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

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 MCCRARY, 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. MALCOM, 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.

DECLARATION OF MELVIN MONTFORD
Case No.: 1:13-CV-658
LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, A. PHILIP RANDOLPH INSTITUTE, UNIFOUR ONESTOP COLLABORATIVE, COMMON CAUSE NORTH CAROLINA, GOLDIE WELLS, KAY BRANDON, OCTAVIA RAINHEY, 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 MCCRARY, in his official capacity as the Governor of North Carolina,

Defendants.

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.

Case No.: 1:13-CV-660

Case No.: 1:13-CV-861
DECLARATION OF MELVIN MONTFORD

My name is Melvin Montford 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 was born in Jacksonville, North Carolina in 1953.
2. I am a 2012 graduate of the National Labor College in Silver Springs, MD.
3. From 1991 until 1994, I was the Vice President of International Woodworkers of America, US and then a business representative for the Machinist Union beginning in May 1994.
4. I currently serve as the Executive Director of the North Carolina A. Philip Randolph Institute. I have served in this role since 2009, when the organizational role was created.
5. The A. Philip Randolph Institute is a national group of Black trade unionists and is the senior constituency group of the AFL-CIO. It was founded on the belief that the fights for workers’ rights and civil rights were inseparable. Its founders, civil rights activists A. Philip Randolph and Bayard Rustin, recognized that African Americans and working people of all colors share the same goals: political and social freedom and economic justice. This Black-Labor Alliance helped the civil rights movement achieve one of its greatest victories—passage of the Voting Rights Act, which removed the last remaining legal barriers to broad black political participation. Randolph and Rustin founded the A. Philip Randolph Institute in 1965 to continue the struggle for social, political and economic justice for all working Americans. It has chapters in 29 states and the District of Columbia.
6. The North Carolina A. Philip Randolph Institute (NC APRI) was incorporated in 1985. NC APRI and its chapters are guided by the principles and guidelines of the national APRI.
7. APRI is a membership-based organization, with approximately 275 members statewide.
8. APRI has local chapters in Charlotte, Winston-Salem, Wilmington, Roanoke Rapids, Wilson, Durham, Greensboro, Raleigh and Fayetteville. We also have two youth chapters (ages 11-26) based in Durham and Raleigh.

9. While we devote considerable time and effort to supporting the labor movement and charitable ventures, such as feeding the hungry, approximately 75-80% of our organization’s time and effort is devoted to voting work, including get-out-the-vote (GOTV) work, voter registration and voter education.

10. One primary way we approach GOTV work is to use voter registration data to reach out to registered voters directly by phone. We train and certify our volunteers to use VAN, the Voter Activation Network, which is a voter management database.

11. All NC APRI phone banking is done through a virtual network, managed and directed by the VAN. We have an orientation where we educate callers on how to use the VAN and on the issues they will be speaking with respondents about. When we call registered voters, we ask them if they are planning to vote, we highlight some issues that are of concern to us, and we ask them if they need any assistance getting to the polls.

12. We consider voter registration work to be a 365-day a year process. We do not believe that volunteers can just swoop in at the last minute and get voters registered. Voter registration work has to be done differently in different parts of the state—it depends on the hurdles facing voters in the area and the capacity of the volunteers in the area. NC APRI does in-person voter registration at many different kinds of events, but we have volunteers in underserved communities, so we try to focus on those potential voters. Those underserved communities are low-income or communities with modest means, and they are often predominantly African American. Additionally, NC APRI members are expected to have a voter registration form handy at all times. It’s just a daily part of life for us.
13. We also use VAN to develop a list of unregistered folks in areas of the state where we have volunteer capacity. Once we identify the unregistered persons, we include them in our voter registration targets and contact them to get registered.

14. In 2012, NC APRI was active in 36 counties across the state, doing voter registration or GOTV work. Our local chapters do many voter registration events throughout the year. This could be at church events or baseball games or pretty much anywhere we are allowed to set up a table.

15. Based on my extensive personal experience doing voter registration, GOTV, and voter education work through NC APRI, in particularly my work in African American communities, I am certain that the changes created by House Bill 589 will be very bad for North Carolina voters.

16. The loss of same day registration is going to be terrible for both North Carolina voters and for organizations like APRI that do voter registration work. Same Day Registration made getting people fully engaged in the political process easier because it was a one-shot deal: groups like APRI could register eligible voters and ensure they cast a ballot on the same day. In past elections, NC APRI volunteers are still doing phone banking past the close of books, by identifying people who are not yet registered to vote, but want to vote, and giving them information on same day registration. There is no reason the state should not let them register to vote during early voting—we were letting them do so for over five years now. It’s harder for minorities, those with fewer economic resources and those who carry greater financial and social strains to meet the traditional registration schedule. Making it harder for those voters, who already have so much stacked against them, will make it so that those are people who will be disenfranchised in upcoming elections.
17. As an organization, we will need to make sure that we have done all of our voter registration phone banking prior to the close of books, which may require more time and resources early in the process. This could create quite a strain on small, volunteer-based organizations such as NC APRI.

18. Likewise, the cuts to early voting are going to be problematic for voters and for organizations like APRI. For the first time in over 10 years, voters will face a shorter window to cast their ballot causing a significant amount of frustration. Increasing the amount of hours on a given day does not give a working family equal opportunity to arrive at the polling site. Single parents working multiple low-wage jobs and juggling important family responsibilities need a large range of days to get to the polls. Shortening the number of days and increasing hours for families with already full schedules does not provide the same opportunities.

19. In addition, small, membership-based voter-engagement organizations like APRI do not have large program budgets and often heavily depend on volunteer staff. Cutting early voting days gives us a smaller window to do the same amount of work. There will be in an increased demand in that shortened window. It is going to be hard for us, and harder for us to reach the same number of voters.

20. I think that the new law that prohibits the counting of out of precinct provisional ballots will also be devastating to voters, and could make NC APRI’s work much harder and more costly. Right now, when we offer rides to the polls to folks, we just ask them where they want to go. That is, we do not do anything to make sure that they are headed to the right precinct unless they ask us to help them look that up. Now we are going to have to do that, or voters will end up being disenfranchised.
21. Additionally, based on my experience, the low-income and minority voters are often less educated about electoral logistics, for a number of reasons ranging from the fewer resources those communities have to the lack of adequate governmental outreach to those communities. They are called underserved communities for a reason. Many of these citizens will not be aware of the new change, and could be disenfranchised because of that.

22. For example, some may mistakenly show up to the wrong polling place just as the polls are about to close. Those voters will be completely disenfranchised under the new law. We and other organizations like ours are doing the best that we can to educate voters on the changed law, but the state does not seem to be doing much at all to educate voters about the change to the out of precinct voting rules. We do not have sufficient resources to make up for this shortfall.

23. 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 27th day of April 2014.

Melvin Montford