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

Day 3- Wednesday, May 8th, 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

- Tomás Lopez- Executive Director, Democracy North Carolina
- Dreama Caldwell- Directly Impacted Community Member
- Karen Brinson Bell- Executive Director, NC State Board of Elections

Key Case development, Points and Quotes

- **Tomás Lopez testified about the effect Photo Voter ID laws have on voter confidence and the advocacy efforts Democracy North Carolina put in place to address voter concerns.** Mr. Lopez shared that Democracy North Carolina implemented a two-tier Election Protection Program where they (1) recruit and train volunteers to assist with fielding questions from voters on Election Day; and (2) host a hotline managed by attorneys to answer questions regarding escalated incidents. He learned through speaking with voters that the main issues voters experienced were:
  - The new photo voter ID laws made it more difficult for Black and Brown voters due to their complicated requirements,
  - The process of voting was not easily accessible,
  - Poll workers were not correctly following election rules (i.e. inaccurately informing voters they cannot vote)
- Mr. Lopez shared that Democracy North Carolina challenged and opposed H.B. 589 and similar bills that negatively impacted voting rights. He mentioned that the organization published reports outlining the impact of photo voter ID laws in the state. These findings and voter stories informed the organization's advocacy positions that they took and challenged to the North Carolina General Assembly. Mr. Lopez believes confidence is essential to civic engagement and emphasized that the organization's key priority is to ensure that voters can vote and easily understand the voting process.

- **Dreama Caldwell testified about voter intimidation experiences she experienced in childhood and adulthood.**
  - **Incident one:** When she was a child, she went to the polls with her grandmother. There was a Black man running for office that election season. During this particular time at an Alamance County polling location, she witnessed, for the first time, people dressed in Ku Klux Klan attire. The Klan members were positioned across the street from the polling location where voters had to pull in to vote. This incident tremendously impacted her view of voting. This experience made her feel like Black people needed to exercise their right to vote because there were people who clearly did not want Black people to vote.

- **Incident two:** In 2020, Ms. Caldwell ran for County Commissioner as the first Black woman to ever run for that office in the county. Since she was a candidate, Ms. Caldwell was able to see what was happening across the county and ultimately witnessed multiple instances of voter intimidation throughout that election season. For example, when members of her campaign passed out voting and election literature to voters, people in the Republican party would aggressively snatch the literature out of their hands. This moment triggered her memory at the polling location as a child.
- **Incident three:** At a March to the Polls event hosted by Justice for the Next Generation intended to get voters to polling sites to cast their votes, she witnessed violence inflicted on attendees. The police pepper sprayed the crowd, people were screaming in the streets, and the police were in military gear, screaming and yelling at event attendees. The energy at the march carried over to the polling location creating a chaotic atmosphere.

- **Karen Brinson Bell testified about the implementation process of photo voter ID by the State Board of Elections (SBOE).** Ms. Brinson Bell answered questions regarding the implementation process differences for HB 589 and SB 824, which highlighted how the SBOE had 14 months to implement photo voter ID for the 2016 election, in comparison to the 4 months provided after the injunction was lifted in April 2023 for the 2024 municipal elections. When asked about access to free IDs, Ms. Brinson Bell shared that there are two forms, one that can be obtained at the DMV and another through the County Board of Elections. Since SB 824 requires that all photo voter IDs have expiration dates, she explained that voters over the age of 65 can only vote with expired IDs if they expired after their 65th birthday.

  Ms. Brinson Bell shared her concerns about the overall lack of funding for the state board of elections efforts to provide public education on the new photo voter ID rules. She noted that she asked the Joint Legislative Oversight Committee on behalf of the SBOE to provide additional funds towards public education on photo voter ID ahead of the 2024 General Election. She shared her reasoning with the committee that regardless of the 99% rate of presented IDs by voter in the 2023 municipal election, there is no guarantee that voters will have the same level of understanding of the statute ahead of the 2024 general election. Ms. Brinson Bell on behalf of SBOE requested 6 million dollars specifically for implementation of SB 824. Instead only 1.5 million was allocated toward public education. When asked if the budget for the implementation of photo voter ID in 2016 was more than the process for 2023, Ms. Brinson Bell said that there was less funding for 2023. She expressed that if more money was allocated for 2023 then if it could have been put towards more public education.

  Ms. Brinson Bell also testified that they received a letter from SCSJ and other organizations noting inconsistencies around implementation of photo voter ID in 2023. Due to this letter, she recalled following up with Board members in various counties on issues around incorrectly rejected photo voter ID exception forms. In Guilford County, voters were questioned when they cited “lack of transportation” on their exception forms, with board members assuming that they could obtain an ID if they were able to show up to the polls. Ms. Brinson Bell shared that, while the County Boards are supposed to be required to substantiate any finding of falsity on an ID Exception Form with a written decision, the county board is not required to submit written decisions to the state board and that she personally has not seen any written decisions.

What to expect tomorrow:

Tomorrow the court will hear testimony from the following plaintiff witnesses:

- Rep. Robert Reives- NC House Representative
- Rep. Marcia Morey- NC House Representative
- Floyd McKissick Jr- Former NC Senator
- Cedric Baker- Directly impacted community member
- Marcus Bass- Executive Director of Advance Carolina

More resources and information on the case are available in our

NC Photo Voter ID Case- Press Toolkit

Day Two Trial Summary (May 7th, 2024)