

**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
ALMA ADAMS**

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 Alma Adams

I, Alma Adams, hereby declare as follows:

1. I am a U.S. citizen, resident of Guilford County, a registered voter, and the elected representative for North Carolina House District 58 in Guilford County.
2. I have served in the North Carolina House of Representatives (“the House”) for over twenty years. I was serving in the House when House Bill 589 (2013) (“H.B. 589”) was passed by the General Assembly. The legislative process used to pass H.B. 589 strategically circumvented public approval, bipartisan support, and thorough vetting. The full version of the bill will hinder North Carolinians’ right to vote and egregiously rolled back the tremendous strides we legislators made to increase voter participation in North Carolina.
3. A North Carolina native, I grew up in Newark, New Jersey but returned to North Carolina in the 1960s. I received a Bachelor of Science and Master of Science in Art Education from North Carolina A&T State University. I also received a Doctorate in Art Education/Multicultural Education from the Ohio State University in 1981.
4. I have always been engaged in the local community. I was an art educator at Bennett College for Women in Greensboro, North Carolina for forty years. I have been a Board member of our local chapter of the NC NAACP since the early 1990s, and have been actively involved in social, political and economic issues specifically affecting African Americans in North Carolina. In fact, I personally participated in the NC NAACP Moral Monday movement during the 2013 legislative session when H.B. 589 was being considered.
5. I was the first African American woman elected to the Greensboro City School Board in 1984. After serving on the School Board for two years, I then served on the Greensboro City Council for nine years.

6. After Herman Gist, my predecessor, died in office I was appointed to the House in 1994. I was elected to 11 terms in subsequent elections. Having served 21 years as a Representative of House District 58, I am now running for Congresswoman of North Carolina's 12th District. The many government positions in which I have served have given me significant and varied insights into the ways that government policies impact members of the local community, specifically the local, African American community.

7. During my tenure in the legislature, my District has been redrawn three times but District 58, in all its iterations, has featured both a racially diverse and a young population. The District has historically included a substantial African American population, especially given the two Historically Black Colleges and Universities (HBCUs), Bennett College and North Carolina A&T State University, in the area. Recently, the District has also experienced a major growth in the Latino population. Finally, the sizable student population from Bennett College, Greensboro College, and University of North Carolina at Greensboro, has created a distinct infrastructure of young voters in my District.

8. As Representative, I have served on several House committees. I am currently the Vice-Chairman of the Government Committee, which determines the budget for the State Board of Elections ("SBOE"). As part of that budget drafting process, the SBOE drafts a report for the Government Committee.

9. Given all of these roles, including House Representative, educator, and local NAACP member, as well as my participation in the 2013 debates on H.B. 589, I am able to speak about the legislative process and impact of H.B. 589, specifically on African Americans and young voters in and around Guilford County.

Pre-HB 589 Election Laws in North Carolina

10. I was in office for consideration of nearly all of the previous election laws that targeted the expansion of voter participation in North Carolina, such as the expansion of early voting, as well as the creation of straight ticket voting and same day registration. Expanding voter participation was a serious goal of the North Carolina legislature, given its poor ranking amongst states' voter turnout rates.

11. I remember North Carolina had implemented some measures to increase voter participation, beginning as early as 1999, when the General Assembly passed S.B. 568 (codified in N.C. Gen. Stat. § 163-226 and § 163-227.2) which eliminated the excuse requirement from one-stop absentee voting ("early voting") in general elections and allowed early voting to be conducted at places other than the County Board of Elections office. In 2001, early voting was set for 17-days, including evenings and weekends under House Bill 831 (codified in N.C. Gen. Stat. § 163-227.2) and no excuse early voting was instituted for all elections under House Bill 977 (codified in N.C. Gen. Stat. § 163-226). Also, in 2001, Senate Bill 14 (codified in N.C. Gen. Stat. § 163-182.1) created straight ticket voting. Then, in 2003, out of precinct voting was made permissible by House Bill 842 (codified in N.C. Gen. Stat. § 163-166.11). I was in the legislature for each of these.

12. I cosponsored H.B. 91 (codified in N.C. Gen. Stat. § 163-82.6) in 2007, which created same day registration during the early voting period. One of the greatest hurdles to getting citizens to actually vote is, first, registering them. I and the other co-sponsors of the bill believed that allowing citizens to register and vote simultaneously would boost overall voter participation.

13. I co-sponsored H.B. 91 knowing the impact would be significant for increasing participation across the board in my District, and by 2012, North Carolina ranked eleventh in the nation for overall voter turnout.

14. I remember that during the 2006 North Carolina Legislative Black Caucus Foundation's annual weekend event, which occurs usually in June, there was a public discussion around increasing African Americans' voter participation. As part of those discussions, same day registration was emphasized as a tool for increasing African American voters. Given that many African American legislators attend that annual weekend event, I also believe that many African American legislators viewed H.B. 91 as a means to increase the specific participation of African Americans.

15. Finally, in 2009, the General Assembly passed H.B. 908 (codified in N.C. Gen. Stat. § 163-82.1), which allowed 16 and 17 year olds to preregister. This was a great opportunity to engage young people in the electoral process while they were in High School and to put civic engagement on their mind.

