

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

)
NORTH CAROLINA STATE :
CONFERENCE OF THE NAACP, et al.,)
:
PLAINTIFFS,)

vs.)
)
PATRICK LLOYD MCCRORY, in his)
official capacity as the Governor :
of North Carolina, et al.,)
:
DEFENDANTS.)

Civil Action No.:
1:13-CV-658

)
LEAGUE OF WOMEN VOTERS OF :
NORTH CAROLINA, et al.,)
:
PLAINTIFFS,)

vs.)
)
THE STATE OF NORTH CAROLINA, et)
al.,)
:
DEFENDANTS.)

Civil Action No.:
1:13-CV-660

)
UNITED STATES OF AMERICA, :
)
PLAINTIFF,)

vs.)
)
THE STATE OF NORTH CAROLINA, et :
al.,)
:
DEFENDANTS.)

Civil Action No.:
1:13-CV-861

VIDEOTAPED DEPOSITION OF MALCOLM WILSON

REPORTED BY:

ANGELA CARITHERS, RPR, Notary Public, and Court Reporter
DISCOVERY COURT REPORTERS AND LEGAL VIDEOGRAPHERS, LLC
4208 Six Forks Road, Suite 1000
Raleigh, North Carolina 27609
www.discoverydepo.com
TELEPHONE: 919.424.8242

DATE REPORTED: May 5, 2015

LOCATION: Greenville, NC

1 APPEARANCES

2 For the US DEPARTMENT
3 OF JUSTICE:

AVNER SHAPIRO, ESQUIRE

4 JOHN POWERS, ESQUIRE

5 CIVIL RIGHTS DIVISION

6 UNITED STATES DEPARTMENT OF

7 JUSTICE

8 950 Pennsylvania Avenue, N.W.

9 Washington, D.C. 20530

10 202.305.0132

11 For the STATE BOARD OF
12 EMPLOYEES:

MICHAEL D. MCKNIGHT, ESQUIRE

13 OGLETREE, DEAKINS, NASH, SMOAK &

14 STEWART, P.C.

15 4208 Six Forks Road, Suite 1100

16 Post Office Box 31608

17 Raleigh, North Carolina 27622

18 919.787.9700

19 ALSO PRESENT:

BRENT TROUBLEFIELD, VIDEOGRAPHER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STIPULATIONS

1
2 It is hereby stipulated and agreed by and between
3 the parties to this action, through their respective
4 counsel of record, as follows:

5 1. Pursuant to Notice by Counsel for the
6 Department of Justice, the deposition of MALCOLM WILSON,
7 may be taken on May 5, 2015, beginning at 4:15 p.m. at
8 the Hilton Greenville, 207 Greenville Boulevard S.W.,
9 Greenville, North Carolina, before ANGELA CARITHERS, RPR,
10 Notary Public and Court Reporter.

11 2. Said deposition shall be taken pursuant to
12 the Federal Rules of Civil Procedure.

13 3. Any objections of any party hereto as to
14 notice of the taking of said deposition or as to the time
15 or place thereof or as to the competency of the person
16 before whom the same shall be taken are hereby waived.

17 4. That the reading and signing of the
18 transcript of testimony by the witness is not waived.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TABLE OF CONTENTS

TITLE PAGE	1 - 2
APPEARANCES	3
STIPULATIONS	4
TABLE OF CONTENTS AND EXHIBITS	5
EXAMINATION BY MR. SHAPIRO	7 - 15
EXAMINATION BY MR. McKNIGHT	15 - 32
EXAMINATION BY MR. SHAPIRO	32 - 33
SIGNATURE PAGE	35
ERRATTA PAGE	36
CERTIFICATE OF REPORTER	37

EXHIBIT LISTING

Description	Marked and Entered
EXHIBIT NUMBER 1 (North Carolina Public Voter Information of Malcolm Jerome Wilson)	16
EXHIBIT NUMBER 2 (Provisional Voting Application of Malcolm Jerome Wilson)	24

1 THE VIDEOGRAPHER: Going on record. On record at
2 4:15 p.m. Today's date is May 5, 2015. This is the
3 videotaped deposition of Malcolm Wilson taken in the
4 matter of North Carolina State Conference of the NAACP,
5 et al., versus Patrick Lloyd McCrory, in his official
6 capacity as the Governor of North Carolina, et al., Civil
7 Action Number 1:13-CV-658 in the United States District
8 Court for the Middle District of North Carolina, and
9 concerning all related matters.

10 Would counsel now please introduce themselves.

11 MR. SHAPIRO: I am Avner Shapiro. I'm an attorney
12 representing the United States, which is the plaintiff in
13 this matter.

14 MR. McKNIGHT: I'm Michael McKnight and I'm an
15 attorney representing the State Board of Elections,
16 defendants in this matter.

17 THE VIDEOGRAPHER: And would the court reporter
18 please swear in the witness.

19 WHEREUPON,

20 MALCOLM WILSON

21 was called for examination by Counsel, presented the
22 proper identification, and, having been duly sworn, was
23 examined and testified as follows:

24 EXAMINATION

25 //

Page 6

1 BY MR. SHAPIRO:

2 Q. Good afternoon, Mr. Wilson.

3 A. Good evening.

4 Q. Mr. Wilson, could you please state your full
5 name for the record.

6 A. Malcolm Jerome Wilson.

7 Q. And Mr. Wilson, where do you live?

8 A. I reside at 1200 Battle Street, Greenville,
9 North Carolina.

10 Q. And what do you do for work, sir?

11 A. I'm a painter by trade.

12 Q. And do you work in Greenville?

13 A. Yes.

14 Q. And Mr. Wilson, I understand that you are
15 married and have grown children; is that correct?

16 A. Yes, I am and yes, I do.

17 Q. Okay. And Mr. Wilson, did you attend school in
18 Greenville?

19 A. Yes, I did.

20 Q. And did you obtain a high school degree from --
21 diploma from school in Greenville?

22 A. Yes, I did.

23 Q. Okay. And after high school did you have the
24 opportunity to go to college?

25 A. No, I didn't go to college.

Page 7

1 Q. Okay. Now, Mr. Wilson, I would like to talk to
2 you a little bit about your past learning experiences, if
3 I may.

4 A. All right.

5 Q. Have you voted in the past?

6 A. Yes, I have.

7 Q. How often have you voted?

8 A. I vote in the 2-year elections. I vote --
9 excuse me -- in the 4-year elections. I would say
10 75 percent of the voting years, I vote.

11 Q. Okay. So it's fair to say you vote often and
12 frequently?

13 A. Yes.

14 Q. Okay. And when you vote, how do you do it? Do
15 you vote at the polls election day? Do you vote during
16 early voting at the polls or by absentee mail? How do
17 you do it?

18 A. There's been occasion I voted early voting and
19 predominantly at the polls.

20 Q. Have you ever voted by mail?

21 A. No, I haven't.

22 Q. What do you know about the rules and
23 requirements for voting by mail?

24 A. Actually, I don't know any of the rules and
25 requirements for voting by the mail.

1 Q. Now, why don't you vote by absentee ballot by
2 mail?

3 A. Security, more so than anything else, because it
4 can possibly get lost in the mail. But if I input it
5 myself, then I know it's been acknowledged.

6 Q. Okay. And how important is voting to you?

7 A. Voting is very critical to me because every
8 individual should have the right and look at it as a
9 privilege to be able to vote, because we all have a
10 voice.

11 Q. And I'd like to talk to you now, Mr. Wilson, if
12 I may, about the November 2014 election.

13 A. All right.

14 Q. What did you do in that election?

15 A. I went to the polls to vote. And I went to the
16 wrong voting poll, which was discovered to me. But even
17 going -- I didn't think that it should make a difference
18 as long as --

19 Q. I'm sorry. Let me interrupt. You said you went
20 to the polls to vote?

21 A. Uh-huh.

22 Q. What polling site did you go to?

23 A. I went to West Greenville polling --

24 Q. West Greenville polling site?

25 A. Yeah, the --

1 Q. And --

2 A. -- final --

3 Q. And how did you get there?

4 A. I transported myself.

5 Q. You drove your car?

6 A. Yes.

7 Q. And you were the only one who drove there on
8 your own?

9 A. Yes.

10 Q. And what time of day did you go?

11 A. Excuse me. It was in the morning.

12 Q. Was it early voting or election day?

13 A. It was election day.

14 Q. Okay. So you went to the polling site that you
15 thought was the polling site you needed to go to; right?

16 A. Yes, I did.

17 Q. And what happened when you got there?

18 A. When I got there and I explained the fact I was
19 there to vote, they asked my name. They looked in the
20 book. They didn't have a listing of me in the book. So
21 I offered to show my voter's ID card to verify that I
22 should be listed. The lady said, "Well, we don't have
23 your name."

24 And I'm like, "I don't understand that."

25 So she said, "Well, go to this lady off to the

Page 10

1 side to fill out a form." I never had to fill out a form
2 before. Lady gives me this long ballot, tells me to fill
3 it out. I fill out, sign it, give it to her, and I walk
4 out.

5 I'm totally content because I've cast my vote
6 and I felt like my vote would have moved forward in the
7 tabulations. Then I discovered later that it wasn't.

8 Q. Okay. And when you say you discovered later,
9 was that a few months later?

10 A. Yes.

11 Q. And -- and from where did you hear that you --
12 your vote may not have counted?

13 A. I got a call.

14 Q. Is that from the Department of Justice?

15 A. Yes.

16 Q. Okay.

17 A. Uh-huh. I got a call from the Department of
18 Justice.

19 Q. So up to that point, you thought that your vote
20 had counted?

21 A. Yeah. I truly did thought it had counted.

22 Q. Now, this was at the -- you mentioned the
23 polling site that you went to that was -- was it the
24 Greenville Recreation Center?

