

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

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NORTH CAROLINA STATE CONFERENCE OF )  
THE NAACP, EMMANUEL BAPTIST CHURCH, )  
NEW OXLEY HILL BAPTIST CHURCH, )  
BETHEL A. BAPTIST CHURCH, COVENANT )  
PRESBYTERIAN CHURCH, CLINTON )  
TABERNACLE AME ZION CHURCH, )  
BARBEE’S CHAPEL MISSIONARY BAPTIST )  
CHURCH, INC., ROSANELL EATON, )  
ARMENTA EATON, CAROLYN COLEMAN, )  
BAHEEYAH MADANY, JOCELYN FERGUSON- )  
KELLY, FAITH JACKSON, MARY PERRY, and )  
MARIA TERESA UNGER PALMER )

Plaintiffs, )

v. )

PATRICK LLOYD MCCRORY, in his official )  
capacity as the Governor of North Carolina, KIM )  
WESTBROOK STRACH, in her official capacity as )  
Executive Director of the North Carolina State )  
Board of Elections, JOSHUA B. HOWARD, in his )  
official capacity as Chairman of the North Carolina )  
State Board of Elections, RHONDA K. AMOROSO, )  
in her official capacity as Secretary of the North )  
Carolina State Board of Elections, JOSHUA D. )  
MALCOLM, in his official capacity as a member of )  
the North Carolina State Board of Elections, PAUL )  
J. FOLEY, in his official capacity as a member of )  
the North Carolina State Board of Elections and )  
MAJA KRICKER, in her official capacity as a )  
member of the North Carolina State Board of )  
Elections, )

Defendants. )

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**DECLARATION OF**  
**KAY GORDON BRANDON**  
**Case No.: 1:13-CV-658**

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LEAGUE OF WOMEN VOTERS OF  
NORTH CAROLINA, A. PHILIP  
RANDOLPH INSTITUTE, UNIFOUR  
ONESTOP COLLABORATIVE,  
COMMON CAUSE NORTH CAROLINA,  
GOLDIE WELLS, KAY BRANDON,  
OCTAVIA RAINEY, SARA STOHLER,  
and HUGH STOHLER,

Plaintiffs,

v.

THE STATE OF NORTH CAROLINA, JOSHUA  
B. HOWARD in his official capacity as a member of  
the State Board of Elections, RHONDA K.  
AMOROSO in her official capacity as a member of  
the State Board of Elections, JOSHUA D.  
MALCOLM in his official capacity as a member of  
the State Board of Elections, PAUL J. FOLEY in his  
official capacity as a member of the State Board of  
Elections, MAJA KRICKER in her official capacity  
as a member of the State Board of Elections, and  
PATRICK LLOYD MCCRORY, in his official  
capacity as the Governor of North Carolina,

Defendants.

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UNITED STATES OF AMERICA,

Plaintiffs,

v.

THE STATE OF NORTH CAROLINA; THE  
NORTH CAROLINA STATE BOARD OF  
ELECTIONS; and KIM W. STRACH, in her official  
capacity as Executive Director of the North Carolina  
State Board of Elections,

Defendants.

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**Case No.: 1:13-CV-660**

**Case No.: 1:13-CV-861**

## DECLARATION OF KAY GORDON BRANDON

My name is Kay Gordon Brandon and I am over the age of 18 and fully competent to make this declaration. Under penalty of perjury, I state the following:

1. I live at [REDACTED] Greensboro NC 27405.
2. I was born in 1944 in Dawson, Georgia. I attended high school at Palmer Memorial Institute in North Carolina. I then earned my B.A. in sociology and my Masters in Social Work from Howard University, in 1966 and 1968 respectively.
3. In 1968, I moved to North Carolina, where I have lived for over 45 years. For 36 years, I worked for the Guilford County Department of Public Health as a social worker, until I retired in 2004.
4. Throughout my time in North Carolina, I have been active in my community and encouraged others' civic engagement. I have been a member of the NAACP since the 1960s, a member of the National Association of Negro Business and Professional Women's Club ("NANBPW") since the 1980s, and a member of the National Association of Social Workers for over 40 years. I am also active in my community as a member of the Concerned Citizens of Northeast Greensboro (CCNEG) neighborhood association.
5. I worked on Harvey Gantt's U.S. Senate campaign in the 1990s, then became much more politically active around 2009, when it became clear to me that elected officials in Greensboro were not responsive enough to the needs of residents of Northeast Greensboro, the predominantly African-American neighborhood in which I live. Specifically, proposals to reopen a landfill in this community, without any consideration of the detrimental effect this would have on residents, inspired me to devote time and effort to ensuring that voters were educated on issues affecting our community, and participated in every election.

