

**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
ION V. SANCHO
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 ION V. SANCHO

My name is Ion V. Sancho 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 am the Supervisor of Elections for Leon County, Florida and have served in this position for over 25 years. In keeping with my duties as the Leon County Supervisor of Elections, I am an advocate for measures that protect the right to vote and increase participation among eligible voters. I have no political party affiliation.
2. I am responsible for administering county, state, and federal elections; registering voters; providing for absentee and early voting; and upholding and administering state election laws in Leon County. Under my supervision, the voter turnout in Leon County, which includes the state capital of Tallahassee, has consistently ranked among the highest in the state of Florida, with a record setting 86% in the 2008 general election.
3. I received a B.A. from Stetson University and a J.D. from Florida State University Law School. I am nationally certified by the Elections Center as a Certified Elections and Registration Administrator (CERA). As one of the longest serving Supervisors of Elections in Florida, I serve on the Board of Directors of the Florida State Association of Supervisors of Elections (“FSASE”) and provide training on elections best practices for fellow supervisors.
4. I have presented testimony before the United States Congress, the United States Election Assistance Committee, and the United States Civil Rights Commission on topics including auditing federal elections, civil rights restoration, voting systems and software, and the integrity of electronic voting machines. In the 2000 presidential election, I was

chosen to lead the hand count of Florida's disputed ballots before the U.S. Supreme Court stopped the hand count.

5. On April 3, 2013, I testified before the North Carolina House Elections Committee on aspects of Florida election administration as it related to the House's consideration of HB 589. The power point presentation I shared with the Committee is attached as Exhibit A to this Declaration. The transcript of my testimony is attached as Exhibit B.

Early Voting – Overview of the Florida Experience

6. Evidence from the 2012 general election in Florida demonstrates how the elimination of Early Voting days resulted in long lines at the polls, and in turn disfranchised voters.
7. In 2011, Florida passed HB 1355, which reduced the number of days for early voting, from 96 mandatory hours over 12 or 14 days (with 8 hours per weekday and 8 hours aggregate over each of two weekends), to a discretionary range of 48 to 96 hours over 8 days (with 6 to 12 hours per day at the Supervisor of Election's discretion from the Saturday ten days before the election to the Saturday three days before the election).
8. During the 2012 general election, Florida received national attention for its delays and long lines at the polls, as some voters waited upwards of seven hours on line at their polling place.
9. In response to the debacle of Florida's long lines in the 2012 election, and in recognition that the 2011 cuts to early voting played a role in the 2012 voting delays, the Florida legislature, on the first day of the legislative session in 2013, amended the law to restore discretion permitting counties to maintain 14 days of early voting for 8 to 12 hours per day, and permitting Early Voting on the Sunday before the election.

Details on Early Voting Data from Florida

10. To stay abreast of election administration trends and developments, I review election data analysis following every election. According to data compiled by the Massachusetts Institute of Technology which I have reviewed, two-thirds of voters in the U.S. waited less than 10 minutes to vote in the 2012 election, whereas 3% of voters waited over one hour. Leon County waiting times were limited to 30 minutes (with the exception of longer lines at one polling location on the Saturday before the election), because we attempted to compensate for the elimination of early voting days by opening a fifth Early Voting polling locations at a cost of \$80,000, increased expenditures on voter education by \$151,659, and undertook other measures to attempt to compensate for the lost days.
11. As a state, Florida experienced the longest average wait time to vote of any state in the country, with an average waiting time of 40 minutes, according to PEW data released after the election, and some voters waiting as long as 7 hours. According to data analyzed by Ohio State Professor Ted Allen and reported in the Orlando Sentinel, as a result of the long lines at the polls, at least 201,000 Floridians who could not withstand the wait were disfranchised in 2012. As I said in my testimony to the North Carolina House Elections Committee, I believe that Florida reducing the number of days for Early Voting in 2011 was one of the primary reasons for long lines at the polls.
12. Early voting is no mere convenience to the voters in Florida; it is a necessity to accommodate the large number of voters in densely populated areas of the state. In Florida, Early Voting acts as a “safety valve” for the overflow of voters because it is entirely unfeasible to push over 11.7 million registered voters through the polls in the 12

hours on Election Day. Election administration would collapse if we simultaneously try to encourage eligible voters to vote and decrease the availability of Early Voting. As the population grew and voter turnout increased in Leon County, and throughout most of Florida, the need for Early Voting became more pronounced.