25 A. West Greenville Recreation Center, yes.

Page 11

1 Q. Now, how -- about how far away is that from your
2 house? How far a drive?

3 A. It's about two minutes.

4 Q. Okay. And at any point do you recall a poll
5 worker saying anything to you about whether your vote
6 would count or not?

7 A. It was never discussed.

8 Q. Do you recall anything about the vote that you
9 cast, that would be -- that would tell you whether it was
10 similar or different from other votes that were cast?

11 A. No, there was -- there was never any mention of
12 that made.

13 Q. Okay.

14 A. No, I'm under the impression that I cast my
15 vote, it will be counted along with everyone else's.

16 Q. Okay. Do you recall ever being given any -- any
17 literature while you were at the polling site?

18 A. No.

19 Q. Any -- any -- any documents?

20 A. No.

21 Q. Okay. So when you left the polling site, what
22 was your understanding about whether your vote would be
23 counted?

24 A. When I left the polling site, I was totally
25 content that I had fulfilled my mission for that day was

1 to vote in the present election, and I was good. I
2 thought everything was good. I knew that my vote had
3 been casted.

4 Q. Okay. And Mr. Wilson, could you tell us what
5 happened later that day involving your wife?

6 A. My wife got off work and she wanted to go vote.
7 She asked me to take her. So we were in route to going
8 to vote, and I started to go back to where I had went to
9 vote earlier that day. She said, "You're going to the
10 wrong place."

11 And I explained to her my process of how I ended
12 up voting. She said, "No, we're going to Sycamore
13 Baptist Church. I took my wife there. She cast her
14 vote. I knew that I couldn't vote again.

15 Q. I'm sorry. Let me stop you there. Why did she
16 want to go to a different polling site, the Sycamore
17 Baptist Church, instead of where you went? Why did she
18 say that was the right place to go?

19 A. Because she was well aware that that's where we
20 normally would go at any time we go to vote. She was
21 well abreast of the location and I wasn't.

22 Q. Okay. All right. So you -- you went with her
23 to her polling site?

24 A. Yes, I did.

25 Q. And she voted?

1 A. And she voted.

2 Q. And after learning that your current voting site
3 was, in fact, a different place from the place you went
4 to, how -- how did it affect your thinking about whether
5 your vote would count?

6 A. Actually, I didn't feel like there should be a
7 problem. Knowing that I had cast the vote even after
8 realizing that it was in the wrong place, as long as I
9 didn't try to recast the vote into the proper place, that
10 I hadn't done anything illegal, but yet, I did what I
11 thought was the right thing. I cast a vote.

12 Q. Now, you said that sometime later you were
13 contacted by someone from the Department of Justice?

14 A. Yes.

15 Q. Who told that you your vote may not have
16 counted. How did you feel about that when you found out?

17 A. I was literally shocked. I was -- I was
18 shocked.

19 Q. Why is that?

20 A. Because I never encountered anything like that
21 before, and I felt like it was in vain effort to cast the
22 vote if it wasn't going to be counted.

23 Q. Uh-huh. And Mr. Wilson, what can you do to get
24 the vote you cast back in November to count?

25 A. If I knew, I would do whatever it would take.

Page 14

1 Q. Do you know of anything you can do about it?

2 A. I have no idea.

3 Q. How does your experience affect your confidence
4 in the integrity of elections in North Carolina?

5 A. My integrity, to some degree, has been insulted,
6 because knowing that I really need for my vote to count,
7 and then to find it wasn't counted, it's like I was
8 slapped in the face.

9 Q. My question was -- fair enough. But my question
10 was: How much confidence do you now have in elections in
11 North Carolina after this experience?

12 A. My confidence level hasn't risen nor has it
13 dropped, because I have an open mind. But I like the
14 system to work for myself as well as other individuals.

15 Q. Thank you.

16 MR. SHAPIRO: One second.

17 Nothing further. Thank you.

18 EXAMINATION

19 BY MR. McKNIGHT:

20 Q. Mr. Wilson, again, my name is Michael McKnight,
21 and I want to ask you a few follow-up questions on the
22 questions Mr. Shapiro has just asked you.

23 And listening to my questions today, please bear
24 in mind the purpose is just for me to find out what you
25 may know that may be relevant to this lawsuit. So please

Page 15

1 don't construe or take any of my questions as suggesting
2 or implying that you've done anything wrong or anything
3 like that. Instead my goal is simply to find out
4 information about your experience that you had voting
5 that may help us understand the claims that have been
6 made in this lawsuit a little better.

7 And also I may ask questions about
8 communications that you've had with Mr. Shapiro, since
9 you've indicated that you've had some. And so I don't
10 mean to imply by asking those questions, there's anything
11 wrong with you talking to Mr. Shapiro either. I -- just
12 understand that in the course of this process, I can ask
13 about those questions because I understand that
14 Mr. Shapiro nor anyone else in the Department of Justice
15 represents you as an attorney in this matter; is that
16 right?

17 A. No, I have no representation.

18 Q. Okay. Well, thank you, very much.

19 The first thing I wanted to ask you about is I
20 wanted to hand you an exhibit, and I will give copies to
21 the folks at the Justice Department here.

22 (Wilson Exhibit Number 1 was
23 marked for the record.)

24 BY MR. SHAPIRO:

25 Q. And then I will mark one. I will mark this

1 exhibit as Wilson Exhibit 1, and I want you to take a
2 look at this document.

3 Let me know when you're ready for some
4 questions.

5 A. (Witness reading.) Okay.

6 Q. Are you ready for some questions, Mr. Wilson?

7 A. Yes.

8 Q. Okay. I just want to -- what I will represent
9 to you is that this Wilson Exhibit 1 is a printout of
10 information that's publicly available. It's about --
11 publicly available to everybody on the North Carolina
12 State Board of Elections website. So that's where I --
13 that's where I got this document. I typed in your name
14 and printed this off about you.

15 And so I just want to make sure that the
16 information on this document is -- is correct. At the
17 top you said your full name was Malcolm Jerome Wilson; is
18 that right?

19 A. (Witness nodding head.)

20 Q. And Mr. Wilson, have you ever gone by any other
21 names?

22 A. No.

23 Q. Okay. And this is your correct address, right,
24 1200 Battle Street, Greenville?

25 A. Yes, it is.

1 Q. And how long have you lived at that address, Mr.
2 Wilson?

3 A. I would say 10 or 11 years.

4 Q. And do you remember when you first registered to
5 vote at that address?

6 A. No, I don't.

7 Q. Okay. Do you think it might have been around
8 the 2008 presidential election; does that ring a bell?

9 A. I'm not sure as of the date.

10 Q. Okay. Fair enough. It's not -- not a memory
11 test. I don't expect you to --

12 A. But I'm trying to give you -- excuse me -- a
13 legitimate answer.

14 Q. Okay.

15 A. My wife generally directs our activities.

16 Q. I understand. I know how that goes.

17 A. So things that I may not think about at the
18 moment, she's always thinking about. So whenever she
19 says it's time to do this, time to do that, then that's
20 what we do.

21 Q. I see.

22 A. So time and date, I couldn't really give you and
23 say that it was correct.

24 Q. I see. Well, in looking down at -- at -- at
25 this -- at this page, couple things I want to ask you

Page 18

1 about. Number one, I think this says that you're --
2 you're not a DMV customer. And generally that means that
3 someone may not have a driver's license. But when we
4 started here today, I think you presented a driver's
5 license to the court reporter; is that right?

6 A. Uh-huh.

7 Q. So you have a current North Carolina driver's
8 license?

9 A. Yes.

10 Q. Okay. And I also see that under polling place,
11 it lists a Sylvia Chapel Free Will Baptist Church, 1601
12 Halifax Street in Greenville; do you see that?

13 A. Yes, I do.

14 Q. I think earlier you mentioned a Sycamore Baptist
15 Church. Were you really thinking of Sylvia Baptist
16 Church?

17 A. Yes, I was.

18 Q. Okay.

19 A. Once I saw the statement, then I realized the
20 "S" wasn't for Sycamore, it was for Sylvia.

21 Q. Okay. And Mr. Wilson, have you ever voted at
22 Sylvia Baptist Church before on Halifax Street in
23 Greenville?

24 A. Yes, I have.

25 Q. And do you remember what elections that you

1 voted at Sylvia Baptist Church?

2 A. No, I don't remember.

3 Q. Well, I'm looking down at your voter history
4 here, and it appears that you voted in person in the 2010
5 general election, in November of 2010.

6 A. Uh-huh.

7 Q. Do you think you would have voted in person at
8 Sylvia Baptist Church in November of 2010?

9 A. As I said before, when my wife wants to go vote,
10 we go vote. I always go vote with her except for this
11 last voting session. She was working and I wasn't, so
12 but I wanted to go down and vote.

13 Q. So you voted earlier in the day than her?

14 A. Yes.

15 Q. You're talking about 2014?

16 A. Well, whenever -- yeah.

17 Q. Okay.

18 A. That's what I'm saying. But normally any other
19 time, if I go vote, she and I are together.

20 Q. I see. But in 2010, you're thinking that you
21 went to vote with her, perhaps?

22 A. I know I did.

23 Q. Okay. And but -- and you -- and you also think
24 that you have voted at -- at least once at Sylvia Baptist
25 Church on Halifax Street in Greenville?