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6. In approximately 2011, I helped form an organization called Citizens for Economic and Environmental Justice (CEEJ). I am currently the Vice Chair of CEEJ. Comprised primarily of residents of Northeast Greensboro, we have been joined by residents from all over the city who seek to ensure that local candidates and elected officials are responsive to the economic and environmental needs of the entire city, including its historically disadvantaged neighborhoods. To advance that goal we have devoted substantial time and resources to voter education, GOTV, and voter registration work. Local elections are all too often ignored, despite the fact that policies developed on a local level can be devastating to citizens. We educate voters in the city about how they can participate in elections, thus preventing bad policy-making at the local level. For example, the work of CEEJ contributed to a decision by the Greensboro City Council not to re-open the White Street Landfill (located in Northeast Greensboro). We are committed to vigilantly encouraging political participation so that future city councils continue to keep the landfill closed.
7. Buoyed by our success with CEEJ, I also helped start the Greensboro Voter Alliance (GVA). GVA's primary goal is to educate voters across the city on the importance of voting, and to inform them about how, where, and when they can vote. We are a non-partisan organization, and we do not endorse candidates, but instead educate voters on candidates' positions and hold elected officials accountable to their constituents. To that end, we hold voter registration drives in shopping centers, in schools, and in cooperation with community churches. Leading up to local, state and national elections, the GVA distributes voter information literature, including local information on registration deadlines and polling locations. In 2011, the GVA co-sponsored the creation and distribution of a voters' guide to increase voters' informed participation. The guide listed candidates' position on re-opening the White Street Landfill, so that voters could identify candidates

who opposed the landfill. Both the CCNEG and the GVA are committed to ensuring that all eligible citizens participate in all elections.

8. Leading up to the 2011 election, the CCNEG and the GVA focused on voter turnout in the predominantly African-American neighborhoods of Northeast and Southeast Greensboro. Based on feedback from our members, we encouraged voters to use Early Voting, and when necessary One-Stop Voting. We have found that the increased flexibility of Early Voting – less crowded polling stations, shorter lines, voters’ ability to vote at any polling place in the county, and the availability of weekend voting days - allows our community members to vote, including those who may not otherwise not be able to do so do so because of work, childcare, or transportation limitations.
9. With GVA, I also participated in Sunday GOTV activities, coordinating with predominantly African American churches so that voters can go from church services to the polls to vote. During the 2011 primaries, my husband and I attended approximately six churches on behalf of GVA to distribute voter education guides, while the GVA Transportation Committee assisted churches in organizing transportation for congregants to get to the polls.
10. At almost every primary and general election in the last few years, I have gone to polling sites during Early Voting or on Election Day to hand out literature outside of polling places on candidates or issues. I generally work at my precinct in Northeast Greensboro (at the Peeler Recreation Center—the polling site for my precinct) on Election Days and at the Guilford County Board of Elections, as well as other sites, during Early Voting. Those who live and vote in my precinct are predominantly African-American. According to U.S. Census data, the city of Greensboro is 45.6% White, 40.6% African American, 2.6% two or more races, and 4% Asian and 7.5% Hispanic. My precinct, G05, is approximately 3% White, 92% African American, 3% Hispanic and 2% Other.

