

**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**  
**ANGELA R. BRYANT**  
**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 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.

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

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-861**

**Declaration of Senator Angela R. Bryant**

I, Angela R. Bryant, hereby declare as follows:

1. I am a U.S. citizen, resident of Nash County, a registered voter, and the Senator for North Carolina Senate District 4, which encompasses portions of Halifax, Nash, Vance, Warren, and Wilson counties.

2. I served in the North Carolina House (“the House”) for 5 years and have served in the North Carolina House of Senate (“the Senate”) for the past year. Before my appointment to the House in 2007, I served on the Rocky Mount City Council, starting in 2003 and briefly served as Mayor Pro Tem. I have run for elected office in my community for over 10 years now. I was serving in the Senate when House Bill 589 (2013) (“HB 589”) was passed by the General Assembly.

3. My history of voting rights involvement began when I was in high school, but in recent years, I have been a very involved advocate and advisor helping African-American communities in my region of the state fight for fair redistricting plans and electoral systems for local boards (city councils, county commissions, and boards of education), including in Rocky Mount, Tarboro, Battleboro and Edgecombe County, among others. I have also assisted these communities in their get-out-the-vote (GOTV) efforts. My history of running for office has given me valuable insight into what works and what does not work with regards to GOTV in this area of the state.

4. In 2006 I received the Distinguished Alumni Award from UNC-Chapel Hill for Community Service for outstanding contributions to humanity in striving to build a society that seeks to achieve social justice for all.

5. I earned both a bachelor’s degree and a law degree from the University of North Carolina-Chapel Hill. After graduating from the UNC law school, I co-founded the Land Loss

Prevention Project at NCCU School of Law, which was a program designed to curtail epidemic losses of African-American owned land in North Carolina via litigation, public policy and promoting sustainable environmental practices. I also practiced law as a general practitioner in Alamance County, North Carolina for three years and served as a North Carolina state administrative law judge in Raleigh, North Carolina for ten years. I spent the last thirty years running a diversity and organizational development consulting firm. I have held several appointed governmental positions, including positions on the UNC Board of Trustees and UNC Board of Governors.

6. In January 2007, I was appointed to the North Carolina House of Representatives, representing the 7th District (Franklin and Nash counties), and was subsequently re-elected in 2008, 2010 and 2012. During my tenure in the House, I served on the Elections, Education, Judiciary I, Appropriations, Insurance, and Utilities committees.

7. In 2013, I left the House to join the North Carolina Senate after being appointed to fill a vacant seat in the 4th District (Halifax, Nash, Vance, Warren, and Wilson counties). I currently serve on several standing committees in the Senate, including the Education, Judiciary, Commerce, Agriculture and Environment, and Appropriations committees. In addition, I serve on the Joint Oversight Committee for Elections (“JOCE”) that was established at the end of the legislative session in 2013 to oversee the implementation of HB 589 and other election law issues.

8. The region that I currently represent in the Senate and the region that I represented for many years in the House are parts of the state that face many challenges. This area of the state has a large African-American population, comprised of many impoverished communities. Many are very rural areas. The county seat in some of these counties is not always

in the easiest town to access for transportation purposes. For example, the county seats of Nash and Edgecombe Counties, Nashville and Tarboro, respectively, do not have public transportation systems, making it harder to access and travel in those towns. This reality can create many burdens on citizens trying to access local government services.

9. My service as a member of the North Carolina House of Representatives and Senate, my active participation in the legislative debates surrounding voting rights, including the Senate floor votes on House Bill 589 (2013) (“HB 589”), and my participation in the electoral process in my community since 2003 enables me to speak on the legislative intent, legislative process, and impact of HB 589.

Pre-HB 589 Election Laws in North Carolina

10. I was a co-sponsor in the House of the legislation that created same-day registration in 2007 (HB 91). The overall goal of the same-day registration legislation was to make voting as easy and accessible as possible for all voters. Some lawmakers expressed concerns that same-day registration would lead to voter fraud, but I and other representatives explained that same-day registration would only enhance the integrity of the election process. As part of the same-day registration process, prospective voters register in-person at the polls under the guidance and watchful eye of state election officials providing documents prescribed by the Help America Vote Act. In the past five years, NC has allowed same-day registration without incidences of voter impersonation fraud.

11. The impact of same-day registration in North Carolina was revolutionary. Same-day registration (especially in conjunction with expanded opportunities for early voting) dramatically increased access and participation among voters, particularly the indigent, African Americans, and people who moved to and within the State prior to an election. Particularly in

communities like Rocky Mount, which faces enormous economic struggles, people who face economic instability often change residences. In the part of the state I am from, the people most likely to face economic instability are people of color. Having same-day registration allows these voters to freely and easily participate in the political process.

12. The North Carolina legislature has passed several other laws that expanded voter participation. For example, no-excuse early in-person voting makes the voting process more inclusive by providing flexibility, especially for working-class voters who cannot always get to the polls on a particular election day because they do not have transportation options or because they work rigid hours or in jobs with little to no flexibility. Seventeen days of early voting also made it much easier for working-class voters with child care responsibilities to cast a ballot. Access to early voting also makes it easier for people with disabilities and the elderly to vote.

13. The counting of out-of-precinct provisional ballots is another example of how voting in North Carolina has become more inclusive. It takes account of those voters who move before an election, do not know the rules, or are unaware of their assigned precinct. Many people are unaware of their home precinct because they do not have access to a computer, have just recently started voting, or have lapses in voting. Other voters may have made a conscious decision to vote out of precinct based on necessity, as limited time or transportation options meant that was their only choice.