1 A. Yes.

2 Q. Okay. Do you know how many times more than once
3 you think you might have voted at that site?

4 A. No.

5 Q. Okay.

6 A. I can't recall.

7 Q. But you know where that is, don't you?

8 A. Uh-huh. Yeah, I know exactly where it is.

9 Q. And in terms of the location, how close is the
10 Sylvia Chapel Church to the -- where you live on Battle
11 Street in Greenville?

12 A. Between four and six blocks.

13 Q. Okay. So you could drive there in, what, a
14 couple minutes?

15 A. Yes.

16 Q. And you said that in 2014 you went to vote at
17 the West Greenville Recreation Center; is that right?

18 A. Yes.

19 Q. Is that on Nash Street in Greenville?

20 A. Yes.

21 Q. Okay. And how close is that site to your house?

22 A. Between four and six blocks.

23 Q. So they're -- they're about the same distance,
24 you think?

25 A. Yes.

1 Q. Okay. Do you think that the Sylvia Chapel
2 location is closer or further away than the West
3 Greenville Recreation Center?

4 A. About the same distance.

5 Q. And since you had voted at Sylvia Chapel before,
6 and I know you said you went with your wife, you thought,
7 in 2010, why in 2014 did you go to West Greenville rather
8 than Sylvia Chapel?

9 A. Mistaken action. Anxious to vote. Wanted to
10 get my vote in. Not consciously being aware that I'm
11 going to the wrong polling place, because I went to
12 another polling place prior to that before going to where
13 I did vote at. It was no one there. When I got to the
14 poll place that I did vote and that's where I voted at,
15 but that was the wrong location. Mistaken location.

16 Q. Now, had you ever voted at the West Greenville
17 Recreational Center before you presented to vote there in
18 2014?

19 A. I believe I have.

20 Q. Do you remember what election that would have
21 been?

22 A. No, I don't.

23 Q. How did you know that West Greenville was a
24 polling place?

25 A. Because of previous voting there in the years

1 past.

2 Q. Okay. And you said you went to another
3 location, was that in 2014 that you're talking about? I
4 think -- I think you were indicating that you went to
5 another location before West Greenville in 2014; is that
6 right?

7 A. Yeah, that's what I'm saying, exactly.

8 Q. Okay. Where did you go then?

9 A. I went to the American Legions Post on Myrtle
10 Avenue to -- I was thinking that that was my -- my
11 polling place. No one was there. The building wasn't
12 even open. I, in turn, left there and went to West
13 Greenville, like I said, anxious to vote because it was
14 an important issue to me.

15 Q. And how did you end up going to vote at the
16 American Legion? Why did you think that was your polling
17 place?

18 A. Just knowing there was a place to vote. As I
19 said, I don't focus on the locations as to which is which
20 one I should actually be at. My wife handles, takes care
21 of all of that. She was working, I was not working, but
22 I felt the need to go on and get my vote in and proceeded
23 to go on and vote.

24 Q. Before you went to vote, did you talk to your
25 wife about where the correct voting location was?

Page 23

1 A. No, I didn't.

2 Q. Did you do anything to check on where you should
3 go and vote?

4 A. No, I didn't.

5 Q. Okay. And to -- and to be clear, you know, when
6 we were talking about when you're going to vote in 2014,
7 did you only try to vote on election day; is that right?

8 A. Yes.

9 Q. So you didn't -- did you ever try to go vote
10 during early voting, during the early voting period in
11 2014?

12 A. You know, to be honest, I did cast a vote in
13 2014. I can't say for sure that was the early voting or
14 the election day voting. If I try to justify that, I
15 would find myself lying. I'm not here to lie.

16 Q. Okay. I understand. Let me -- let me show you
17 a document that -- that may refresh your memory about
18 what day we're talking about here that you went to vote.

19 I'm going to -- I'm going to label this document
20 as Wilson Exhibit 2 and I'm going to give a couple copies
21 here to the Justice Department attorneys. And I will see
22 if you recognize this document at all.

23 (Wilson Exhibit Number 2 was

24 marked for the record.)

25 THE WITNESS: (Witness reading.) No, I don't

Page 24

1 recognize it but it has my signature on it.

2 BY MR. McKNIGHT:

3 Q. Okay. Is this a -- is this your handwriting on
4 this document? Does that appear to be your handwriting?

5 A. Yes, it does.

6 Q. I think you -- and then I think there's a --
7 there's a signature down here at the bottom; do you see
8 that?

9 A. Yes, I do.

10 Q. Does that appear to be your signature?

11 A. Yes, it does.

12 Q. And then there's a date. It says -- it says
13 10/4/14, which would have been October 4th of 2014; but
14 are you thinking that you voted in November or October?

15 A. Like I said, as far as the date, I couldn't say
16 if it was early voting or election day voting, but the
17 statement says different so...

18 Q. I see.

19 A. I mean, black and white speaks for itself.

20 Q. Okay. Okay. So I think the general -- the
21 November general election was November 4th, 2014. And I
22 don't believe there was any early voting going on
23 October 4th of 2014. I don't know if that -- if that
24 makes a difference or refreshes your recollection at all
25 or not but I thought I would ask.

Page 25

1 A. I don't mean to laugh. I'm sorry. So and this
2 question again? Maybe I can --

3 Q. Okay.

4 A. -- give you an answer or better understand you.

5 Q. Well, let me -- let me ask you it a different
6 way. I probably asked you a bad question, that's
7 probably why you're having trouble answering this. Let
8 me try again.

9 The date here says October 4, 2014. Is it your
10 testimony that you don't remember really the day or the
11 date or even maybe the month that you -- that you voted
12 in in 2014?

13 A. Actually, like I said, I don't remember the
14 date. I never took time to even think about the date,
15 you know. All I know it was election year. This form
16 here (indicating), I really don't even know or recall
17 filling out this form.

18 Q. Okay.

19 A. But --

20 Q. Okay.

21 A. It's here.

22 Q. Okay. And maybe to -- to attempt one more time
23 to refresh your recollection about what day you voted,
24 did you ever watch election day coverage after you go and
25 vote? Do you ever go watch the results like on

Page 26

1 television or anything like that?

2 A. Yeah. Yes, I do.

3 Q. And -- and do you remember doing that in 2014?

4 A. Perhaps.

5 Q. And do you remember whether you watched the
6 election results come in the same day after you went to
7 vote in 2014 or not?

8 A. Perhaps. I mean, there's a possibility.

9 Q. Okay. All right. Fair enough. And so I think
10 you testified earlier that when your wife went to vote,
11 you went with her; is that right?

12 A. Yes, I did.

13 Q. And she told you that you had voted in the wrong
14 place and that you should have voted at Sylvia Baptist
15 Church; is that right?

16 A. I said Sycamore but it was actually Sylvia, yes.

17 Q. Okay. All right.

18 A. She did -- she did tell me that.

19 Q. And so after she told you that, did you go into
20 the polling place and ask them if there was anything you
21 could do to correct your vote so that you could vote in
22 the correct place?

23 A. No, because the only one they were allowing in
24 there were the people that were casting votes.

25 Q. All right.

Page 27

1 A. If you weren't casting a vote, you weren't
2 allowed in that section of the building.

3 Q. All right. And so where did you wait while she
4 was casting her vote?

5 A. In the lobby.

6 Q. And did you ever go back to the West Greenville
7 site after she told you you had voted in the wrong place
8 and asked them if there was something you could do to
9 correct the fact that you had voted in the wrong
10 precinct?

11 A. No, I didn't.

12 Q. Mr. Wilson, how did you first learn about this
13 lawsuit? I understand that someone at the Justice
14 Department contacted you at some point after the election
15 and told you that your -- your vote may not have counted
16 in 2014; do you remember when that person contacted you?

17 A. Not to be the exact date but it's been a couple
18 of months or so.

19 Q. And who was the person who contacted you?

20 A. A young lady called me.

21 Q. And what did she tell you?

22 A. She just spoke in relevancy of the issue of the
23 vote, of my casting a vote on a ballot that disqualified
24 my vote for that -- excuse me -- for that election year,
25 and expressed to me what actions were being taken and if

Page 28

1 I were willing to express my thoughts and my feelings
2 about this particular matter, and which I said sure. I
3 did, and here we are today.

4 Q. I see. And you said that she expressed to you
5 what actions were being taken. What -- do you remember
6 what she told you about that?

7 A. Not word for word, I really don't.

8 Q. And in terms of actions being taken, do you
9 know -- did you understand what she was talking about
10 actions being taken regarding what?

11 A. Basically, the United States versus the State of
12 North Carolina.

13 Q. So she told you the United States was suing The
14 State of North Carolina?

15 A. She said that those are the two parties involved
16 in this matter and that my vote was one of the countless
17 number of votes that was possibly not counted as far as
18 that election was concerned, and asked me how did I feel
19 about it.

20 Q. Okay. Did she attempt to determine with you why
21 your vote may not have been counted?

22 A. She did express to me a difference in ballot
23 forms or something that I had filled out that, I guess,
24 put me in the status of my vote not being eligible, which
25 when I vote, I've never had to fill out a form like that

Page 29

1 before. I never had to fill out -- I always went in a
2 booth like the rest of the general public.

3 Q. And so let me ask you about that. You said you
4 never had to fill out a form before. Have you ever not
5 voted in the precinct where you were assigned to vote
6 before?

7 A. That's the first time it's ever happened.

8 Q. And based upon what you've learned in this
9 process, in the future when you vote, are you going to
10 make it a point to try to vote in the correct precinct or
11 what -- how -- what is this experience -- what have you
12 gathered from this experience?

