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

Day 4- Thursday, May 9th, 2024
Hiram H. Ward Building- 4th Floor
251 N Main St, Winston-Salem, NC

Media Contacts

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Witnesses Called

- 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

Key Case development, Points and Quotes

- **NC House Representative Robert Reives testified about his concerns about the intent of SB 824.** He noted that while he does not have any direct knowledge that legislators created the 2018 bill purposely to reduce the number of ballots by the Black population, he shared that he was privy to legislature discussions during the development of HB 589 in 2013. These conversations included questions from legislators asking what form of voting the Black population uses most. Rep. Reives then noted that HB 589 was drawn up with those same preferences included. While he could not recall if any legislatures who created SB 824 were present in 2013, he noted the racially discriminatory impact of the photo voter ID requirement in HB 589 is still present in SB 824.

  Rep. Reives testified that the development of SB 824 was "rushed and irregular" and was not bipartisan due to no caucus Democrats' sponsorship of the bill. He also testified that he made floor comments in December of 2018 about his concerns, asking legislatures to pay attention to the 45% of NC voters who voted against the amendment in the 2018 general election. When the issue of voting security arose during those conversations, Rep. Reives shared with legislatures that he didn't believe SB 824 would solve that, nor would it encourage confidence in voters.

- **NC Representative Marcia Morey testified about the process the NCGA used to pass SB 824, calling it "The most compressed bill I've ever seen in time…**it went through as fast as I've ever seen any legislation go through." Plaintiff's attorneys have long argued that the rushed process used to pass the law was demonstrative of ill intent on behalf of legislators. Republican lawmakers have long tried to frame the law as a way to prevent voter fraud, but Rep. Morey testified that according to reports she'd seen, out of 4.6 million ballots cast, there were only two incidents of voter fraud. Going on to say that "We should be figuring out how to help people

vote, not turn them away for a problem that doesn't exist." She went on to call the amendment a "ploy to exclude more voters"

During the voting process for the bill she testified that another state representative objected, but the bill proceeded to a vote anywith with Speaker Moore saying he 'did not hear the objection'. **Rep. Morey went on to propose an amendment to the bill that would bring back last Saturday voting** to mitigate any issues like longer lines at polling places as a result of the new ID requirement, and because it was the most popular voting day for Black voters, **but her amendment was ruled 'out of order' by Speaker Moore and not allowed up for debate**

Rep. Morey went on to testify that although the bill was touted as bipartisan, all of its co-sponsors were Republican and only 2-3 Democrats voted for the bill. The republicans had a supermajority at the time, but there were no African American legislators in that supermajority, and cited the ongoing lack of diversity saying that there has never been a minority member in the Republican supermajority until last year.

She also took issue with the oversimplification of the constitutional amendment that was placed in front of voters allowing them to decide if a photo voter ID requirement should have been added to the state's constitution. She testified that the bill that would become law had more restrictions than voters were made aware of in the version placed before them to vote on in November and that they weren't fully informed or didn't fully understand the limitations that would be placed on them.

Rep. Morey briefly discussed the bill's impact on college students, sharing an incident where students at Duke University were not allowed to vote because their digital IDs were not accepted. She also uplifted the disproportionate impact the bill has on rural voters because of limited access to transportation

- **Former NC Senator Floyd McKissick Jr testified about his concerns with false narratives surrounding voter fraud and the effect on confidence in the electoral process.** He shared that legislatures are overinflating the instances of in-person voter fraud to justify the need for a photo verification process. He expressed that public education would be ideal if legislatures believed the general public lacked confidence in voter security due to two noted instances of voter fraud. He believes the bill was "based on flawed public policy, attacking a problem related to voter impersonation and fraud that did not exist".

  Mr. McKissick Jr. went on to share concerns about the language of the amendment versus what was done in the bill saying that, when voters agreed to the amendment they couldn't look at it and know what types of IDs would have been accepted because that information wasn't provided to them. Most people would not think of an 'exception' as a form they would need to review or request, or an affidavit that would need to be signed, because that language wasn't present in the amendment they voted on. People may have believed utility bills, work ID's, school ID's etc. would have been sufficient to meet the requirement. He believes that had all of the requirements been spelled out to voters, we may have seen a different outcome on the amendment.

