

**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 DESIGNATIONS
AND TRANSCRIPT EXCERPT
TOGETHER WITH
DEFENDANTS' COUNTER-
DESIGNATION EXCERPT FOR
QUISHA MALLETTE**

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

The Defendants have requested that the deposition designations (filed as Attachment 2 to Plaintiffs' Joint Rule 26(a)(3) Pretrial Disclosures (ECF No. 309)) and transcript excerpt for **Quisha Mallette** (filed as Attachment 46 to Plaintiffs' Designations of Deposition Testimony: Transcript Excerpts (ECF No. 310), filed as Attachment 46 to the Notice of Filing of Plaintiffs' Deposition Designation Transcript Excerpts Together with Defendants' Counter-Designation Excerpts (ECF No. 325), and corrected version filed as Attachment 3 to Notice of Filing of Corrected Plaintiffs' Deposition Designation Transcript Excerpts Together with Defendants' Counter-Designation Excerpts for Jay DeLancy, Alexander Ealy, and Quisha Mallette (ECF No. 331)) be modified to include the following designations:

Deposition Designations for Quisha Mallette May 19, 2015			
BEG PAGE	BEG LINE	END PAGE	END LINE
6	3	6	16
7	22	15	18
15	23	16	9

Plaintiffs in the above-captioned matters are hereby providing replacements for Ms. Mallette's excerpts.

Dated: July 17, 2015

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CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2015, I electronically filed the foregoing NOTICE OF FILING OF CORRECTED PLAINTIFFS' DEPOSITION DESIGNATIONS AND TRANSCRIPT EXCERPT TOGETHER WITH DEFENDANTS' COUNTER-DESIGNATION EXCERPT FOR QUISHA MALLETTE, 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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Page 1

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

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3 NORTH CAROLINA STATE)
CONFERENCE OF THE NAACP,)
4 et al.,)
5 Plaintiffs,)
6 vs.) Case No. 1:13-CV-658
7 PATRICK LLOYD McCRORY, in his)
official capacity as Governor)
8 of North Carolina, et al.,)
9 Defendants.)

10 LEAGUE OF WOMEN VOTERS OF)
NORTH CAROLINA, et al.,)
11 Plaintiffs,)
12 and)
13 LOUIS M. DUKE, et al.,)
14 Plaintiffs-Intervenors,)
15 vs.) Case No. 1:13-CV-660
16 THE STATE OF NORTH CAROLINA,)
17 et al.,)
18 Defendants.)

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

24 _____)
25 VIDEOTAPED DEPOSITION OF QUISHA MALLETTE

Page 2

1 THE VIDEOTAPED DEPOSITION OF
2 QUISHA MALLETTE

3 _____

4 2:25 P.M.
5 TUESDAY, MAY 19, 2015

6 _____

7

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13 By: Maren M. Fawcett, RPR

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1 INDEX

2 PAGE

3 EXAMINATION BY MS. RIGGS

4 EXAMINATION BY MS. MURPHY

5 -oOo-

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7 (No exhibits marked.)

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PROCEEDINGS

THE VIDEOGRAPHER: On record at 2:25 p.m. Today's date is May 19th, 2015. This is the videotaped deposition of Quisha Mallette taken in the matter of the North Carolina State Conference of the NAACP, et al. versus Patrick Lloyd McCrory, in his official capacity as the Governor of North Carolina, et al., case number 1:13CV658 and all related matters.

Would counsel please introduce themselves.

MS. RIGGS: My name is Allison Riggs from the Southern Coalition for Social Justice and I represent the League of Women Voters, Plaintiffs.

MR. O'HALE: My name is John O'Hale with the Raleigh law firm of Poyner Spruill and I represent the Duke Plaintiff-Intervenors.

MS. MURPHY: I'm Katherine Murphy with the North Carolina Department of Justice. I represent the Defendants.

THE VIDEOGRAPHER: And would the court reporter please swear in the witness.