13 A. I gather that I need to wait for my wife and go
14 with her when she goes to vote because that's who runs my
15 house, my wife.

16 Q. All right. With respect to Mr. Shapiro, when
17 did you first speak with Mr. Shapiro about this case?

18 A. I couldn't give you an exact time or date, but
19 it's -- it's been maybe, I would say, between 8 and
20 12 weeks ago --

21 Q. Okay.

22 A. -- when I first met him in conversation.

23 Q. Okay. And -- and then -- since then how many
24 times have you spoken with him or anyone else from the
25 Department of Justice?

1 A. I spoke with him today.

2 Q. About your testimony?

3 A. Pardon?

4 Q. About your testimony?

5 A. No, just explaining to me what my purpose --
6 why -- what my purpose was for here to be -- as far as
7 being here.

8 Q. All right. And what did he tell you about that?

9 A. He just told me that I just need to come in and
10 express how I felt in a truthful manner. If I wasn't
11 going to be truthful, there was no need me coming in
12 here. And I have nothing to lie about.

13 Q. And has anyone at the Department of Justice sent
14 you any kind of documents related to this case, e-mails,
15 letters or anything else?

16 A. No, they haven't.

17 Q. Okay.

18 A. Excuse me. Not that I have acknowledged any,
19 because if so, I don't -- only e-mails I answer is the
20 ones that I'm expecting. And I haven't been -- hasn't
21 been expressed to me by the DOJ or Mr. Shapiro or anyone
22 that I may receive an e-mail, or I haven't received any
23 letters or anything. So the answer is still no.

24 Q. None that you know about anyway?

25 A. That I know about anyway.

1 Q. Okay. Fair enough.

2 MR. MCKNIGHT: Mr. Wilson, I don't believe I have
3 any additional questions for you at this time.

4 MR. SHAPIRO: Okay. If we can go off record for a
5 minute.

6 THE VIDEOGRAPHER: Off record at 4:52 p.m.

7 (A break was had in the
8 proceedings.)

9 THE VIDEOGRAPHER: On record at 5:02 p.m.

10 MR. SHAPIRO: Mr. Wilson, just a few more questions.
11 Thank you for your patience.

12 THE WITNESS: All right.

13 RE-EXAMINATION

14 BY MR. SHAPIRO:

15 Q. Mr. Wilson, why did you vote at the West
16 Greenville site? What was your thinking there?

17 A. I voted there by mistake.

18 Q. Have you ever voted there before?

19 A. I believe in the past years, many years ago,
20 that I -- that was once a voting location --

21 Q. I see.

22 A. -- that I went to, yes, I do believe so.

23 Q. Okay. And I see in our records here that in
24 2008 and 2012 you voted early in person. Do you have a
25 recollection of voting early in those elections or is it

Page 32

1 possible you could have voted early in those elections?

2 A. As I said before, I personally don't recall, but
3 if my wife said go vote, that's what I did.

4 Q. Okay. And how many poll -- different polling
5 sites do you recall voting in over the last few years?

6 A. I recall voting at the American Legions Post at
7 one time. After I was made aware of the right polling
8 place, I recall voting at Sylvia Chapel Church with my
9 wife. I recall voting at the West Greenville Recreation
10 polling site.

11 And if I'm correct, in every instance except
12 this last voting, I was with my wife. This is the only
13 time I've ever went to vote without her.

14 Q. Okay. Lesson learned on that one?

15 A. Yes.

16 Q. Mr. Wilson, did you think you would be able to
17 vote a second time at Sylvia Chapel site after voting at
18 West Greenville?

19 A. No, I know -- I knew that I could not vote a
20 second time.

21 Q. Why is that?

22 A. Because it's illegal.

23 MR. SHAPIRO: All right. I think we have nothing
24 further at this time. Thank you so much.

25 MR. MCKNIGHT: Nothing further from me. Thank you
Page 33

1 for your time today.

2 THE WITNESS: Thank you, people, for having me.

3 THE VIDEOGRAPHER: This concludes the deposition.

4 The time is 5:05 p.m.

5 (The deposition testimony of
6 MALCOLM WILSON adjourned at
7 5:05 p.m.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

S I G N A T U R E

I have read the foregoing 34 pages which contain a correct transcript of the answers made by me to the questions herein recorded. My signature is subject to corrections on the attached Errata Sheet, if any.

Signature of the Witness

1 T R A N S C R I P T I O N C O R R E C T I O N S

2 CASE NAME: North Carolina State Conference of the
3 NAACP, et al., v. Patrick Lloyd
 McCrory, et al.

4 WITNESS NAME: Malcolm Wilson

5 CASE NO.: 1:13-CV-658; 1:13-CV-660; 1:13-CV-861

6	PAGE	LINE	READS	SHOULD READ
7	_____	_____	_____	_____
8	_____	_____	_____	_____
9	_____	_____	_____	_____
10	_____	_____	_____	_____
11	_____	_____	_____	_____
12	_____	_____	_____	_____
13	_____	_____	_____	_____
14	_____	_____	_____	_____
15	_____	_____	_____	_____
16	_____	_____	_____	_____
17	_____	_____	_____	_____
18	_____	_____	_____	_____
19	_____	_____	_____	_____
20	_____	_____	_____	_____
21	_____	_____	_____	_____
22	_____	_____	_____	_____
23	_____	_____	_____	_____
24	_____	_____	_____	_____

25

CERTIFICATE OF REPORTER

STATE OF NORTH CAROLINA)
COUNTY OF ONSLOW)

I, ANGELA CARITHERS, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto nor financially or otherwise interested in the outcome of the action.

This, the 14th day of May, 2015.

ANGELA CARITHERS
Registered Professional Reporter
Notary Public in and for
County of Onslow
State of North Carolina
Notary Public Number 201111800091

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:13-CV-658

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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,)

Plaintiff,)

vs.)

)V I D E O T A P E D
)D E P O S I T I O N

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.)

1 -----
 2 LEAGUE OF WOMEN VOTERS OF NORTH)
 3 CAROLINA, A. PHILIP RANDOLPH INSTITUTE))
 4 UNIFOUR ONESTOP COLLABORATIVE, COMMON)
 5 CAUSE NORTH CAROLINA, GOLDIE WELLS,)
 6 KAY BRANDON, OCTABIA RAINEY, SARA)
 7 STOHLER, and HUGH STOHLER,)

8 Plaintiffs,)

9 LOUIS M. DUKE, et al.,)

10 Plaintiff-Intervenors,)

11 v.)

Case No. :
1:13-CV-660

12)
 13 THE STATE OF NORTH CAROLINA, JOSHUA B.)
 14 HOWARD in his official capacity as a)
 15 member of the State Board of Elections))
 16 RHONDA K. AMOROSO in her official)
 17 capacity as a member of the State)
 18 Board of Elections, JOSHUA D. MALCOLM)
 19 in his official capacity as a member)
 20 of the State Board of Elections, PAUL)
 21 J. FOLEY in his official capacity as a)
 22 member of the State Board of Elections))
 23 MAJA KRICKER in her official capacity)
 24 as a member of the State Board of)
 25 Elections, and PATRICK LLOYD MCCRORY,)
 in his official capacity as the)
 Governor of North Carolina,)

Defendants.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

)
 UNITED STATES OF AMERICA,)
)
)
 Plaintiffs,)
) Case No. :
 v.) 1:13-CV-861
)
)
 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.)

 JOSEPH MAT WINDSOR

TAKEN AT THE LAW OFFICES OF:
 Elliott Morgan and Parsonage
 426 Old Salem Road
 Winston-Salem, NC 27101

05-28-15
 01:38 O'CLOCK P.M.

Melissa G. Kahle
 Court Reporter

1 APPEARANCES OF COUNSEL

2
3 Julie Ebenstein, Esquire

4 Sophia Lin Lakin, SLS Postgraduate Public Interest Fellow

5 AMERICAN CIVIL LIBERTIES UNION

6 125 Broad Street, 18th Floor

7 New York, New York 10004-2400

8
9 Katherine A. Murphy, Esquire

10 NORTH CAROLINA DEPARTMENT OF JUSTICE

11 114 West Edenton Street

12 Raleigh, NC 27602-0629

13
14 John O Hale, Esquire (Via Telephone)

15 POYNER SPRUILL, LLP

16 301 Fayetteville Street, Suite 1900

17 Raleigh, NC 27601

18
19 OTHER APPEARANCES

20 Brad Smith, Videographer

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STIPULATIONS	7
EXAMINATION	
By Ms. Lakin	9, 23
By Ms. Murphy	20
<hr/>	
ADJOURNMENT	24
REPORTER CERTIFICATE	25

E X H I B I T S

(None Offered)

STIPULATIONS

1
2 Pursuant to Notice and/or consent of the parties, the
3 deposition hereon captioned was conducted at the time and
4 location indicated and was conducted before Melissa G.
5 Kahle, Notary Public in and for the County of Forsyth, State
6 of North Carolina at Large.

7 Notice and/or defect in Notice of time, place, purpose
8 and method of taking the deposition was waived. Formalities
9 with regard to sealing and filing the deposition were
10 waived, and it is stipulated that the original transcript,
11 upon being certified by the undersigned court reporter,
12 shall be made available for use in accordance with the
13 applicable rules as amended.

14 It is stipulated that objections to questions and
15 motions to strike answers are reserved until the testimony,
16 or any part thereof, is offered for evidence, except that
17 objection to the form of any question shall be noted herein
18 at the time of the taking of the testimony.

19 Reading and signing of the testimony was waived.
20
21
22
23
24
25

1 (01:38 o clock p.m.)