  He also testified to the rushed process and timing legislators chose to pass the law saying that In just 9 days the bill went from introduction to the governor's desk. He also noted

that the bill was introduced right after an election by representatives who had been defeated and knew they no longer would have a supermajority and that a democratic governor would have veto power. If the bill hadn't been passed in the lame duck session there would have been new legislators in office with no republican supermajority and the bill would have had a higher likelihood of debate. He believes if legislators had more time, they could have passed a law that was less disproportionately discriminatory against African Americans. He wanted to help mitigate the harm done by the bill by extending the length of time the voter ID's were valid and requiring county boards to send expiration reminders to people, but said he understood the current political environment and what he was up against. **He introduced an amendment that would provide support for people to get IDs, but that amendment was tabled.**

- **North Carolina community member, Cedric Baker, testified to difficulties voting in 2024 due to his expired ID.** When asked about his voting experience at a church in Forsyth County during the primary election day, Mr. Baker shared he did not know he needed a photo voter ID. Since his ID was expired, it was not accepted, and he was given a provisional ballot. However, he was not given a photo voter ID exception form. Mr. Baker was not given additional guidance outside of being asked to bring his ID to his County Board of Elections 3-4 days later.

  Mr. Baker shared that he was unable to bring an acceptable ID back due to his work schedule conflicting with the DMV hours of operation. He did not have transportation of his own, noting that he was driven by a colleague to vote. Mr. Baker expressed that he was hurt when he could not exercise his right to vote.

- **Executive Director of Advance Carolina (AC) and Deputy Director of North Carolina Black Alliance (NCBA) Marcus Bass testified to the impact that restrictive voting laws and voter intimidation have on civic engagement and electoral participation for the communities his organization serves**. He testified that AC and NCBA were founded because of the historic marginalization of Black people running for public office and the delayed enfranchisement that African Americans have had in the political system. He testified that people want to engage with the system but that is made difficult by the people controlling the system. He went on to say that the onslaught of changes to elections laws has a direct impact on voter turnout and that he sees it as a form of voter intimidation and suppression from the NC legislature.

  Other issues he voiced included:
  - The impact of misinformation and disinformation on potential voters, whether it is intentional or not, and the need to ensure timely, accurate, information
  - Lack of adequate training for poll workers to ensure they aren't providing misinformation or disinformation resulting in further disenfranchisement of voters. **He shared an example of several NC A&T State University students being made to cast provisional ballots because poll workers were trying to match the addresses on their IDs, which is not a requirement of the law**
  - The NC State Board of Elections lacking culturally competent methods of communication
  - That only 2 HBCU's (Historically Black Colleges and Universities) have polling places on their campuses

Mr. Bass went on to testify that his organization engages in voter education and voter protection both before and after the election because of reports that his organization had been receiving of voter intimidation and the need to track those incidents to help mitigate those types of problems. He shared that oftentimes people think of 'election protection' but not 'voter protection' and that voters should be protected to ensure they can exercise their votes safely. **He and his team have received reports of people brandishing weapons at the polls and aggressive electioneering. He and other advocacy groups sent a letter to the NC SBOE making them aware of these incidents and providing recommended remedies, but received no response. Approximately 3-4 weeks later he and other voters faced the following situation in Alamance county:**

In September of 2020, he was in Alamance county supporting a faith community that was doing a march from their church to a local polling site for early voting during 'Souls to the Polls'. As they approached their destination they were met by groups of protestors and law enforcement near a confederate monument. Their group of marchers were met with force and pepper sprayed, resulting in several people not being able to vote.

- Judge Biggs approved plaintiff's request for an offer of proof to be expanded to include expert testimony and supplemental evidence, so **Monday through Wednesday of next week, Plaintiffs will conduct an offer of proof as to what the expert witnesses would have testified to and how they would have been questioned during direct examination.** It will not be a formal part of the trial evidence but will serve to allow the Court of Appeals to determine its value and whether it should have been admitted at trial.

What to expect tomorrow:

Closing arguments may happen tomorrow and the court will hear testimony from the following plaintiff witnesses:

- Rev. Dr. William J Barber II- The Poor People's Campaign: A National Call for Moral Revival, Repairers of the Breach, and Founding director of the Center for Public Theology & Public Policy at Yale Divinity School
- Al Jabbar- Winston-Salem/Forsyth NAACP President

More resources and information on the case:

NC Photo Voter ID Case- Press Toolkit

Trial Opening Press Conference Recording

Exhibits from Plaintiff's Opening Arguments

Day One Trial Summary (May 6, 2024)

Day Two Trial Summary (May 7th, 2024)

Day Three Trial Summary (May 8th 2024)