14. Policies that expand access to voting—such as permitting a generous early voting period and allowing same-day registration—send a cultural message that voting is for everyone. Repealing such policies sends the opposite message—that voting is for the privileged. The African American community, in particular, uses straight-ticket voting. In my precinct, for example, 98 percent of all African American voters vote straight ticket. Because many people

identify with a political party and intend to support only candidates in their preferred party, the option to vote a straight-ticket ballot is a valuable convenience for voters. Straight-ticket voting also makes elections more efficient because it saves time. Straight ticket voting cuts down long-lines at the polls by allowing voters to complete the vast majority of their ballot with just one mark. (The straight-ticket designation did not cast a vote in the presidential race.) Now, voters will have to make a mark by each candidate they wish to vote for, adding time to the voting process.

#### HB 589 Legislative Process

15. Senators who for years had supported the expansion of voting opportunities were blindsided by the greatly enlarged and transformed version of HB 589 that was made public only a few days before the close of the legislative session. Proponents of the bill gave no advance notice as to the timing, breadth, and specific contents of the bill.

16. Given that very short notice we had, I recall that it was a scramble to review the substance of the bill and prepare for debate. I worked diligently to gather the materials I could that would demonstrate the disproportionate impact the expanded bill would have on minority voters. Given the magnitude of HB 589 and the widespread concern among legislators expressed on the record in the limited time available, I believe the Senate should have allowed public hearings on the revised bill to hear from citizens, State and local elections officials and experts and allocated more time for debate.

#### The Impact of HB 589: *Elimination of Same Day Registration*

17. Same-day registration was an efficient way for churches and other organizations in the African American community to maximize get-out-the-vote drives and “Souls to the Polls.” Because voters could simultaneously register and vote at the polls, same-day registration

allowed civic organizations to shift their focus and resources away from registration drives and instead towards educating voters about candidates and issues and getting them to the polls during the early voting period.

18. Eliminating same-day registration will strain the limited resources of these organizations and limit their ability to register and educate members of the African American community. Many of the communities and community organizations that I have worked with on local voting issues also do registration and GOTV work, and this is the kind of work that is going to be impeded now.

19. I have little doubt that many legislators who supported HB 589 knew from experience and had access to data that same-day registration was heavily used by the African American community. Any legislators who were not previously aware of this should have become aware by the time the Senate voted on the bill because of the data introduced by Senator Josh Stein during the legislative debate.

20. The elimination of same-day registration will make it much more difficult to vote in many communities in or near my district with a county line running through them. For example, parts of Rocky Mount are in Edgecombe County, while other parts are in Nash County. Simply moving across the railroad tracks within Rocky Mount can result in an individual moving into a new county, requiring him or her to re-register. Before HB 589 this individual could do so during same-day registration, but now this possibility is gone, putting another hurdle between low-income individuals, who move more frequently than home owners, and the ballot box.

The Impact of HB 589: Elimination of Out of Precinct Voting

21. The elimination of out-of-precinct voting is an unnecessary barrier for people who cannot, for whatever reason, dot every "I" and cross every "T." Not counting out-of-precinct

votes favors people that have more flexible work lives and transportation options, a higher education and income level, and more time to devote to voting than people living their lives day-to-day doing the best they can to get by. In areas like Rocky Mount, voters of color disproportionately face challenges along these lines. My experience in elections in the region has confirmed this for me. Voters of color in this region of the state face so many struggles. Putting one more hurdle in the way of voters of color before they can participate in the political process will undoubtedly deter participation.

The Impact of HB 589: *Elimination of Straight-Ticket Voting*

22. During the Senate debates on HB 589, I asked Senator Rucho whether he was aware of the racial disparities in usage of straight ticket voting. He said that he was not. I presented him with that information, which I wanted to be part of the legislative record, and then asked him if it influenced his position on the issue. He said it did not. This was the typical response of proponents of the bill to evidence of a disproportionate impact, and I wanted to get him on the record as stating that he did not care about the negative racial impact created by eliminating straight ticket voting.

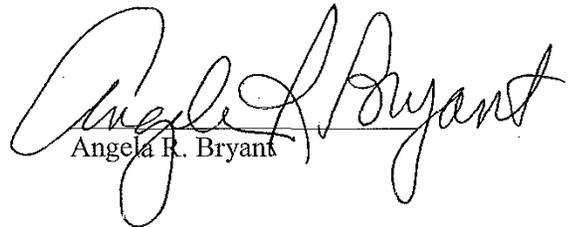
23. Eliminating straight ticket voting will lead to more errors in voting because voters will have to make more marks on their ballot which increases the chances of one spoiling his/her ballot. It will also lead to longer lines at polling places, and an overall more stressful voting experience for everyone.

24. As a whole, I believe this set of changes to North Carolina election laws will be enormously detrimental to voters, but particularly to voters of color. These changes undo the years of progress we had made in expanding access to the franchise. They also target the specific methods by which African American voters have disproportionately chosen to vote.

Moreover, the way in which all of these changes are being implemented appears haphazard. The JOCE has held two meetings regarding HB 589, but these meetings have provided us very little substantive information about how the changes will be implemented. Other than a one-time voter guide, I am not aware of any efforts under way to comprehensively educate the public about all of the changes I discussed above. In order to be effective in many communities, such as the ones I represent, I think education efforts should be broad-based and involve different forms of media. Without that, many voters will be unaware of the changes and thus unable to adjust to them.

25. 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 14, 2014.

  
Angela R. Bryant