2 THE VIDEOGRAPHER: On record at 1:38 p.m. Today s
3 date is May the 28th, 2015, and this is the videotaped
4 deposition of Mr. Joseph Mat Windsor taken in the matter of
5 North Carolina State Conference of the NAACP, et al., versus
6 Patrick Lloyd McCrory in his official capacity as the
7 Governor of North Carolina, et al., in the United States
8 District Court for the Middle District of North Carolina,
9 Civil Action Number 1:13-CV-658 and all related matters.

10 Will counsel please now introduce themselves, and
11 then our court reporter will swear in the witness.

12 MS. LAKIN: Good afternoon. My name is Sophia
13 Lakin from the American Civil Liberties Union, and I
14 represent the League of Women Voters, Plaintiffs.

15 MS. EBENSTEIN: Good afternoon. Julie Ebenstein
16 also from the ACLU on behalf of the League of Women Voters,
17 Plaintiffs.

18 MS. MURPHY: And Kathy Murphy with the North
19 Carolina Department of Justice represent Defendants.

20 MR. O HALE: Good afternoon. On the telephone,
21 this is John O Hale with Poyner Spruill on behalf of the
22 Duke Plaintiff-Intervenors.

23 The witness, JOSEPH MAT WINDSOR, being first duly
24 sworn to state the truth, the whole truth, and nothing but
25 the truth, testified as follows:

EXAMINATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY MS. LAKIN:

Q. Would you please state your full name for the record?

A. Joseph Matthew Windsor.

Q. Mr. Windsor, have you ever been deposed before?

A. I have not.

Q. Okay. I m going to go over some of the ground rules for the deposition.

Do you understand that you are testifying under oath just as you would in court?

A. Yes.

Q. Do you understand that you are subject to penalty of perjury if you do not testify truthfully today?

A. Yes.

Q. Is there any reason that you cannot think clearly or testify truthfully today?

A. No.

Q. The court reporter is writing down everything we say, so to help with that process, please answer all of my questions verbally, so not with a nod or shake of your head, and wait for me to finish my questions before answering so that we don t talk over each other. Does that make sense?

A. Yes.

Q. If you don t understand something, please just ask

1 for clarification. Otherwise, I ll assume you understand.

2 Does that make sense?

3 A. Yes.

4 Q. Would you please state your current address for
5 the record?

6 A. 3701 Lindell Boulevard, Apartment 2A, Saint Louis,
7 Missouri, 63108.

8 Q. Would you please state your date of birth for the
9 record?

10 A. March 14, 1982.

11 Q. Where are you from originally?

12 A. Surry County, North Carolina.

13 Q. I m going -- I d like to walk through where you ve
14 lived. Where did you go to high school?

15 A. In Dobson, North Carolina.

16 Q. And where did you live during this time?

17 A. At my parents house at 333 Forest Oaks Drive.

18 Q. And do you know which county this is?

19 A. Surry County.

20 Q. And where did you live -- how long did you live
21 there?

22 A. Until I was 18. Well, we moved there when I was
23 12 until I was 18 years old. I graduated from high school,
24 and then I attended the University of North Carolina, Chapel
25 Hill.

1 Q. And how long did you live in Chapel Hill?

2 A. For eight years.

3 Q. From -- can you give us the dates?

4 A. Yes, from 2000 and -- or the year 2000 until
5 September of 2008.

6 Q. And where did you live after that?

7 A. From September, mid-September 2008, until April of
8 2011, I lived in Bloomington, Indiana.

9 Q. And how -- and where did you live after that?

10 A. After that, I moved back to my parents house
11 briefly. And then in June, I moved to Brisbane, Australia.

12 Q. And what were you doing there?

13 A. I was attending graduate school getting my
14 master s degree in business.

15 Q. And how long did you live in Brisbane?

16 A. From June 2011 until February 2013.

17 Q. And once you finished this program in 2013, where
18 did you live?

19 A. I then returned back to North Carolina, and my
20 permanent address was my parents house.

21 Q. And this is the same address that you gave at the
22 earlier -- in this deposition?

23 A. Yes.

24 Q. And how long did you live at your parents home at
25 this point?

1 A. Until March of 2015 this year when I moved to
2 Saint Louis.

3 Q. Are you currently employed?

4 A. I am.

5 Q. What kind of work do you do?

6 A. I do property management for a student housing
7 company called Cardinal Group Management.

8 Q. I'd like to turn now to your voting history. If
9 you recall, do you remember when you first registered to
10 vote?

11 A. I don't remember exactly when I first registered.
12 I do remember that I did not vote in the 2000 election.
13 After that, I believe I voted in 2004. So it would be
14 sometime during my undergraduate career at UNC Chapel Hill.

15 Q. And was there any reason that you registered to
16 vote prior to the 2004 election?

17 A. Would you state that again?

18 Q. Is there any particular reason why you registered
19 to vote prior to voting in the 2004 election?

20 A. Oh, yeah. So after the 2000 election, I saw kind
21 of how that played out, and I didn't vote. I was, you know,
22 not really a -- experienced in it. And so when I saw what
23 happened in the 2000 election where the -- the election
24 results were actually taken out of the hands of the voters
25 and went to the Supreme Court, I saw kind of how important

1 it was and kind of felt like I had -- could have made a
2 difference possibly, possibly not where -- where we vote.
3 But I felt that it was more important that I participate
4 after that, and so I attempted to vote in as many elections
5 as I could since then.

6 Q. So do you recall for the 2004 election what your
7 state of residence for voting purposes was?

8 A. It was North Carolina.

9 Q. And did you vote in the 2006 election?

10 A. I do not recall. I believe I did.

11 Q. Okay.

12 A. I can't remember exactly.

13 Q. All right. Did you vote in the 2008 election?

14 A. Yes, I did.

15 Q. And do you -- if you recall, what was the state of
16 residence for voting purposes ---

17 A. I did an absentee ballot for North Carolina.

18 Q. And did you vote in the 2010 election?

19 A. Yes, I did. I registered in Bloomington, Indiana.

20 Q. And did you vote in Bloomington, Indiana?

21 A. Yes, I did.

22 Q. Did you vote in the 2012 election?

23 A. Yes, I did.

24 Q. If you recall, what was your state of residence
25 for voting purposes for this election?

1 A. North Carolina.

2 Q. And now you testified earlier that you were in
3 Australia for graduate studies from 2011 to -- through 2013.
4 Is that correct?

5 A. Yes.

6 Q. So that means that you were in Australia during
7 the general election, 2012 general election?

8 A. Yes, I was.

9 Q. Given that you were overseas, how did you vote?

10 A. I contacted the Surry County Board of Elections to
11 get an absentee overseas ballot, which they sent to me. I
12 completed it and returned it via email.

13 Q. Do you recall which county Board of Elections you
14 contacted?

15 A. Surry County.

16 Q. And were you asked to provide a voting residence
17 address in the United States to obtain that ballot?

18 A. I don't recall if I did. If I did, it would have
19 been my parents' house, 333 Forest Oaks Drive.

20 Q. And if you recall, was that the address you lived
21 at just prior to leaving for Australia?

22 A. Yes.

23 Q. And if you recall, was this the address that you
24 lived at when you returned from Australia?

25 A. Yes.

1 Q. Can you tell us what you experienced voting
2 overseas?

3 A. It was very simple. They sent me the -- they
4 basically sent me a ballot. I completed it. I apparent --
5 I voted in the primary in 2012. I think I sent in a ballot
6 for a primary in July, and then I sent a ballot for the
7 general election in November or later in the year prior to
8 the election via email, both of them.

9 Q. Was there any particular reason that you voted in
10 2012?

11 A. Well, yes. Surprisingly, living overseas, I -- my
12 -- I had a job where I went and spoke with medical school
13 classes at many different universities. And when I visited
14 them and walked through their -- their common areas where the
15 students congregate, giant televisions showing all of the --
16 all of the election, you know, everything going on with the
17 American election.

18 I didn't realize how important or how many people
19 paid attention to it, but it was a -- it was very clear how
20 important it was to the people of Australia who was elected
21 president in the United States. That kind of fed my -- I
22 guess kind of seeing how important it was to everyone around
23 the world and how it affects everyone around the world, and
24 just seeing that, I realized I have to make sure that I get
25 my vote in. It's important to everyone.

1 Q. Okay. Now, I d like to ask you some questions
2 about what occurred during the 2014 general election.

3 A. Sure.

4 Q. Did you want to vote in 2014?

5 A. I did.

6 Q. And what steps did you take to register and/or
7 vote during the 2014 -- for the 2014 election?

8 A. Right. Well, I m -- I was -- I believed I was
9 registered in Surry County. That s where I had voted the
10 past two times that I had, the last one being 2012 with the
11 absentee ballot. So I didn t take steps to register. I was
12 working in Georgia at the time, and I flew in specifically
13 to go vote with my parents on October 31st of 2014.

14 I arrived at the polling place, waited in line,
15 and then when I got there and gave them my name, they told
16 me I was -- I had been removed from the voter rolls.

17 Q. So just to be clear, you went to vote during the
18 early voting period?

19 A. I did.

20 Q. And you were working in Georgia, but you were,
21 just to be clear, were still living in Surry County with
22 your parents?

23 A. Right. My job -- I had to travel 90 percent, but
24 my home base was my parents house.

25 Q. Now, can you walk me step by step what happened

1 when you got to the polls that day and found out that you
2 were not registered to vote.