Whereupon,

QUISHA MALLETTE,

Having been first sworn or affirmed by the

Registered Professional Reporter and Notary Public to

tell the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY MS. RIGGS:

Q. Good afternoon, can you state your full name for the record?

A. Yes. My name is Quisha Renee Mallette.

Q. Thank you, Ms. Mallette. And where do you currently live?

A. I currently live in Chapel Hill, North Carolina.

Q. And what's your address?

A. My address is 207 Melville Loop, Apartment 4 in Chapel Hill.

Q. Okay. What's your date of birth?

A. 6/15/84.

Q. Okay. Ms. Mallette, have you ever had your deposition taken before?

A. No.

Q. Okay. So I'll just go over the rules really quickly so that we're all on the same page. The court reporter is typing down everything you say. So we have to be careful to give verbal answers. Sometimes when we're in conversation we nod or shake our heads, but she can't transcribe that. So instead of "uh-huh" or

nodding, please say "yes." And we also, when we get into conversation, we tend to talk over each other a little bit. It's just normal, but it makes it hard for the court reporter to transcribe. So I'll wait -- do the best I can to wait till you're done answering a question before asking my next one and, likewise, if you wait for me to answer -- to finish asking my question before you answer it, it will make her job a lot easier.

If you need to take a break, we can take a break, just let me know. We'll probably finish the question we're on and we can take a break.

Everything -- so the court reporter swore you in. So everything that you say is truthful, just like you were -- if you were testifying on the stand in court. Do you understand all of that?

A. I do.

Q. Okay. And if you have any questions, stop me, ask me to rephrase, happy to do any of that. I want to make sure you understand the questions that I'm asking. Is that okay?

A. That's okay.

Q. All right. Ms. Mallette, where are you currently employed?

A. I'm currently a student at UNC at the law school.

Q. Okay. What year are you?

A. I just finished my first year.

Q. Do you have a summer job this summer?

A. I do. I have a very brief internship with the Center for Civil Rights and then I'll be doing a study abroad program.

Q. Okay. Where were you born?

A. I was born in Nashville, Tennessee.

Q. Okay. When did you move to North Carolina?

A. When I was three months old.

Q. And where did you move to?

A. I moved to Greenville, North Carolina.

Q. Okay. And with your family?

A. I did, yes, my parents.

Q. How long did you live in Greenville?

A. I lived in Greenville for most of my childhood. I lived in Maryland when I was six and seven and then moved back to Greenville up until I was 18.

Q. Okay. And where did you move -- where did you go from Greenville when you were 18?

A. When I was 18 I went to college in Hampton, Virginia at Hampton University.

Q. And where is that?

A. It's in Hampton, Virginia, the Hampton Roads area.

1 Q. Okay. And what years approximately were you
 2 in Hampton Roads?
 3 A. I was there from fall 2002 until summer 2006.
 4 Q. What did you major in?
 5 A. History and Spanish.
 6 Q. After you graduated in 2006, where did you go
 7 next?
 8 A. After that I went to graduate school in
 9 Washington, D.C. I attended Howard University.
 10 Q. And what were you getting a graduate degree
 11 in?
 12 A. Communication and culture. It's like
 13 communication studies.
 14 Q. Okay. And about what years were you there?
 15 A. I was there from 2006 until 2008.
 16 Q. And then where did you go after you graduated
 17 from the grad school program?
 18 A. I went back to Greenville for a year and then
 19 I moved up to Raleigh. So I was in Raleigh right up
 20 until I started school in August.
 21 Q. Okay. Just so I can get my time line right --
 22 A. Sure.
 23 Q. -- that's probably about 2009 --
 24 A. Yes.
 25 Q. -- to 2014?

1 A. Yes.
 2 Q. And why did you go back to Greenville after
 3 you graduated?
 4 A. I decided that I did not want to pursue a
 5 Ph.D. program and so I wanted to take a slightly
 6 different route and needed a year to go back home and
 7 try to figure out my path.
 8 Q. Greenville was home --
 9 A. Yes.
 10 Q. -- at the time?
 11 A. Uh-huh.
 12 Q. And why did you move to Raleigh in 2009?
 13 A. I got a position with AmeriCorps with the
 14 Literacy Council and then after my AmeriCorps year I was
 15 able to continue as a full-time staff with them.
 16 Q. What kind of work did you do there?
 17 A. I worked for -- there is a Literacy Council
 18 and we -- I managed a youth academic support program and
 19 so it provided assistance for students who otherwise
 20 were experiencing failure in school.
 21 Q. Great. What -- what age of kids were you
 22 working with?
 23 A. Mostly ages 11 to 16.
 24 Q. Great. And then what -- what led you to
 25 decide to pursue a career in law?

