Daily Trial Briefing for Press
NAACP NC V. Hirsch (NC Photo Voter ID Trial)

Day 2- Tuesday, May 7th, 2024
Hiram H. Ward Building- 4th Floor
251 N Main St, Winston-Salem, NC

Media Contacts

- **Brittany Cheatham**, Forward Justice
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Witnesses Called

- Keith Rivers- President, Pasquotank County NC NAACP
- Danell Burney- Directly Impacted Community Member
- Courtney Patterson- President of the Lenoir County NC NAACP, 1st Vice President of the NC NAACP and Community Organizer with Blueprint NC
- Theresa Van Duyn- Former North Carolina Senator

Key Case development, Points and Quotes

- **Keith Rivers testified about his challenging experience taking his 88 year old mother to vote with the new voter ID law in effect.** Mr. Rivers shared that he and his mother were given misinformation by poll workers at several points, resulting in him calling the Democracy NC-run nonpartisan voter information hotline for help. Eventually his mother was allowed to cast her ballot, but not without having to fill out a new voter registration form, despite her having been registered at the same address for more than 50 years. **He believes that seniors without family or other support systems and assistance to help them navigate the process will find it even more burdensome and exhausting.**

- **Danell Burney testified about her experience with voter intimidation in 2020 and how it had a chilling effect on her practice of voting for four years following the incident**, which she's done in every presidential election and many local elections since the age of 18. Ms. Burney shared two instances of intimidation that she's experienced, which attorneys for plaintiffs say will only increase with the provisions of SB824 allowing for more poll observers and ballot challenges

    - **Incident one:** Ms. Burney lives in a predominantly Black and Brown working class neighborhood in Guilford county. **In 2020 drivers in pickup trucks with Confederate flags with guns in racks were driving around her neighborhood,** in what she believes to be an attempt to intimidate residents. She also noticed increased vandalism and graffiti with the words 'Trump' around the campus of NC A&T University, a Historically Black College close to her home.

    - **Incident two:** When voting on a Sunday at a busy early voting site, she encountered a large, physically imposing white man **wearing a shirt that read "Republican poll observer". The man slowly walked down the long line of voters, within touching distance of them, while staring at each individual in a way that made them feel noticeably uncomfortable.** She described the man as looking very stern, like a former Marine and being "intimidating". The mood in the polling place turned from laughing and jovial to very somber and silent. Once inside the voting area, that same gentleman was

seated near the table where she had to provide her information to the poll worker, which made her nervous and fearful that he would overhear her personal details. She said the entire encounter and the way it felt "made her remember all those who lost their lives and livelihoods to vote and wonder how this was still happening in 2020." **She reported the incident to the Guilford County Board of elections, but it had a chilling effect on her. She did not vote in any election again until the 2024 Primary** and still has not returned to that particular Early Voting site for fear of intimidation.

- **Courtney Patterson, Chair of the Lenoir County Board of Elections, testified about the lack of resources the County Boards of Elections (CBOEs) have available to properly train poll workers and the potential impact of the ID law on an election in his community.** He shared that poll workers only receive about 2 hours of training, but he believes 2 hours alone could be needed just to train them on the new photo voter ID requirement. He shared that there is only one CBOE to serve four municipalities in his county and that they only have 4 staff members, with one being part time. He testified that the passage of SB747 further restricted resources by stopping CBOEs from being able to accept donations to fund additional needs for support, making implementation of the law even more difficult and creating even more barriers to voting. The defendants argued that the numbered memos provided by the state board should help inform poll workers of the proper implementation, but as Mr. Patterson testifies, that information does not always make it to the poll workers, which has an impact on voters.

  He shared an example of the Town Council race in Pink Hill that was decided by only two votes, but 5 provisional ballots in that election could not be counted because the voters could not be identified due to errors by poll workers. Two of those voters showed up to attempt to show ID and cure their ballots but were told that they could not be matched to a ballot, resulting in their votes not being counted and possibly impacting the outcome of that election.

  He shared the story of the Lenoir County NAACP president getting her grandson registered to vote, celebrating that milestone, then taking him to go vote only for him to be told that he was not registered and was not offered a provisional ballot. They reached out to him for support and he contacted the elections director, but wondered how many other voters that happened to who didn't have the resources and just didn't return to vote. He went on to discuss the law's impact on elderly black voters who were born at a time when segregation, discrimination, and lack of access to healthcare caused many people to be born at home without a birth certificate- making it difficult for them to obtain the documentation required to get an ID, which is an issue that disproportionately impacts Black people.

  Mr. Patterson shared that there is a lack of community trust in provisional ballots. He mentioned that people have expressed that if they do not physically place their ballot in the voting machine, they do not have confidence that their votes will be counted. Mr. Patterson explained how this creates voter apathy and Photo Voter ID has exacerbated this issue and has caused people not to vote. "People do not want to go in to vote without having the knowledge of whether they have the proper ID. They don't want the embarrassment of being told they cannot vote."

- **Former Senator Theresa Van Duyn testified about the rushed process that the legislature used to enact S.B. 824, calling it "irregularly fast".** She testified that the bill went before the Rules Committee then to the floor for a vote the next day, which she took issue with because it would not allow time for her constituents to make it from Asheville to Raleigh in time to give testimony. Sen. Van Duyn introduced an amendment that would push back the timeline of implementation to allow more time for the State Board of Elections to budget for the implementation and conduct voter education, but her amendment was tabled and not debated. She said things "felt rushed to stifle inquiry and debate." **The bill was introduced on November 27, 2018 and became law via a veto override on December 19, 2018.**

  Since retiring from her work in the legislature, former senator Van Duyn now serves as a local precinct judge in Buncombe County. She recalled one incident when a nurse came in to vote after working a long shift and had left her ID in her locker. Because of her work schedule, the woman was never able to come back in to bring her ID and cure her ballot, resulting in her vote not being counted, to which she said, "That was precisely what I was worried about during debate."

- **Judge Biggs approved Plaintiffs' request for an offer of proof to be expanded to include expert testimony and supplemental evidence**. Biggs' reasoned that is the only way the U.S. Court of Appeals for the Fourth Circuit can have what it needs to evaluate whether the expert testimony and supplemental evidence was properly excluded. The Court is allowing the Plaintiffs' to do an offer of proof as to what the experts would have testified to and how they would have been questioned during direct examination. This will not be a formal part of the trial evidence, but will allow the Court of Appeals to determine its value and whether it should have been admitted at trial. Plaintiff's offer of proof will occur next week.

What to expect tomorrow:

Tomorrow the court will hear testimony from the following plaintiff witnesses: Tomás Lopez, Dreama Caldwell and Karen Brinson Bell

More resources and information on the case are available in our
NC Photo Voter ID Case- Press Toolkit