
15 parties to this action, and further that I am not a  
16 relative or employee of any attorney or counsel  
17 employed by the parties thereof, nor financially or  
18 otherwise interested in the outcome of said action.

19 This the 17th day of June 2015.

20  
21  
22

\_\_\_\_\_

EILEEN M. DUNNE

Notary Public # 201314900195

24  
25

## General Information

<b>Court</b>	United States District Court for the Middle District of North Carolina; United States District Court for the Middle District of North Carolina
<b>Federal Nature of Suit</b>	Civil Rights - Voting[441]
<b>Docket Number</b>	1:13-cv-00660