3 A. Right. So I went into the polling area. They
4 told me they did not have me as a registered voter. And I
5 probably asked a few questions like why, what do I need to
6 do. And so they took me from the polling area to another
7 administrative area where there were a couple people behind
8 a desk. And they, you know, informed me that by voting an
9 absentee ballot overseas, that while my vote in 2012, both
10 of them had counted, it -- it, at the same time, cancelled
11 out my registration in Surry County.

12 From there, they gave me a record of my last
13 voting registration, and -- and that's about it. I asked if
14 I could same day -- or register at the time. It was eight
15 days before the election. And they told me that was not
16 possible.

17 Q. Do you remember who you spoke with at the time?

18 A. I do not.

19 Q. And do you recall the polling place, the name of
20 the polling place that you attended?

21 A. It was the courthouse at 201 East Kapp Street, K-
22 a-p-p Street.

23 Q. Did you take any other steps at this time to fix
24 your registration and vote?

25 A. Not to fix my registration and vote, no. I -- I

1 heard later that there was an option for a provisional
2 ballot. I was not informed of that at the time. After
3 that, I pretty much started contacting anybody I could,
4 local media outlets. I was very frustrated. And I called
5 the voter protection hotline for the State of North Carolina
6 and informed them of what happened.

7 Q. So just to be clear, you were not informed about
8 the possibility of casting a provisional ballot at the time?

9 A. I was not.

10 Q. And would you have cast a ballot, a provisional
11 ballot in 2014, had you known about it at the time?

12 A. I would have.

13 Q. Now, you said that you contacted the Election
14 Protection Agency. Did you talk to anyone else about what
15 had occurred at the polling place?

16 A. I talked to some of my friends who were more
17 active, a couple of them work for the Democratic National
18 Committee, and they kind of steered me in the right -- or,
19 you know, kind of gave me some advice. They are the ones
20 who told me about the voter protection hotline.

21 I also -- I -- like I said, I contacted some local
22 media outlets, emailed some news agencies, because I didn't
23 know exactly what to do. I just knew I wanted somebody to
24 know what had happened, and that if it happened to me, it
25 was most likely happening to others so...

1 Q. And how did it make you feel when you were unable
2 to vote in 2014?

3 A. It was -- it was shocking. I was really appalled.
4 I had never felt that before. I, you know, always paid
5 taxes and, you know, always gone to school and taken out an
6 enormous Department of Education loan to go get a master s
7 degree abroad. So I, yeah, I was -- I was really
8 frustrated. I was hurt. And I didn't exactly know what --
9 what I would be able to do from there, if anything would
10 ever come of it.

11 Q. So you testified earlier that you've heard of this
12 -- you've heard of something called same-day registration.
13 Is that correct?

14 A. Yes. Yes.

15 Q. Do you ---

16 A. I had always heard of that, right.

17 Q. Do you know what same day registration is?

18 A. I imagine it would be for anyone who wanted to
19 vote but had never registered. When they arrived at the
20 polling place, they would be given an opportunity to
21 register at that time.

22 Q. I'm going to represent to you that prior to
23 changing the law before the 2014 general election in North
24 Carolina, voters could use same-day registration to vote and
25 register at the same time during the early voting period.

1 Do you have any reason to doubt that?

2 A. No.

3 Q. Are you aware that North Carolina eliminated same
4 day registration before the 2014 election?

5 A. I did not know until afterward.

6 Q. Had same day registration been available for the
7 2014 election, would you have used it to register and vote
8 in the 2014 election?

9 A. Yes, I would have.

10 MS. MURPHY: Objection, speculation. You can
11 answer.

12 MS. LAKIN: Those are all the questions I have at
13 this time. Mr. O Hale for the Plaintiff-Intervenors and Ms.
14 Murphy for the Defendants may have some questions for you.

15 MR. O HALE: This is John O Hale. I do not have
16 any questions. Thank you.

17 MS. MURPHY: I do have a couple.

18 EXAMINATION

19 BY MS. MURPHY:

20 Q. How did you find out about an overseas ballot, an
21 overseas absentee ballot?

22 A. I went to the Surry County Board of Elections
23 website. From there, I believe I sent an email asking how I
24 would go about getting a ballot or requesting a ballot, at
25 which time they replied to my email with the ballot attached

1 to it.

2 Q. Okay. And did they provide you with any
3 instructions or information about the -- this type of
4 overseas ballot?

5 A. Not exactly. They just told me to fill it out and
6 return it at my earliest convenience.

7 Q. Okay. And I understand you tried to vote in 2014
8 and were unable to vote. Did you register to vote at that
9 time?

10 A. I did not.

11 Q. Have you registered to vote since that time?

12 A. I have not.

13 Q. Are you intending to register to vote?

14 A. Yes, I am.

15 Q. Where will you be registering?

16 A. In Missouri.

17 Q. Okay. You've changed your residence now to
18 Missouri?

19 A. Yes, I have.

20 Q. What were you doing in Georgia at the time of the
21 2014 election?

22 A. So the -- the position I was holding at the time
23 was called an operation specialist. I traveled 90 percent
24 at properties all over the country. Most of my time was
25 spent in San Diego. But I traveled San Diego; Oregon;

1 Texas; Louisiana; Tampa, Florida. But at that time, I was
2 in Kennesaw, Georgia.

3 Q. Okay. And was it your intention to always remain
4 in North Carolina at that time?

5 A. Yes.

6 Q. Okay.

7 A. Yes.

8 Q. And what took you to Saint Louis?

9 A. I got another job.

10 Q. Okay. What were you -- or what company were you
11 working for in 2014?

12 A. I was working for a company called Campus
13 Advantage.

14 Q. And is that the same type of company as -- I
15 believe you called it Cardinal. Who do you work for now?

16 A. Cardinal Group Management.

17 Q. Cardinal Group Management. And is Campus
18 Management the same type of organization?

19 A. Campus Advantage. Yes, it is.

20 Q. Okay. And so you switched from one to the other?

21 A. Right.

22 Q. And is the Campus Advantage -- I m sorry, Campus
23 -- the Cardinal Group Management located in Missouri?

24 A. No, they re located in Denver.

25 Q. Okay. So is it the same kind of job where you

1 travel all over, or are you more -- working more often in
2 Missouri?

3 A. No. I m -- this job is much more settled. I have
4 one property in Saint Louis where I work at and live at. I
5 have another property located in Edwardsville, Illinois ---

6 Q. Uh-huh (yes).

7 A. --- that I travel to once every couple of weeks,
8 but I -- it s drivable.

9 Q. Uh-huh (yes).

10 A. Yeah.

11 MS. MURPHY: I have no further questions.

12 MS. LAKIN: I have just one last question.

13 EXAMINATION

14 BY MS. LAKIN:

15 Q. Can you tell us when did you find out about the
16 possibility of casting a provisional ballot?

17 A. After the fact I was speaking to one of my
18 friends, his name is Steven Mallinson, and he s the one who
19 asked me if that -- if that ever came up while I was at the
20 polling place.

21 Q. Now, was this after election day?

22 A. It was.

23 MS. LAKIN: Thank you. I have no further
24 questions.

25 MS. MURPHY: Nothing else for me.

1 THE VIDEOGRAPHER: This concludes the deposition
2 of Mr. Joseph Mat Windsor. Time going off record is 1:56
3 p.m.

4 WHEREUPON, at 01:56 o clock p.m., the deposition
5 was adjourned.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, Melissa G. Kahle, Notary Public in and for the County of Forsyth, State of North Carolina at Large, do hereby certify:

That there appeared before me the foregoing witness at the time and place herein aforementioned;

That the said witness was sworn by me to state the truth, the whole truth, and nothing but the truth, in said cause;

That the testimony was taken before me and recorded by Stenomask, thereafter reduced to typewriting under my direct supervision, and the foregoing consecutively numbered pages are a complete and accurate record of all the testimony given by said witness;

That the undersigned is not of kin, nor in anywise associated with any of the parties to said cause of action, nor their counsel, and that I am not interested in the event(s) thereof.

Reading and signing of the testimony was requested.

IN WITNESS WHEREOF, I have hereunto set my hand this the 15th day of June, 2015.

Melissa G. Kahle, Court Reporter
Notary No. 19981350018

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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.)

Case No. 1:13-CV-658

PATRICK LLOYD MCCROY , in his)
Official capacity as the Governor of)
North Carolina, KIM WESTBROOK)
STRACH, in her 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.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

)
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,)

)
LOUIS M. DUKE, et al.,)

)
)
Plaintiffs-Intervenors,))

)
)
v.) Case No. 1:13-CV-660

)
)
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,)
)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

DEPOSITION OF COURTNEY M. WOODARD

4:41 P.M.

WEDNESDAY, JUNE 10, 2015

BAYMONT INN AND SUITES
400 N. COOPER DRIVE
HENDERSON, NORTH CAROLINA

By: April H. Marsh

A P P E A R A N C E S

1
2
3 For the Plaintiff League of Women Voters of North
4 Carolina:

5 Southern Coalition for Social Justice
6 BY: Allison Riggs, Esquire
7 1415 West Highway 54, Suite 101
8 Durham, North Carolina 27707
9 (919) 323-3380
10 Allison@southerncoalition.org

11
12 For the Defendants:

13 North Carolina Department of Justice
14 BY: Katherine A. Murphy, Esquire
15 114 W. Edenton Street
16 Raleigh, North Carolina 27603-1013
17 (919) 716-6900
18 Kmurphy@ncdoj.gov

19
20 Also Present:

21 Jacob M. Morse
22
23
24
25

INDEX OF EXAMINATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WITNESS:

PAGE

COURTNEY M. WOODARD

Examination By Ms. Riggs

6

Examination By Ms. Murphy

19

INDEX OF EXHIBITS

(No exhibits were marked.)

