

**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.)

DECLARATION OF LARRY D. HALL

Case No.: 1:13-CV-658

)
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.)
_____)

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.

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 Larry D. Hall

I, Larry D. Hall, hereby declare as follows:

1. I am a U.S. citizen, a resident of Durham, North Carolina, a registered voter, and the elected Representative for North Carolina's 29th House District since 2006. I am currently serving as Minority Leader in the North Carolina House of Representatives.

2. I was appointed to the House in 2006 by Governor Mike Easley to fill the unexpired term of Rep. Miller. Since then, I have been reelected every year, served as Majority Whip of the House in 2009, as Minority Whip from 2011-2012 and was elected Minority Leader in 2013. I am also a member of the North Carolina Legislative Black Caucus and have served on numerous legislative committees, including Appropriations, Banking, Education, Finance, Judiciary, Regulatory Reform, Rules, and Transportation.

3. My district is located within Durham County. It has historically included a significant African American population as well as a growing Latino population. The last redistricting increased the total African American population in my District from around 34% to 51%. Finally, quite a few colleges are situated in my District, including Durham Technical Community College, Duke University's east campus, and North Carolina Central University, a historically black university.

4. I played a leading role in negotiations with both Democratic and Republican party leaders during 2011 debates on restrictive photo ID requirements, and was present for the debates surrounding the similar proposals in 2013. I have personal knowledge and insights on the legislative process of HB 589 and other voting bills considered by the House in the past 8 years. Based on this knowledge and experience, it is my opinion that H.B. 589 will have a

deleterious impact on African American voters and that the legislature knew of this discriminatory impact and intended this result.

Background

5. I grew up in North Carolina, attended North Carolina Central University and Johnson C. Smith University, graduating in 1978 with degrees in Political Science and Business. I obtained my law degree from University of North Carolina-Chapel Hill School of Law in 1985. I served for 16 years in the United States Marine Corps, both on active duty and in the reserve, including support of operations in Beirut, Lebanon. I was awarded the Navy Marine Corps Achievement Medal, the Marine Corps Reserve Medal, the Armed Forces Reserve Medal and a Meritorious Unit Citation from the Marine Corps.

6. After law school I went to work practicing law for Floyd McKissick, Sr. and Henry M. "Mickey" Michaux, who were political role models. I became active in my community. I served as First Vice President and on the executive committee of the Durham branch of the NAACP in 1994 and as Secretary of the Durham Business and Professional Chain Board in 1995. I have also served as a youth mentor in the Durham Companions and Rights of Passage Programs. Finally, I was the recipient of the North Carolina Justice Center's Defender of Justice Award in 2012.

2011 H.B. 351 – Photo ID Bill

7. In 2011, during legislative deliberations of H.B. 351, which would have imposed strict photo ID requirements to vote in North Carolina, I was a Minority Whip of the House. In that role, I took the lead working on voting issues within the Democratic Caucus, which was opposed to the legislation because of its potential to disenfranchise voters who lacked or could

not obtain state-issued photo ID. I also conducted negotiations with H.B. 351's proponents on possible amendments to ameliorate its negative impact on these voters.

8. During these negotiations, I worked primarily with Rep. David Lewis. Working with Rep. Lewis gave me detailed first-hand knowledge of the views, positions and intent of the proponents of H.B. 351 and photo ID requirements in general. I worked hard to try to forge a compromise with photo ID proponents that would address the rights of voters who lacked or could not obtain a state-issued photo ID to vote. Often, those voters were low income, minority voters who did not have the financial means to obtain the identification documents necessary for acquiring a photo ID nor the access to transportation to obtain one.

9. Rep. Lewis and I negotiated for 5-6 weeks. At the end of this period, I thought we had agreed on a compromise that would accommodate voters who lacked or could not obtain state-issued photo ID. This compromise was to include in H.B. 351 an affidavit provision, which would have allowed voters who lacked the required photo ID to attest to their identity under penalty of perjury and to vote a regular ballot without having to return later with the requisite identification.

10. Opponents of this compromise thought that voters without an ID should only be able to vote a provisional ballot. These ballots would not be counted until the voter returned to the polling place with a photo ID. However, I, and other legislators concerned about infringing on the right to vote, insisted that any compromise should include a way for the voter to vote a regular ballot despite not having a photo ID. Otherwise, we ran the risk that the voter would be dissuaded from returning to the polling place and ultimately fewer people would vote.

11. Although Rep. Lewis took the compromise proposal back to his caucus, it was ultimately not accepted.

12. During the legislative debates on H.B. 351 and during my negotiations with Rep. Lewis, the arguments made in favor of the photo ID requirement were similar to those later raised in support of H.B. 589 in 2013 – that a photo ID requirement was needed to combat voter fraud. However, proponents of the bill acknowledged to me in conversations that they realized that there was not a real problem with voter fraud in North Carolina.

13. Unlike non-existent voter fraud, during the consideration of HB 351, there was also ample discussion of the disparate impact that a photo ID requirement would have on African American voters, who are much less likely than white voters to have a current state-issued photo ID. I remember viewing the results of a matching analysis that compared the SBOE's database of registered voters against the DMV's analysis of voters possessing state identification cards. The matching analysis projected the number of registered voters without ID and broke down that information by race, gender, and age. The matching analysis specifically highlighted that African American voters disproportionately lacked identification cards. H.B. 351 was ultimately defeated by the Governor's veto.