1 A. Well, really, working with those students and
 2 their families. Several of them had been suspended from
 3 school or experienced other challenges in school and so
 4 I figured I want to consider pursuing education law and
 5 find more ways to advocate.
 6 Q. Great. Ms. Mallette, do you remember when you
 7 first registered to vote?
 8 A. Not really. I know I was -- I'm pretty sure I
 9 was 18.
 10 Q. Okay. And do you remember where was the first
 11 place you registered to vote?
 12 A. I believe it was in Greenville, North
 13 Carolina, probably at the DMV, but I'm not -- I can't
 14 recall exactly.
 15 Q. Okay. Did you register when you turned 18?
 16 A. I think so. I think I did.
 17 Q. And when you were in college and graduate
 18 school, did you maintain North Carolina as your -- your
 19 residence for voting?
 20 A. Yes. Yes.
 21 Q. Did you vote by absentee or vote when you were
 22 home from school?
 23 A. From what I recall, I think I did more voting
 24 when I was home. I may have also done absentee.
 25 Q. Okay. When -- have you been a regular voter

1 since you first registered to vote?
 2 A. I would say so.
 3 Q. Do you vote in primary elections and general
 4 elections?
 5 A. Generally I do.
 6 Q. And do you recall do you vote in presidential
 7 elections and what are sometimes called midterm
 8 elections?
 9 A. I think so.
 10 Q. Yeah, midterms --
 11 A. Usually in May?
 12 Q. No. Midterms would be November 2014, for
 13 example, November 2010, the non-presidential.
 14 A. Oh, I see. Oh, yes. Uh-huh. Uh-huh.
 15 Q. Okay. So the answer is yes?
 16 A. Yes.
 17 Q. Okay. Did you want to vote in November 2014?
 18 A. I did.
 19 Q. Why did you want to vote?
 20 A. I just think it's important since I have the
 21 opportunity to exercise the right to vote that I do.
 22 Q. Okay. Did you try to vote in November 2014?
 23 A. I did.
 24 Q. What happened when you tried to vote?
 25 A. Well, I started out trying to vote in Wake

1 County because I had not changed my registration to
 2 Chapel Hill and I figured I would be able to do that
 3 because that was -- I was registered there. So I went
 4 during the early voting cycle and when I got to the
 5 polls, I was told that if I did try to vote in Wake
 6 County, it would be very unlikely that my vote would
 7 count and that I should try voting in Orange County.
 8 So I got concerned about that and I think
 9 probably when I was on my way to Orange County I called
 10 the election protection hotline just to get a sense of
 11 what I needed to do. I had done a little bit of
 12 research online too just to see what happens in my
 13 scenario and I just didn't find much clear information.
 14 So when I got to Orange County, I basically
 15 told them the same story I did in Wake County, that I'm
 16 registered in Wake County, but I live in Orange County
 17 now and I wanted to be able to vote. And they seemed to
 18 be also very hesitant and they thought that I should
 19 have voted in Wake County and -- but I still insisted on
 20 the provisional ballot. And so I was able to
 21 eventually -- I had to sit in there for a little while,
 22 but I was able to vote provisionally and they gave me a
 23 slip to see I guess if my -- my vote would count, but I
 24 felt like it might not count at that point.
 25 Q. Do you know if it was in fact counted or not?