11. I have learned a lot about the experience of voters by standing outside polling places and listening to what they have to say when they come out of the voting site. I have noticed a difference in voters coming out of the polling place on Election Day and voters coming out of the polling place during Early Voting. Voters on Election Day consistently have more complaints, from problems with a changed address or being at the wrong polling place. I rarely hear complaints from people who have just voted at an early voting site.
12. The early voting cutbacks will affect voters in African American communities in particular. First, based on my extensive experience in GOTV work and community activism, I believe the cuts to Early Voting will create a burden on elderly voters in our community. Many elderly voters feel very strongly about voting in person, but have challenges securing transportation to the polls. When folks are older and less physically mobile, they prefer to go vote when it will not be crowded. Standing in line and navigating crowds is challenging for the elderly, and the prospect of facing such a situation can be deterring. With a longer period of Early Voting offered, it is easier for older citizens to secure transportation to the polls and to cast their vote.
13. Second, African American voters are more likely to be voting for the first time. For new voters, their interest in voting is piqued during the first week of early voting when they see their neighbors vote, so that the extended early voting period allows them to register and vote themselves. Third, as I described above, many of the African American churches organize to go to the polls as a congregation on Sundays and the loss of a Sunday voting day will be detrimental to their congregants' participation in the election.
14. Because of the recent detrimental changes in voting laws, I have deepened my civic participation to try to alleviate some of the harm. Along with my ongoing work with GVA, I have attended several of Democracy North Carolina's trainings to learn about all of the

changed laws, and to learn how to prepare voters for the changes. The CCNEG and GVA are committed to ensuring that none of the new election laws keep eligible voters from voting. However, I believe that the new laws will deter or prevent voting in a number of ways.

15. GOTV work is challenging on a good day, under an ideal set of rules and laws. Under the new laws in House Bill 589, this work will be even harder. My experience is that many people are reluctant to admit if they do not vote. Thus, when doing GOTV work, it was hard to pinpoint why a voter might choose not to vote because people might not be admitting that they did not vote. Encouraging people to vote often necessitates making them realize that there is no hurdle to their participation in an election. Same-Day Registration was critical to GOTV work. If voters were not registered, they could do so when they went to early vote. If voters changed their address, they could fix that at a one-stop voting site. SDR was a tool that was easy to explain and made it so that I did not need a voter to explain to me the exact reason they might have refrained from voting in the past. Whatever the problem, it could be fixed.

16. It is also my experience that voters are not well educated on their correct precincts. When I undertake GOTV activities or hand out voter education materials in around the city, I ask voters where their voting precinct is. Many do not know. While I assist as many voters as possible to identify the correct polling place, I believe there are countless others who go to the wrong location on Election Day. This was less of a problem under the previous law, when a voter in the wrong precinct could cast a provisional ballot and that out of precinct provisional ballot would be counted, or when voters could vote anywhere in the county during an extended Early Voting period. However, I believe the new laws will exacerbate

the problem in my community by cutting Early Voting and prohibiting out of precinct voting.

17. HB589's voter ID requirement will also deter voters. For example, leading up to the 2013 election, numerous voters expressed their confusion regarding the voter ID requirement, some telling me that they did not vote in 2013 because they thought they could not vote without the specified identification. Although I could correct the voters I spoke with, I believe there are countless others in my community who are misinformed or uninformed about the recent election law changes and will not vote because they believe their lack of ID renders them ineligible. Neither I nor the groups that I work with can speak with every confused voter.
18. There is an enormous amount of work still to be done to educate voters about the change in the law. My work with Democracy North Carolina, the Greensboro Voter Alliance and Concerned Citizens of Northeast Greensboro has made that evident to me. I consider myself knowledgeable and politically active, and there was still a lot I had to learn about the new law. Many voters are not as informed as I was to begin with and will not have an opportunity to access and understand the new laws in time to cast their vote. It will be a huge burden on the work that I do, and the work done by organizations that I associate with, to educate them on all the new changes. I think it will be so overwhelming that it will discourage people from voting.
19. All of the facts and information contained within this declaration are within my personal knowledge and are true and correct.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 25<sup>th</sup> day of April, 2014.

*Kay Gordon Brandon*  
Kay Gordon Brandon