

**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 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.)

**DECLARATION OF
OCTAVIA RAINEY**
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.

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 OCTAVIA RAINEY

My name is Octavia Rainey 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 1955 in Raleigh, North Carolina.
2. I live at [REDACTED] Raleigh, NC 27610.
3. I have lived in Wake County my entire life.
4. I am a 1978 graduate of Saint Augustine's College in Raleigh, North Carolina.
5. Early in my career, I worked as an AmeriCorps Vista Volunteer at the City of Raleigh. Vista Volunteers work in underprivileged communities throughout the U.S. organizing and educating community members and providing enriching educational programs and vocational training. In the early 1990s, I became the Director of Education and Outreach for the Community Reinvestment Association of North Carolina (CRANC). CRANC's mission was to promote and protect community wealth by ending unfair or predatory lending practices, particularly in underserved communities. While there, I was responsible for developing grassroots advocacy programs and coordinating CRANC's mobilization effort. During the mid 1990's, I worked several years as a Wake County Board of Elections Precinct Official. Since 2009, I have worked as a consultant to the Raleigh-based political consulting firm, Brad Thompson and Associates, and as a Youth Programs and Advocacy Consultant to several Wake County churches.
6. I regularly volunteer in precincts all over Wake County. Specifically, I work in minority communities to make sure everyone knows where they are supposed to vote, the relevant election dates and deadlines, and that each eligible voter has materials on all candidates running for political office in their area. I also partner with the same communities to coordinate voter education programs. The programs inform the voters of important issues to

consider in the current election cycle, any changes in polling sites, hours, etc. and available resources to help citizens make an informed decision or get a ride to the poll. Over the years, I have knocked on hundreds of doors in Wake County communities and registered hundreds of Wake County voters. I have seen single parents struggle with family and work schedules while yearning to know more about local and national elections. I have helped people without transportation get rides to the polls. I know first-hand the difficulties faced by low-income communities and their deep desire to vote.

7. I am member of North Carolina Black Leadership Caucus (NCBLC). The NCBLC was organized in October 1976 after key Black leaders in North Carolina recognized the need to create a statewide organization that could consolidate the civil rights and voting rights gains of the past into a platform to support Black political and economic empowerment. The NCBLC seeks full equality and equity for all Black North Carolinians. As an NCBLC volunteer, I monitor legislation of interest to the organization at the North Carolina General Assembly. Legislation I monitor includes, but is not limited to, all bills concerning voting rights in North Carolina.
8. The provisions passed in HB 589 will have an extremely negative impact on the communities in which I volunteer. As I stated previously, I volunteer in communities all over Wake County but I primarily serve low-income and minority populations. These communities are more often comprised of public housing residents, individuals with several jobs, the elderly and persons with disabilities.
9. Same Day Voter Registration made registering and voting more manageable for voters who already face significant social barriers to participating in elections. For persons who work several jobs or who have difficult family schedules, it was very manageable to convince them to make one trip to the Wake County Board of Elections to register and vote on the

same day. Now, those same community members might be required either to make two trips at two different times to accomplish the same outcome, or will be required to take extra steps well in advance of voting to ensure that they are properly registered. It is not necessary to make working families have to jump through extra hoops.

10. For the communities I serve, eliminating Same Day Voter Registration will mean lost wages, added expenses and a greater risk that voters will not be able to return to the polls a second time to vote. For a low-wage, hourly worker, every minute away from work is lost income. Your employer cannot prevent you from voting, but they are not required to pay you while registering or casting your vote. Same Day Registration allowed those workers several opportunities to accomplish both tasks while decreasing the likelihood of lost earning. Because of this, the elimination of Same Day Voter Registration will negatively impact minority communities and diminish their ability to vote.

11. In my experience, the prior length of the early voting period significantly reduced barriers to voting for minorities, the elderly, persons with disabilities, persons working several jobs, and persons with limited access to transportation. The prior early voting period was helpful because it provided these individuals more opportunities to get to the polls and allowed transportation service organizations more flexibility in getting these individuals to the polling sites. Minority communities are at a higher risk because they are typically comprised of lower wage job workers and citizens with access to fewer resources, particularly transportation. For example, I have frequently worked with transportation service providers to facilitate transporting minorities and elderly persons to and from polling sites.

Coordinating those trips was difficult even with the previous early voting period. The lost week of early voting means more minority and elderly voters will need to find transportation to the polls in a shorter window of time. The increased number of hours during the shorter

period does not provide the same or similar amount of viable options. In my experience, people with fewer means and greater challenges need the longer schedule to fit voting into their schedules. Additionally, transportation service providers need the longer early voting schedule to accommodate so many competing schedules. Due to the shortened schedule and the resulting increased volume, transportation services for voters who do not have access to their own car will likely be significantly strained. As a likely result, fewer persons needing the transportation will be able to access it.

12. In my experience, the provision disqualifying provisional ballots cast outside the precinct will result in hundreds of citizens in Wake County being completely disenfranchised. Several factors can result in precincts being changed or moved (annexations, redistricting, etc.). It is very common in Wake County minority communities for persons to be unaware and/or misinformed of their correct polling precinct. Many voters are simply unaware that their polling site or polling boundaries can change. I can recall several occasions over the past 15 years where a regular voter was sure they knew their correct polling place, and then only realized after talking to me that they were actually wrong. I work with community leaders to correct on a widespread level any misinformation concerning relocated precincts and to educate voters as to their correct precinct. Despite this effort, I have witnessed several individuals cast out of precinct provisional ballots either because they were mistaken about the true location or were misinformed as to the requirement to vote at a certain place. The change in law will make the job of poll works and volunteers much more difficult and inevitably disenfranchise many voters. Over the years, I have worked to make sure that every eligible voter can vote and every eligible vote is counted. No longer counting out of precinct provisional ballots will be most harmful to the communities I serve.

13. Additionally, the huge changes to voting laws will hurt the communities I work in because those communities do not have access to the same resources as privileged communities do—resources that keep them informed. For example, many minority residents do not have regular access to the internet and are unable to keep up with the changing voting and election requirements. Internet access in low-income communities is often considered a luxury. With the high cost of other utilities, paying an additional \$30-\$50 per month for the internet is not always possible. Without regular internet access, community members are powerless to both update their voter information and stay on top of all the changes, making the work of volunteer organizers an increased necessity. But volunteer organizers can only do so much.

14. 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 28th day of April 2014.



Octavia Rainey