13. As I predicted in my 2011 testimony before the Florida Legislature as they debated eliminating days for early voting, *see* Exhibit C (Florida House of Representatives Government Operations Subcommittee hearing testimony, April 1, 2011), and in affidavits submitted in federal courts leading up to the 2012 Florida election, *see* Exhibit D (declarations submitted in *Florida v U.S.* 885 F.Supp.2d 299 (D.D.C. Aug. 16, 2012) and *Brown v Detzner*, 895 F.Supp.2d 1236 (N.D.Fla., Sept. 24, 2012)), reducing early voting from twelve days to eight days severely constricted this “safety valve” and caused overcrowding at the polls on Election Day.
14. The 2012 cuts to early voting severely restricted voters’ overall access to the polls, particularly in Florida’s densely populated urban areas, where a larger proportion of African-American and language minority voters reside. Based on my experience and the data from recent elections in Florida, I believe that eliminating 7 days of Early Voting in North Carolina will have a comparable impact in densely populated areas.
15. Reduced early voting in the Florida 2012 general election had a particularly pronounced impact on African-American voters, who disproportionately utilize early voting opportunities in Florida. Based on my review of data from the Florida Voter Registration System (FVRS), in the 2008 and 2012 general elections, African Americans made up 13% and 14% of Florida’s registered voters, yet in both elections they made up about 22 percent of the early voters. The cuts to early voting had the sharpest effect on African-

American voters. From 2008 to 2012, the percentage of African–American voters who used early voting fell from 35.7% to 31.6%, a decline of over 4 percentage points. For white voters, early voting usage declined only slightly between 2008 and 2012 from 18.5% to 17.6%, or less than one percentage point. In other words, the decline in African-American early voting turnout was more than four times that of white voters. Thus, in Florida, the decreased number of days had a disproportionate impact on African-American voters despite counties option to keep the polls open for an equal number of hours in 2012 as in 2008.

16. Based on my regular maintenance and review of Leon County’s FVRS data, in Leon County the racial disparities in use of Early Voting were more pronounced. Based on my review and comparison of data from the 2008 and 2012 election, as set forth below, it appears that African American voters were less likely to acclimate to the reduction in days for Early Voting compared to White voters.

	White		African American	
	2008	2012	2008	2012
EV:	24.8%	27.7%	39.7%	38.0%
Absentee	22.3%	21.9%	15.5%	18.0%
ED	52.9%	50.9%	44.9%	44.0%

17. In the 2008 general election, 42,459 voters cast ballots at Leon County early voting sites. African-American and Hispanic voters utilized in person early voting at a greater rate than white voters. 15,584 or 39.7% of all 39,286 African Americans who voted in that election did so in person during the early voting period, 15.5% voted absentee ballot and 44.9% voted on election day (19.4% of eligible African-American voters did not vote at all in the election). 1,246 or 30.8% of all 4,039 Hispanics who voted in that election did

so in-person during the early voting period (20.4% of eligible Hispanic voters did not vote at all in the election). 23,293 or 24.8% of all 94,044 whites who voted in that election did so in person during the early voting period, 22.3% voted by absentee ballot and 52.9% voted on election day (16.1% of eligible white voters did not vote at all in the election). 2,336 or 20.3% of voters of other ethnicities who voted in that election did so in person during the early voting period (29.1% of eligible voters of other ethnicities did not vote at all in the election).

18. In Leon County in the 2012 general election, 45,136 voters cast ballots at early voting sites. 15,777 or 38.0% of the 41,528 African American voters who voted cast ballots during the early voting period, 18.0% cast absentee ballots, and 44.0% voted at the polls on election day (22.0% of eligible African American voters did not vote at all in the election). 25,675 or 27.7% of the 93,608 white voters who voted cast ballots during the early voting period, 21.9% cast absentee ballots and 50.7% voted at the polls on election day (21.2% of eligible white voters did not vote at all in the election). 1,281 or 28.5% of the 4,501 Hispanic voters who voted cast ballots during the early voting period, 16.9% cast absentee ballots and 54.6% voted on election day (29.4% of Hispanic voters did not vote at all in the election). 2,403 or 26.0% of the 9,236 Other voters who voted cast ballots during the early voting period, 17.6% cast absentee ballots, 56.3% voted at the polls on election day (24.1% of Other voters did not vote at all in the election).