H.B. 589

14. The original version of H.B. 589 featured only a photo ID provision. Although there were committee hearings on the bill's proposed photo ID requirements, to me it felt like proponents were not really interested in hearing from voters or experts. Members of my caucus, however, still got constituents involved, and indeed, during one hearing, so many people wanted to speak that they had to extend the time.

15. During debate on the original version of H.B. 589, proponents said the photo ID requirements were necessary to combat voter fraud. They argued that the sanctity of the vote was being called into question. To me, these arguments about the integrity of the voting process

had racial undertones because the main change in the North Carolina electorate in recent years was the increase in voters of color, and legislators knew this. SBOE statistics demonstrated a significant increase in African American and Latino voting during the 2000s. Additionally, the Latino population was and continues to grow exponentially in North Carolina, in both metropolitan and more rural counties.

16. In the House, the racial impact of H.B. 589 was made very clear. There were additional studies from the SBOE and DMV that indicated the disparate racial impact the provisions of H.B. 589 would have on minority voters. Such data was documented clearly in the legislative record of the primary version of H.B. 589 in the House. Anecdotal evidence also indicated that a photo ID measure would have a disparate impact, as opponents of the bill shared stories of African Americans who often did not have birth certificates, the common form of identification for obtaining a state issued photo ID.

17. In the House, there was also ample discussion not only of the racial impact of the legislation, but also of the broader chilling effect the legislation would have on voter engagement as well as the increased costs the legislation would create for the state and counties. In response, proponents argued that it was important to protect the integrity of the vote, and that if one vote was in question, it would tarnish the entire process – even if it potentially kept away 300,000 voters. If legislators were really concerned about the integrity of the process, it seems that there are other areas of the voting process that should be targeted, specifically absentee ballots. For these reasons, I voted against the House version of the bill.

18. The bill sat in the Senate for months. Eventually, an omnibus bill was returned to the House from the Senate. It not only greatly narrowed the acceptable forms of photo identification in the bill the House had passed, but added in several other measures of voter

suppression such as a reduction in the time allowed for early voting, elimination of same day registration, and a prohibition on counting provisional ballots cast out of precinct. Although this fuller version of the bill differed greatly from the initial version, it was introduced on the floor and passed all in one evening. This process differed from the usual routine for such controversial and significantly amended bills.

19. In many instances, the House has appointed a Conference Committee to review significantly amended and controversial bills like the full version of H.B. 589. Instead, proponents of the bill fast-tracked the concurrence vote, leaving little time for the bill's numerous opponents to speak and develop the record.

Intent and Impact of H.B. 589's provisions:

20. *Photo ID* - The House version of the photo ID provision was expansive including out-of-state licenses and, notably, student IDs. This final bill, by eliminating the use of a student ID to vote, tells students that North Carolina does not want them to participate in elections. This is particularly disconcerting to me because my district includes North Carolina Central University, whose students are predominantly African American. I am very concerned about the impact of this law on the many students who reside in my district and have received numerous complaints from undergraduates, law students, and student organizations concerning this matter.

21. *Early Voting* – Early voting is popular and used predominantly by voters in urban areas like Durham where a majority of African Americans live. Early voting is popular because of its convenience. Early voting decreases the chances of having to wait in line and offers flexible voting times.

22. Reducing one week of early voting decreases voting opportunities. Specifically, the reduction of early voting days impacts African Americans because it cuts one day of Sunday

voting, which in turn harms the voter engagement efforts employed by African American churches and organizations. Here, in Durham, there is a strong alliance of church leaders who have been very effective at getting church members to vote on Sundays. So, the elimination of one of those Sundays signals that the proponents of this bill targeted African Americans' voter engagement efforts.

23. *Same Day Registration* - The omnibus version of H.B. 589 will have a particularly bad impact on young voters, including the many students in my district. Same day registration is very valuable to students, who arrive on campus in the fall before elections and wish to vote, but may have missed the registration deadline. Students have told me they would be more inclined to vote if the registration process were not cumbersome. Same day registration streamlined the registration process and facilitated youth participation. Removing this is going backwards.

24. *Elimination of Out of Precinct Ballots* - I also believe that H.B. 589's provisions rejecting out of precinct ballots will have a particularly damaging impact on students, urban dwellers and low-income voters who move more frequently and thus are more likely to be confused about their correct precinct. This problem is exacerbated by the most recent redistricting, which reassigned many voters to new precincts and created many split precincts—particularly in highly populated African American communities.

25. I have spoken with various poll workers and precinct judges about the out of precinct ballot process, and they reported that prior to H.B. 589 they would notify voters they were not at their home precinct, and tell them their home precinct, but they did not dissuade them from voting a provisional ballot. And ultimately, a lot of out of precinct voters just chose to stay and vote a provisional ballot outside their home precinct, rather than having to travel somewhere

else. I believe that when poll workers now tell voters their ballot will not count if they do not vote in the correct precinct, many voters will be dissuaded from voting at all.

26. *Pre-Registration* – Pre-registration for 16- and 17-year olds created a civic awareness for students and indicated that their vote was important. It created a valuable tool for social and political consciousness at a time when formal civic lessons are no longer being taught in all schools. I do not recall any justifiable reason being provided for the elimination of pre-registration and see its elimination as an attack on the electoral participation of youth.

27. This declaration is not intended to capture all of my knowledge or experiences that may be related to this matter.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 9,, 2014.


Larry D. Hall