1 A. I don't.
 2 Q. Just to get my time line clear, you moved to
 3 Chapel Hill from Raleigh -- or from Wake County about
 4 when in 2014?
 5 A. I moved mid-August, 2014.
 6 Q. Okay. And at that point did you have still --
 7 you didn't have any ties -- did you have any ties to
 8 Wake County still?
 9 A. No, not -- not in terms of like parents or
 10 residency.
 11 Q. Okay. Do you remember which Wake County early
 12 voting site you went to?
 13 A. Yes, it was in the -- I think it's the Wake
 14 County office building right next to the courthouse.
 15 Q. Okay. And then do you remember what early
 16 voting site you went to in Chapel Hill?
 17 A. Yes. I believe it's the Jewish Student Center
 18 that's kind of just off campus.
 19 Q. Okay. Do you remember what day of early
 20 voting this was?
 21 A. I want to say it may have been a Thursday or a
 22 Friday, but I don't remember the day.
 23 Q. Okay. How long would you say this entire
 24 experience took you?
 25 A. Several hours. I'm not sure of the exact

1 time, but definitely several hours.
 2 Q. Okay. Had you done -- when you moved to
 3 Orange County, had you done anything to update any of
 4 your records with any agency about your move?
 5 A. Well, when I changed my address with the U.S.
 6 Postal Service I thought I saw a screen that said that I
 7 could update my voter registration and from what I
 8 recall I attempted to do that, but when I went back to
 9 check my registration location during the early voting
 10 period I realized that it had not been updated.
 11 Q. And you didn't -- when -- was during the early
 12 voting period the first time you realized that?
 13 A. Yes. That was the first time I realized it
 14 hadn't been updated and I thought I had changed it right
 15 when I was moving or preparing to move.
 16 Q. Okay. Do you have any knowledge of other
 17 students at Chapel Hill having problems like you had?
 18 A. Well, when I was at the Jewish Student Center
 19 I observed a student who seemed pretty excited that she
 20 had turned 18 and it would be her first year voting and
 21 she had not yet registered and so was told that she
 22 wouldn't be able to vote in that election cycle. And
 23 then it seemed like there were some other people in
 24 there who also would have to vote provisionally like I
 25 did.

1 Q. Okay. How did this whole process make you
 2 feel?
 3 A. I was really frustrated. I thought I was a
 4 pretty informed person and I tried to research and get
 5 some answers. I think I was most frustrated that the
 6 people working at the polls were a little confused about
 7 how to respond to me or deal with my situation.
 8 MS. RIGGS: Ms. Mallette, that's all the
 9 questions I have. Mr. O'Hale might have a
 10 question.
 11 MR. O'HALE: I don't have any questions.
 12 MS. RIGGS: All right.
 13 CROSS-EXAMINATION
 14 BY MS. MURPHY:
 15 Q. Okay. It sounds to me from your testimony
 16 like you anticipated some problems when you went to vote
 17 at the early voting site in Wake County; is that
 18 correct?
 19 A. Right. Well, I realized when I checked my
 20 voter registration during early voting period that it
 21 wouldn't be clear where I could vote.
 22 Q. Why did you check your registration status
 23 before -- during the early voting period?
 24 A. Right, I just wanted to make sure -- well,
 25 that's when I realized -- I was just doing the research,

1 as I mentioned, online and I realized that I -- I might
2 have an issue because I had moved to Orange County. And
3 I had assumed that I would be okay since I was still
4 registered in Wake County and because it was the early
5 voting period and that's why I decided to go ahead to
6 Wake County.

7 Q. So during the early voting period you first
8 thought, gee, I have moved, I wonder if I'm going to
9 have difficulty voting in Wake County?

10 A. Right. Well, as I mentioned, I thought I had
11 originally changed my registration when I moved. So I
12 realized that living in Orange County I would ultimately
13 need to vote in Orange County. It wasn't until the
14 early voting period that I realized that my registration
15 wasn't actually updated as I thought it would have been.

16 Q. Okay. So you did something with the U.S.
17 Postal Service and thought it had updated, but didn't
18 check whether it had or not until the early voting
19 period?

20 A. Right, that's when I realized it.

21 Q. Okay. And so when you went to vote in Wake
22 County, what conversation did you have with a poll
23 worker in Wake County?

24 A. So when I went to speak with -- you know, just
25 kind of stood in line and went to talk to the poll

1 worker, I don't remember the specific details of the
2 conversation, but basically I let them know that I was
3 planning to vote, that I currently live in Orange
4 County, but I'm registered in Wake County and I wanted
5 to be able to vote. And their initial reaction seemed
6 to be that I wouldn't be able to vote at all in Wake
7 County and then later they suggested that I might be
8 able to vote provisionally, but they really wouldn't
9 recommend it because they didn't think that my vote
10 would count.