P R O C E E D I N G S

COURTNEY M. WOODARD,

having been first sworn by the court reporter and
Notary Public to tell the truth, the whole truth, and
nothing but the truth, testified as follows:

EXAMINATION

BY MS. RIGGS:

Q. Good afternoon, Ms. Woodard. My name is
Allison Riggs. I represent the League of Women
Voters in this case and I'll be asking you a few
questions.

A. Okay.

Q. Have you ever had your deposition taken
before?

A. No.

Q. So I'll just go over how it works really
quickly, but it's pretty straightforward.

You were just sworn in. So we're asking
you questions. Being sworn in, it's your
responsibility to answer truthfully and honestly.

A. Okay.

Q. If you don't understand a question, please
ask. I'm happy to rephrase it or restate it, any way
to make it easier.

A. Okay.

1 Q. The court reporter is typing down
2 everything we say. So when you and I chat
3 conversationally, sometimes we nod our heads or shake
4 our heads rather than saying "yes" or "no" or say
5 "uh-huh."

6 A. I understand.

7 Q. Excellent. The other thing, too, is
8 sometimes it's easy to talk over each other in
9 conversation, and that makes it really hard for the
10 court reporter to do her job. So I'll wait until
11 you're done answering before I ask my next question,
12 and likewise, if you can wait until I'm done, that
13 would be great.

14 A. Okay.

15 Q. If you need to take a break at any time,
16 just let me know. I don't think we're going to go
17 long enough.

18 A. I'm fine. I've been going all day.

19 Q. But if you do, just let me know. We'll
20 finish the question we're on and we'll move on.

21 A. Okay.

22 Q. Can you state your full name for the
23 record?

24 A. Courtney Michelle Woodard.

25 Q. How do you spell "Michelle"?

1 A. Michelle.

2 Q. And, Ms. Woodard, what is your date of
3 birth?

4 A. 7/29/87.

5 Q. What is your current residence?

6 A. You need the street address?

7 Q. Yes, but we can redact that later.

8 A. 644 Rowland, R-o-w-l-a-n-d, Street,
9 Henderson, NC 27536.

10 Q. How are you employed, Ms. Woodard?

11 A. I work with the Warren County school
12 system.

13 Q. Ms. Woodard, are you from North Carolina?

14 A. Yes.

15 Q. Did you -- you were born here?

16 A. Yes.

17 Q. Did you grow up here?

18 A. Yes.

19 Q. What part of North Carolina did you grow up
20 in?

21 A. This town here.

22 Q. And we're in Henderson.

23 A. I grew up in Henderson. I don't know if
24 it's considered south Henderson or what. It's so
25 small, just Henderson.

1 Q. Okay. And did you go to school in
2 Henderson?

3 A. I did.

4 Q. Where else in North Carolina besides
5 Henderson have you lived?

6 A. I lived in North Carolina my whole life.
7 I've lived in only one other county other than
8 Henderson, and that was Franklin County, and it's
9 Louisburg.

10 Q. When did you live in Louisburg?

11 A. I'm not sure the date that I moved there,
12 but I know I moved from Louisburg 12/16 of last year.

13 Q. 2014?

14 A. Uh-huh.

15 Q. Okay. And what -- when did you register to
16 vote first? Do you remember?

17 A. When I moved there, when I had to get
18 assistance from social services, they have a form
19 that you can say yes or no, do you want to apply for
20 voter registration and all of that.

21 The first couple of times I did not.
22 However, I did do a change of address when I moved to
23 Louisburg and I just eventually went ahead and signed
24 up my information when I went to social services. I
25 think I did it on more than one occasion. That's

1 what I recall.

2 But I know I had trouble in the past even
3 trying to vote in Franklin County because they never
4 had me there. I went to -- I'm not sure what kind of
5 office that you call it to check on that stuff, but
6 they didn't have me there. They told me I was still
7 in Henderson.

8 So the previous year I couldn't vote there.
9 I had to come to this county to vote. And then, you
10 know, when the current election that just passed, I
11 couldn't do that because they didn't have me anywhere
12 then. I wasn't registered in Vance County or
13 Franklin County.

14 Q. Okay. I actually meant, like, when you
15 were 18 did you register to vote?

16 A. Oh, gosh. Yes. Yes.

17 Q. Do you remember when you first registered
18 to vote where you registered to vote at?

19 A. The only place I could tell you, I think it
20 was the old post office. That's what my mom calls
21 it, so I do, too. I'm not sure of the address.

22 Q. We'll get into more detail about the
23 Franklin County situation, but prior to moving to
24 Louisburg, had you voted regularly?

25 A. Yes.

1 Q. Did you vote in elections other than
2 presidential elections? Do you remember?

3 A. Yes, I did.

4 Q. Is voting important to you?

5 A. Yes.

6 Q. Why is that?

7 A. Well, I mean, if people have a lot of
8 complaints about what they want to change, if you
9 don't vote, you won't be part of the change.

10 Q. And I don't -- you said you moved back from
11 Louisburg in 2014. Do you remember approximately how
12 long you lived in Louisburg for?

13 A. I think it was almost two years. Yeah, I
14 think it was right at two years. I can't remember
15 the exact date, but I think it was right at two years
16 if not a little over.

17 Q. And I don't mean to pry, but just sort of
18 generally, why had you moved to Louisburg?

19 A. I moved there with my daughter's father.
20 That's who I was staying with, my daughter's father
21 and my daughter. That's where he is from, so that is
22 the location that we moved to up there.

23 Q. And are you staying with family?

24 A. Yes, I'm staying with my mother and her
25 husband, and my daughter lives with us as well.

1 Q. Do you anticipate you'll be moving again?

2 A. Yes. When I build my income, yes,
3 definitely.

4 Q. Okay. So at some point in 2012 you believe
5 late 2012, early 2013 is about when you moved to
6 Louisburg?

7 A. It had to be -- wait a minute. Let me
8 see -- sometime in 2011, I believe. I know I was
9 gone in 2011. So I moved there somewhere in 2011
10 because I was out sick from a previous job that I had
11 and I was getting unemployment then. So I know it
12 was sometime in 2011 somewhere.

13 Q. Okay. Do you remember what year you would
14 have gone to social services in Franklin County where
15 you -- let me strike that. Let me go back.

16 So you went to -- you were not offered
17 voter registration opportunities the first time or
18 times?

19 A. It's on a sheet of paper. So when you fill
20 out your forms and flip it over, it's on the back.
21 So it's up to the person, yes or no if they want to
22 fill it out.

23 Q. Okay.

24 A. And then I thought I was already
25 registered. I recall, I think there's some

1 registration cards at the post office, I want to say.

2 I'm not quite sure. It was a while ago.

3 The first couple of times I didn't do it,
4 but I did my change of address and all of that. I
5 figured I would be fine, and then eventually I said
6 let me fill this out anyway. And I went ahead and
7 got that in. I think I filled it out twice just to
8 make sure.

9 It may have even been three times, because
10 when I went to the voting place to check and see
11 where do I vote, they didn't have me registered
12 there. So that's when I think I did it. I think it
13 was three times, after I knew I wasn't registered in
14 Franklin County.

15 Q. Okay. Sorry to be confused a little bit.
16 The first -- each time, were any of those times at a
17 social service agency?

18 A. Yes. Every time it was always on the back
19 of that sheet.

20 Q. And you filled it out at least twice, maybe
21 three times?

22 A. Uh-huh.

23 Q. And then you said you went to a voting
24 place to see where you were supposed to vote. When
25 was this?

1 A. I'm not sure of the day. I think it was in
2 the same vicinity as the social services place
3 because I was not familiar with their location. It
4 didn't even take that long. They looked me up and it
5 said Henderson. It was the end of conversation
6 because I had to travel back to Henderson to vote.

7 Q. Are we talking about the 2012 election, the
8 2014 election?

9 A. It had to have been the 2012 election. It
10 was the year prior to the one that you're speaking
11 about.

12 Q. Did you want to vote in the 2014 election?

13 A. I did. It just inconvenienced me that I
14 had to travel back to another county because I had to
15 get transportation for that. My daughter's father
16 was using the car.

17 So I would have to call my mother or aunt
18 from Henderson to come and pick me up, which is about
19 a 30-minute drive, and then take me back down there
20 just to vote, take me back up. I had to pay gas, and
21 not to mention I wasn't working then. So it was a
22 big hassle.

23 Q. Did you vote a provisional ballot? Do you
24 recall?

25 A. This past one, yes, I did.

1 Q. And where -- so that was in Henderson
2 County?

3 A. It was. It was in Vance County.

4 Q. Oh, Vance County. I'm sorry.

5 And what happened -- do you remember, did
6 you go to vote during early voting?

7 A. I did. And I stood in a ridiculously long
8 line only for them to pull me out and say I'm not
9 registered in the system.

10 So they took me to the back of -- and
11 actually, the old post office is the Henderson
12 location for the veterans, wherever the veterans go
13 to receive assistance. So I'm not sure if you all
14 can look that up.

15 But yeah, they took me to the back of
16 someone's office or something and they gave me the
17 protocol of how to fill out the provisional ballot.
18 They told me my vote may or may not count. They gave
19 me a card for a number to call to see if it counted
20 or I can't wait to receive a letter in the mail.

21 I did receive my letter in the mail. It
22 did not count. That was basically the end of that,
23 but I think from that point forward I was registered
24 to vote in Vance County.

25 Q. How long was the line when you went to

1 vote?