H.B. 589 Legislative Process

16. Everything that North Carolina put into place over the years to increase voter access was targeted by the sponsors of H.B. 589, and the legislative process behind the bill's final passage strayed from the usual legislative course.

17. After the 12-page H.B. 589 was first filed in the House on April 4, 2013, there were two public hearings held by the Elections Committee. I attended those hearings even though I am not a member of that Committee, as I knew that H.B. 589's provisions could significantly impact my constituents.

18. Many North Carolina legislators, including me, coordinated public hearings and meetings outside the General Assembly and in our districts to address H.B. 589. I personally held some public hearings in Guilford County. Even though these hearings took place before the full version of H.B. 589 was passed in the Senate, attendees were already voicing concerns about not only the photo identification provision of H.B. 589, but also other voter suppression measures. This was because prior to the full version of H.B. 589 being passed, there were several other measures introduced in the House and Senate that had separately proposed reducing early voting, specifically early voting on Sunday, and same day registration. Such measures included H.B. 185, which was filed in February 2013 and sought to eliminate straight ticket voting and H.B. 451, which was filed in March 2013 and aimed to reduce early voting and eliminate same day registration, Sunday voting, and straight ticket voting. Though those measures were not debated, they were filed and publicized by the media, which in turn, concerned my constituents.

19. After four weeks of consideration and vetting, the House, on April 24, 2013, passed a 16-page H.B. 589 that mainly included a voter photo identification provision. However, unlike the full version of H.B. 589, the House's photo identification provision included out-of-state driver's licenses, government assistance identification cards, and some employee identification cards as acceptable to vote. Importantly, at that time, acceptable identification also included a student ID card issued by the University of North Carolina school system or a North Carolina community college.

20. H.B. 589 then sat in the Senate for three months and did not return to the House until the very end of the legislative session.

21. The Senate's modified and substantially longer version of H.B. 589 was introduced in the Senate's Rules Committee on July 23, 2013. It featured 57 pages, substantially reduced the forms of acceptable photo identification, excluding student identification cards completely. The full version of the bill tore apart the election progress we had made just years ago by eliminating preregistration of 16- and 17-year olds, same day registration, a week of early voting, "out of precinct" ballots, and straight ticket voting. Unlike the four weeks of consideration we gave the primary bill, the enlarged version was passed by the Senate just two days after its introduction.

22. On the same day it was passed by the Senate, July 25, 2013, H.B. 589 returned to the House for a concurrence vote the day before the end of our legislative session. Opponents of H.B. 589, including the entire Democratic Caucus, spoke against the bill, but we were only given a few minutes each to speak. To greatly limit debate and then pass a substantially dissimilar version of a bill on that same day is highly irregular.

23. In the short House session, many concerns were raised about H.B. 589's particularized effect on minorities, students, elderly and low-income voters. Members of the Legislative Black Caucus captured the egregious effects this bill had on African Americans in North Carolina, noting that the bill could undo all of the strides African Americans had made in voting rights, particularly during the Civil Rights Movement.

24. I believe that by passing only the photo identification portion of the bill in the House, then introducing its many other restrictions in the Senate, and finally sending the full version to the House for a concurrence vote only, instead of sending it to a substantive committee, H.B. 589's supporters intentionally bypassed consideration by constituents and

experts. This process was ultimately a way to sneak in numerous new provisions without having substantive debate on them or time for proposed amendments to modify the bill.

The Impact of H.B. 589: *Elimination of One Week of Early Voting*

25. The establishment of seventeen days of no-excuse early voting, including the possibility of voting on evenings and weekends, was a very successful aspect of the legislature's concerted efforts to expand North Carolinians' access to the polls. As a candidate, I observed that this nearly three-week period of early voting decreased long lines and offered voters more flexibility to get to the polls, on both weekdays and weekends. For instance, on the weekends older constituents could more easily find a family member or friend to drive them to the polls, or they could ride in the church van to the polls.

26. In prior elections, especially the Presidential elections, candidates won because of early voting, not what happened on Election Day. This was because many people—African American and Caucasian, Republican and Democrat—were using early voting. While its reduction will decrease the participation of all these groups, the reduction of early voting will disproportionately impact African Americans.

27. African Americans particularly relied on seventeen days of early voting to transport members of their community to the polls. Importantly, many African Americans participated in the "Souls to the Polls" campaigns on the two Sundays formerly available in the early voting period. This campaign involved Pastors and churchgoers committed to engaging in the social and political issues that affected their community. Church vans dropping off their constituents highlighted the very voter engagement that we fought to boost and that H.B. 589 now seeks to tear down. They will be stretched to transport the same number of people that they previously transported over two days, into one.

28. The success of Souls to the Polls was well-known, especially by members of the Legislature. The reduction of one of those days of Sunday voting indicates that supporters of H.B. 589 sought to impede the successful voting measures used mostly by African Americans.