11 Q. So you went to Orange County --

12 A. Yes.

13 Q. -- at that point and did not vote a
14 provisional ballot in Wake County?

15 A. I didn't. I was concerned that if I voted
16 provisionally in Wake County, but really would have been
17 able to vote -- it would have been better for me to vote
18 in Orange County, then I really would have lost my
19 opportunity.

20 Q. And what kind of research did you do?

21 A. Well, I went online and I think I was -- on
22 the Board of Elections they have a frequently asked
23 questions page, and I was -- I was actually looking
24 specifically for people who have changed county
25 residence because it was something that actually hadn't

1 really occurred to me since I knew I had moved, but I
2 hadn't thought about the difference in the county
3 residence. So I was trying to find information on that
4 and everything I found was really vague when it came
5 to -- to my concern. It basically, I don't know, it was
6 just very, very general in terms of what I could do at
7 this point and so that's why I decided that I needed to
8 just go ahead and try to vote.

9 Q. And are you talking about the State Board of
10 Elections website or the County Board?

11 A. I -- I think I was looking on the State Board
12 of Elections website.

13 Q. Okay. Did you call anyone at the State Board
14 or you just looked at the website?

15 A. I looked at the website. I don't remember if
16 I called anyone. I do remember being a little confused
17 about -- about how to proceed with the information that
18 was provided.

19 Q. Do you recall when you moved to Wake County
20 did you re-register in Wake County?

21 A. When I -- like when I first moved to Wake
22 County?

23 Q. Uh-huh.

24 A. I did at some point. I probably did during
25 early voting period, but I don't really recall the

1 details.

2 MS. MURPHY: Okay. I have no further
3 questions.

4 MS. RIGGS: Anything, John? Nope? We're
5 good.

6 THE WITNESS: Okay. Thank you.

7 THE VIDEOGRAPHER: This concludes the
8 deposition. The time is 2:44 p.m.

9 [SIGNATURE RESERVED.]

10 [DEPOSITION CONCLUDED AT 2:44 P.M.]

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1 STATE OF NORTH CAROLINA)
 SS:)
 2 COUNTY OF WAKE)
 3
 4
 5 I, QUISHA MALLETT, declare under
 6 the penalties of perjury under the State of North
 7 Carolina that the foregoing is true and correct.
 8 Executed on this _____ day of _____
 9 2015, at _____, North Carolina.

10
 11
 12
 13 _____
 14 QUISHA MALLETT

15
 16
 17 This deposition was signed in my presence by
 18 _____, on the _____ day of
 19 _____, 2015.

20
 21
 22 _____
 23 Notary Public

24
 25 My commission expires:

1 STATE OF NORTH CAROLINA
 2 COUNTY OF WAKE
 3 C E R T I F I C A T E
 4 I, MAREN M. FAWCETT, RPR, a Notary Public in
 5 and for the State of North Carolina, do hereby certify
 6 that there came before me on May 19, 2015, the person
 7 hereinbefore named, who had been previously sworn to
 8 testify to the truth and nothing but the truth of his
 9 knowledge concerning the matters in controversy in this
 10 cause; that the witness was thereupon examined under
 11 oath, the examination reduced to typewriting under my
 12 direction; and the transcript is a true record of the
 13 testimony given by the witness.

14 I further certify that I am neither attorney
 15 or counsel for nor related to or employed by, any
 16 attorney or counsel employed by the parties hereto or
 17 financially interested in the action.

18 Signed this the 29th day of May, 2015.

19
 20
 21 _____
 22 Maren M. Fawcett, RPR
 23 Notary Public - North Carolina
 24 Certificate No.: 200621500068
 25

1 TRANSCRIPTION CORRECTIONS
 2 Case Name: NAACP v. McCrory, et al.
 Witness Name: QUISHA MALLETT
 3 Deposition Date: May 19, 2015
 4

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General Information

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