2 A. Oh, my goodness. It seemed like 1,000
3 people out there. I think I may have stood in line
4 maybe about 30 to 45 minutes. I went with my mother
5 and my aunt and we all, you know, wanted to go -- we
6 like to go and get it over at the same time, and we
7 like to go early because we know when the early
8 voting is over the lines are going to be even longer.
9 So we always did the early voting.

10 Q. So when you voted this past November during
11 early voting, you were back in Vance County?

12 A. Right.

13 Q. Okay. I think I got a little bit off
14 track. You had lived in Franklin County before and
15 had voted in Franklin County before?

16 A. Well, I tried to vote in Franklin County,
17 but I had to come back down here. I was still voting
18 here for the previous election.

19 Come this election, I wasn't registered in
20 either county. So I'm not sure what happened there.

21 Q. But you were living in Vance County at the
22 time of the election?

23 A. Right.

24 Q. I think I had mistakenly understood you
25 saying you had moved back to Vance County in late

1 2014. Was it really late 2013?

2 A. I've been here about a year now.

3 Q. All right. So you moved back to Vance
4 County in the middle of 2014?

5 A. Yes.

6 Q. Got you. Lots of dates. I'm sorry.

7 So when they pulled you aside, what exactly
8 did they say to you, if you remember?

9 A. They just told me that I'm not in the
10 system, and they yelled for someone in the back to
11 come and assist me. And she took me to the back at
12 this table where I had to fill out all of these
13 papers, and then she let me know about the process of
14 it. It might count and might not be able to be
15 counted as a vote, and then a little card that I
16 could call the number to see if the vote counted or
17 wait for the paper in the mail.

18 Q. When you moved back to Henderson -- when
19 you moved back to Henderson County, did you -- sorry,
20 Vance County. There is a Henderson County, too, and
21 it's not anywhere near here.

22 When you moved back to Vance County, did
23 you have the opportunity to go by social service
24 agencies at any point?

25 A. When I moved back here, I did have to. I

1 think maybe the first or second day that I came back
2 to this county, I did have to go up there because I
3 had to receive emergency assistance for some things.
4 When I moved, I basically had nothing.

5 So, yeah, I did go. Yeah, maybe, like, two
6 or three days within moving here.

7 Q. Did you fill out the same paperwork you
8 filled out before?

9 A. I don't think they have the same papers as
10 they do in Franklin County.

11 Q. Did you move back here in emergency
12 circumstances?

13 A. Yes, I did. It was kind of a last minute
14 thing. It wasn't planned. It was basically
15 same-day, and the next day or so I went to social
16 services.

17 Q. Okay. Did you need to get a driver's
18 license change at any point between when you moved
19 back to Vance County and the election?

20 A. No. My driver's license still has my old
21 address in Louisburg.

22 MS. RIGGS: Okay. Ms. Woodard. I think
23 those are all of the questions that I have.
24 Ms. Murphy will have a few questions and then
25 we'll be done.

EXAMINATION

1
2 BY MS. MURPHY:

3 Q. Good afternoon. I'm Kathy Murphy. I
4 represent the defendants in the lawsuit that we're
5 here for.

6 A. Okay.

7 Q. I do have a few questions.

8 First, what is your education, your highest
9 education level?

10 A. An associate's degree.

11 Q. So you've been to community college?

12 A. Yes.

13 Q. And where did you attend community college?

14 A. I attended a college here that wasn't
15 completed yet. I did the rest of my schooling online
16 at another school. That school is ICDC College. I
17 think that's in Culver City, California.

18 Q. And when did you first go to a social
19 services agency where you saw the form with the
20 voting registration information?

21 A. That was a long time ago. I'm not sure of
22 the year that I moved to Louisburg, but it had to
23 have been shortly after I moved to Louisburg because
24 I was unemployed. I had lost my job due to an
25 illness. So I wasn't able to -- I wasn't able to get

1 a job, basically, until about maybe earlier this year
2 or at the end of last year.

3 So there were services that I needed help
4 with because I wasn't having any luck finding a job.
5 So I don't remember the exact year, but it was within
6 me moving up there somewhere. It had to have been
7 maybe 2011 or a little before. I'm not sure of the
8 year I moved there.

9 Q. And the first time you saw this form with
10 the voting registration, did you say you did not fill
11 it out because you were already registered or you did
12 fill it out?

13 A. The first couple of times that I seen it,
14 no, I didn't fill it out. I recall when I did my
15 change of address -- and I'm not sure if they had
16 something on there where you could check it off to
17 switch it or something like that. I can't remember.
18 That was a while ago.

19 So I left it like that because I did my
20 change of address at the postal service place when I
21 moved, and there was a post office in Henderson that
22 I got that card from because when I moved to
23 Louisburg, I was still staying here, but it was
24 almost at the end of town.

25 So I can't remember, but I know I did not

1 fill that out. But when it was time to vote that
2 year and I went to the voter registration place to
3 see if you're registered, they said, "No, you're
4 still registered in Henderson." So even though I was
5 living in Franklin County, I had to travel now to
6 Henderson to vote.

7 So the next time that I went back to social
8 services, I did fill out the voter registration
9 paper.

10 Q. And do you remember approximately when the
11 time was that you filled out the voter registration
12 paper?

13 A. I'm not sure. You may have to ask them.
14 I'm pretty sure they have record of my stuff. I do
15 not remember.

16 Q. Okay. Well, was it the 2012 election where
17 you tried to vote in Person County -- Franklin
18 County?

19 A. Yeah, it wasn't this past one. It was the
20 one before that. I think that was the one.

21 Q. So it would have been sometime after the
22 2012 election that you filled out the social service
23 form for registration?

24 A. Yes, I believe so.

25 Q. And then the 2014 election is when you

1 tried to vote in -- in the 2012 election, you tried
2 to vote in Franklin County, but ended up voting in
3 Vance County?

4 A. Right. I had to come to Vance County
5 because I was still registered here. So I just went
6 down to Vance County to vote and get that over with.
7 The odd thing about it, they told me I was never
8 registered there. I was still getting, like,
9 advertisements from people in the county that were
10 running for different stuff. I was getting, you
11 know, things in the mail, please vote for this person
12 and that person.

13 My boyfriend has been a Franklin County
14 resident all of his life, and he was never getting
15 mail to vote for anyone. So I was still getting
16 advertisements to vote for people, but they said I
17 wasn't registered there.

18 Q. When did they say you weren't registered
19 there?

20 A. It was in the, like, 2012/2013 election you
21 said?

22 Q. In the election of 2012 --

23 A. Right. I believe it was that one there.
24 That was the one before this one, I believe.

25 Q. Okay. And so then you started -- had you

1 gotten anything in the mail about various candidates?

2 A. I believe I did. And it was mainly for the
3 person that was running for sheriff, and I believe
4 soil and water conservation. It was things like
5 that, county things.

6 Q. And you believe you got those things before
7 the 2012 election?

8 A. Yes. I still get them now. I still get
9 them up there.

10 Q. But then the next election after 2012 was
11 the 2014 election?

12 A. Uh-huh.

13 Q. And what did you learn when you tried to
14 vote in 2014 as far as your registration?

15 A. I wasn't in either system.

16 Q. Okay.

17 A. I was in person with the people from
18 Henderson, and I'm not sure if I called Franklin
19 County or if they were able to see in the system that
20 I wasn't registered to vote anywhere. I want to say
21 that I called them and they didn't answer or
22 something of that nature, but they just told me that
23 I wasn't registered there.

24 Actually, I did speak to someone. I'm not
25 sure where it was from, but I wasn't registered to

1 vote in Franklin County or Vance County, so I
2 followed up after I filled out that provisional --
3 was it a provisional ballot or something like that?
4 When I filled out the provisional ballot, I want to
5 say after I left or the day after, I called Franklin
6 County to try and verify if I was registered up
7 there, to see if it was an error. I wasn't
8 registered to vote anywhere.

9 Q. Do you know if you're registered to vote
10 anywhere now?

11 A. Yes. When I got that card stating that my
12 vote didn't count, I believe they told me before I
13 left that I would be registered in that county after
14 I turned in that provisional ballot.

15 Q. When you say "in that county," you mean in
16 Vance?

17 A. In this county, Vance County, yes.

18 MS. MURPHY: I don't think I have any more
19 questions.

20 (SIGNATURE WAIVED.)

21 (DEPOSITION CONCLUDED AT 5:03 P.M.)
22
23
24
25

1 STATE OF NORTH CAROLINA

2 COUNTY OF FORSYTH

3

4 REPORTER'S CERTIFICATE

5 I, April Marsh, a Notary Public, do hereby certify
6 that there came before me on _____, _____, 2015,
7 the person hereinbefore named who was by me duly sworn to
8 testify to the truth and nothing but the truth of his or her
9 knowledge concerning the matters in controversy in this
10 cause; that the witness was thereupon examined under oath,
11 the examination reduced to typewriting, under my direction,
12 and the deposition is a true record of the testimony given
13 by a witness.

14 I further certify that I am neither attorney or
15 counsel for, nor related to, or employed by any attorney or
16 counsel employed by the parties hereto or financially
17 interested in the action.

18 IN WITNESS WHEREOF, I have hereto set my hand this
19 ____ day of _____, 2015.

20 _____
21 April H. Marsh, Notary Public

22
23 Notary Public Number

24
25 201119500253

General Information

Court	United States District Court for the Middle District of North Carolina; United States District Court for the Middle District of North Carolina
Federal Nature of Suit	Civil Rights - Voting[441]
Docket Number	1:13-cv-00660