The Impact of H.B. 589: Pre-Registration of 16 and 17-year olds

29. I believe that the elimination of pre-registration of 16- and 17-year olds will result in a decreased participation in elections amongst young voters. In my District, many youth this age are not yet involved in the community and are less likely to register to vote on their own. Pre-registration thus opened doors to civic engagement that they otherwise would not have.

30. Reaching these youth where they are, at school, is the best way to get them registered, thinking about voting and to return to the polls when they turn 18. Without this measure, I fear that we will see a significant drop-off in registrations among young people.

The Impact of H.B. 589: Elimination of Same Day Registration

31. Same Day Registration (SDR) radically raised voter participation in North Carolina, and its elimination will be significant for all voters, but specifically for African American voting in my district and elsewhere.

32. For alot of my constituents, SDR allows them to still vote even if they have missed the registration deadline. For political or church organizations, SDR allows them to galvanize voter participation by getting unregistered citizens to the polls during the early voting period.

33. Most citizens do not know the deadline to register to vote in elections. This is particularly true for those who have been historically disenfranchised and isolated from the voting process, such as African Americans. Consequently, African Americans disproportionately used SDR, and legislators knew this.

34. By eliminating SDR, the supporters of H.B. 589 have added another barrier to voting, a barrier that I fought against by sponsoring H.B. 91. Now, I believe fewer citizens will register to vote and more citizens will be discouraged from the voting process.

35. To my knowledge, no good justification was offered for SDR's elimination. There was no rampant fraud in the process and local county boards of elections were capable of processing same day registrations during the early voting period.

The Impact of H.B. 589: Out of Precinct Voting

36. I have spent a lot of time at the polls, both campaigning and driving people to the polls to vote. In doing so, I have observed that in my district, some citizens vote out of precinct. Out of precinct voting is used regularly because citizens do not know the location of their specific voting precinct, but they do want to vote. Consequently, they will vote out of precinct and by provisional ballot. In particular, I have observed many African Americans using out of precinct, provisional ballots.

37. My district was particularly affected by the last redistricting plan in 2011 so that precincts were split and subsequently many precinct locations were changed. This usually causes confusion and many citizens will vote at precinct locations that are no longer theirs, thereby increasing the number of out of precinct ballots cast.

38. H.B. 589's rejection of out of precinct ballots will prevent many citizens' vote from being counted and ultimately decrease voter participation, particularly by African Americans.

The Impact of H.B. 589: Photo ID Requirement

39. I believe the requirement of photo identification will disproportionately affect both African Americans and young voters in my District.

40. I am aware of many elderly African Americans in North Carolina (or, “in my district”) who were born at home and have never had a formal birth certificate issued. In addition, I am aware of many who no longer drive or who rely on friends and family for rides. Although they do not have a driver’s license, they vote. They vote early and at the polls because they remember a time when they could not because political barriers much like H.B. 589’s tried to stop them from doing so.

41. My mother, for instance, is 88 and no longer possesses a driver’s license, but votes regularly in North Carolina. To vote at the polls in 2016, she would need to obtain the free voter ID card or vote absentee. To obtain that voter identification card, I would have to help her locate documents necessary to procuring the card. While a birth certificate is one of the common documents used to obtaining an identification card, we have no idea where hers is or if she ever had owned one at all. Finding such documents and getting her to the DMV requires time and effort that most people do not have and are not willing to sacrifice, especially if they themselves are working full time or waged jobs. Her other alternative, voting absentee, requires no photo identification; however, to me, absentee voting represents the easier way to commit fraud, if one were going to commit it.

42. As a former educator at a historically Black college, I was particularly concerned about H.B. 589’s restrictions on student voting, in both the original and full version of the bill.

43. Many young people have used their student IDs to vote in North Carolina for the first time, and it worked. They often register to vote once they get to college because that is when they start to become politically involved and civically engaged.

44. When H.B. 589 passed the House, its photo identification requirement included college issued IDs but only from *public* universities. I had actually fought for an amendment to

the primary bill that would include both private university student IDs as well as public university student IDs, so that all eligible student voters in North Carolina could be covered. I went out and spoke with students from private universities and copied their identification cards. I then showed, on the House floor, the negligible difference between private university identification cards and those from public universities. I did so because I feared the disenfranchisement of the over 89,000 students at our state's private universities. I never imagined that the full version that returned to the House would disenfranchise not just those students, but all of our students.

45. Now, students must either obtain a North Carolina identification card and relinquish their out-of-state driver's license, or go down to the DMV and apply for a free, voter ID, for which they will need to provide various underlying identifying documents they may not have readily accessible at college. Each option sets up unnecessary barriers for students, whose voter participation had increased in the most recent elections.

46. Allowing students to vote at the polls supports their political engagement. Supporters of this bill sacrificed all of those benefits in the name of allegedly combatting voter fraud, which is uncommon and not a good enough reason to inhibit students' access to the polls.

47. All this photo identification provision has accomplished is confusion. For instance, some of my constituents in my church have already expressed confusion about when the voter identification provision goes into effect. I expect that even in these upcoming, primary and general elections in 2014, some voters will not show up at the polls because of the soft rollout of the photo identification provision, despite that the photo ID requirement will not go into effect until 2016.

48. 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 April 28, 2014.


Alma Adams