19. Based on my experience as a Supervisor of Elections, and as I testified to the Florida legislature in 2011, *see* Exhibit C and D, the results were predictable. The number of early voting days is critical; an equivalent number of hours over fewer days of early voting does not provide a sufficient opportunity for all voters to vote. As Supervisor of

Elections, I have observed that voters tend to go to the polls in clusters, particularly from 12 noon to 2 p.m. during their lunch hour, and between 5 p.m. and 6 p.m. immediately following business hours before they commute home. Five longer weekdays do not provide a sufficient opportunity for the voters to vote, despite the longer poll hours, because it will limit the number of voters' opportunities to vote during the lunch hour and immediately after work to only five weekdays instead of ten weekdays.

20. I believe in North Carolina, where a greater percentage of African American voters' use Early Voting and the disparity of use between African American and white voters is more pronounced, there will be a comparable impact on African American voters.

Effect on Costs

21. Decreasing the days for Early Voting also increases the cost of administering elections.

At legislative hearings on the Florida bill, legislators supporting the decreased number of days for early voting made a number of inaccurate or unsubstantiated statements to justify the change. For example, legislators who supported the bill which reduced early voting (HB 1355 or SB 2086) stated that the number of days for early voting should be reduced because few voters use the first week of early voting, and believed that the decreased number of days would save money. This was incorrect in Florida, and for similar reasons will prove incorrect in North Carolina.

22. Decreasing the days for Early Voting actually increases the cost of administering elections. Keeping the polls open for 12 hours per day for 8 days substantially increased – not decreased - the cost of administering elections in Florida, including:

- a. *Staff costs*: Operating costs were significantly higher in 2012 to keep the polls open for 96 hours of early voting over eight days than in 2008 to keep the polls open for 116 hours during the 12 day period.¹ The extended hours required us to pay staff - including full-time election staff, temporary staff and security officers - at overtime rates of 1.5 times their wage, and required additional training for more first time temporary staff. Nearly all of our staff rearranged other obligations to cover the longer early voting days and by the end of the early voting period, staff members were overworked and exhausted, which renders people more prone to error.
- b. *Polling places*: To compensate for the decreased opportunity for voters in Early Voting, Leon County opened an additional polling place, Eastside Library, for Early Voting in 2012. Our office budgets \$20,000 in supplies and equipment per early voting site and \$60,000 to operate it for each election.
- c. *Voter education*: Along with the cost of staff overtime during Early Voting and an additional polling place, enhanced voter education is absolutely necessary each time new election restrictions are implemented to ensure that voters are aware of the change. In 2012, Leon County undertook a massive voter education campaign to alert voters to the change in polling place hours at an additional cost of \$151,659. In 2008, Leon County spent \$338,913 on voter education. In 2012, we spent \$490,572 on voter education. New voting restrictions destroy many of the benefits of past voter education and extensive voter education is crucial to

¹ In 2008 Florida law required the polls to open for 96 hours over 12 to 14 days of Early Voting. However, by Executive order, the governor extended the polling place hours by an additional 4 hours per day for 4 days of early voting and an additional 4 hours aggregate on the weekend before election day.

maintaining equivalent voter access and turnout. We allocated additional funds for print and multimedia advertising; rented booths to provide voter registration at local events; designed, printed, and sent voter education materials to each registered voter in Leon County to inform them of the changed polling hours and sent a separate mailing to all registered voters assigned to the new polling location; and increased staff dedicated to voter education at an additional cost of \$36,997 in 2012.

Legislative purpose

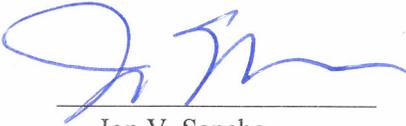
23. In 2011, during Florida legislative debates surrounding passage of HB 1355, legislators stated that decreases in Early Voting would save counties money. As I describe above, this is incorrect. Legislators also alleged that new election requirements, for example requiring that voters making inter-county address changes must use provisional ballots, were necessary to address fraud. Based on my experience as Supervisor of Elections and my knowledge of the administration of elections in Leon County, I believe that these arguments were incorrect or based on inaccurate information. In an effort to prevent legislators from relying on inaccurate information, on April 1, 2011, I testified against HB 1355 at the Florida House of Representatives Government Operations Subcommittee hearing and on April 15, 2011, I testified at the Florida Senate Rules Committee hearing in opposition to the proposed requirement that inter-county movers vote by provisional ballots.

24. In addition, I offered testimony in North Carolina that Florida legislators' stated purpose for reducing the number of early voting days -- namely cost savings and increased flexibility to supervisors -- was incorrect or based on inaccurate information. North

Carolina had the benefit of reviewing the evidence of the 2012 election in Florida and the disproportionate impact of the reduction in the number of early voting days.

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

Executed on this 29 day of April, 2014.



Ion V. Sancho