

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
11 CVS 16896
11 CVS 16940

MARGARET DICKSON, *et al.*,

Plaintiffs,

v.

ROBERT RUCHO, in his official capacity
only as the Chairman of the North Carolina
Senate Redistricting Committee, *et al.*,

Defendants.

NORTH CAROLINA STATE CONFERENCE
OF BRANCHES OF THE NAACP *et al.*,

Plaintiffs,

v.

STATE OF NORTH CAROLINA *et al.*,

Defendants.

AFFIDAVIT OF GEORGE GILBERT

I, George Gilbert, being first duly sworn, depose and say:

1. I am over 18 years of age, legally competent to give this affidavit, and have personal knowledge of the facts set forth in this affidavit.
2. I am the Director for the Guilford County Board of Elections and have served in this capacity since 1988.
3. I have had the opportunity to share my twenty-three years of experience in election administration in national forums. I serve as Co-Chair of the Legislative Committee of the National Associate of Election Officials. I have testified before Congress about election administration issues and have served on the National Association of Election Officials' Task Force on Election Reform. I have also participated regularly in

National Academy of Science and American Association for the Advancement of Science workshops on electronic voting and Federal Election Assistance Commission working groups on election management guidelines.

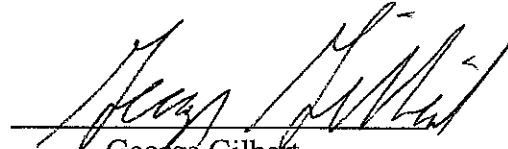
4. Based on my experience, I believe the number of split precincts in the recently enacted State House, State Senate and Congressional Plans poses significant problems for voters, candidates, poll workers and the Boards of Elections.
5. There are approximately 332,000 registered voters in Guilford County in 165 precincts. In most cases, precincts are very similar or identical to voting tabulation districts.
6. In the plans used in the 2002-10 elections there were 35 cases of split precincts among the Congressional, State Senate and State House Districts.
7. The new plans for House, Senate and Congressional districts include 57 cases of precincts being split into two or three parts in one or more of the redistricting plans. More than one quarter of the registered voters in Guilford County – approximately 93,000 voters – live in precincts that are split in the new maps.
8. In the recently enacted plans some precincts are divided into three parts for House districts 57, 58 and 59 or three parts for Senate districts 26, 27 and 28. There are eight (8) precincts that are divided into two parts for the House, Senate, or Congressional map, and also divided into two different parts for another map.
9. For example, one precinct (G64) with 2,700 registered voters is split in two parts in the House plan, two different parts for the Senate plan, and two more parts in the Congressional plan. This would result in five (5) district ballot styles in this one precinct alone.

10. Precinct G43 provides another example of confusing complexity. As shown on the attached maps, voters in this precinct are divided into four (4) different State Senate/State House combinations which appear to be unrelated to their neighborhood configurations. There are four types of problems created by the split precincts that relate to administering the election process: (1) problems encountered in the central office; (2) problems encountered at the polling site; (3) problems related to the voter; and (4) problems related to candidates.
11. At the central office, elections officials have to determine which address is associated with the various political districts ranging from city council to state legislature to Congress. New real estate properties have to be carefully allocated to a precinct through geocoding. Complex precinct splits, such as splits along minor roads, create more difficulty in assigning new properties to districts. The more complex the splits, the more risk of placing a property in the wrong district.
12. At the central office, elections officials must also program and prepare different ballot layouts to match every variation in the choices voters will have. We use Direct Record Electronic voting machines in Guilford County. However we also must produce paper ballots for mail-in absentee voting and provisional voting. We had 96 unique ballot styles in the 2008 election. Under the new plans we will have, at least, 128 ballot styles in 2012 and beyond. If there are countywide referenda on the primary ballot we could have up to 256 ballot styles for each party (768 total) in that election. This is due to the different eligibility of 17 year old voters on primary contests versus referenda. Similarly, in November, municipal referenda would increase the number of ballot styles due to precincts split by municipal boundaries.

13. At the polling site, precinct officials must be very careful to provide the voter with the right ballot style. Extra training must be done for precinct officials in split precincts because the increased number of ballots in split precincts elevates the risk that the voter will receive the wrong ballot. The risk of error, while not high, requires officials to patiently double check their decisions because humans do make errors. Confusion in a single precinct can lead to new elections being required. Such errors are not hypothetical. There are examples in North Carolina in recent years.
14. As a voter and as an official who deals with problems voters encounter, the problems with split precincts faced by voters include confusion about who their political representative is, confusion about what candidates to research, confusion about why a neighbor has different choices on his or her ballot, and confusion when volunteers outside the polling place present the voter with information about candidates who are not on their ballot.
15. The confusion experienced by voters extends also to the candidates. Particularly on election day, candidates cannot identify which voters in a split precinct are in their district and which are not. Candidates hand out campaign literature to all voters entering a polling place, though many of them live in a different district. This, of course, exacerbates voter confusion and leads to numerous questions which precinct officials must try to address when the voters view his or her ballot.
16. Based on my elections experience, I believe efforts should be made to minimize the number of split precincts. Preserving precincts as legal jurisdictions with administrative, political, and societal value would enhance the integrity of elections as well as the clarity with which voters approach the ballot box.

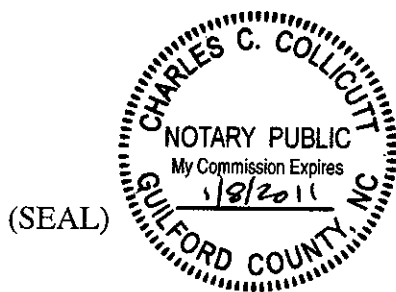
17. Splitting precincts is not a trivial matter; it creates substantial problems and risks to the integrity of the election process. In my view, the potential consequences of these problems require very compelling reasons to split any single precinct.

This, the 28th day of December, 2011.


George Gilbert

I, Charles C. Collicutt, a Notary Public of the County and State aforesaid, hereby certify that George Gilbert personally known to me to be the affiant in the foregoing affidavit, personally appeared before me this day and having been by me duly sworn deposes and says that the facts set forth in the above affidavit are true and correct.

Witness my hand and official seal this the 28th day of December, 2011.



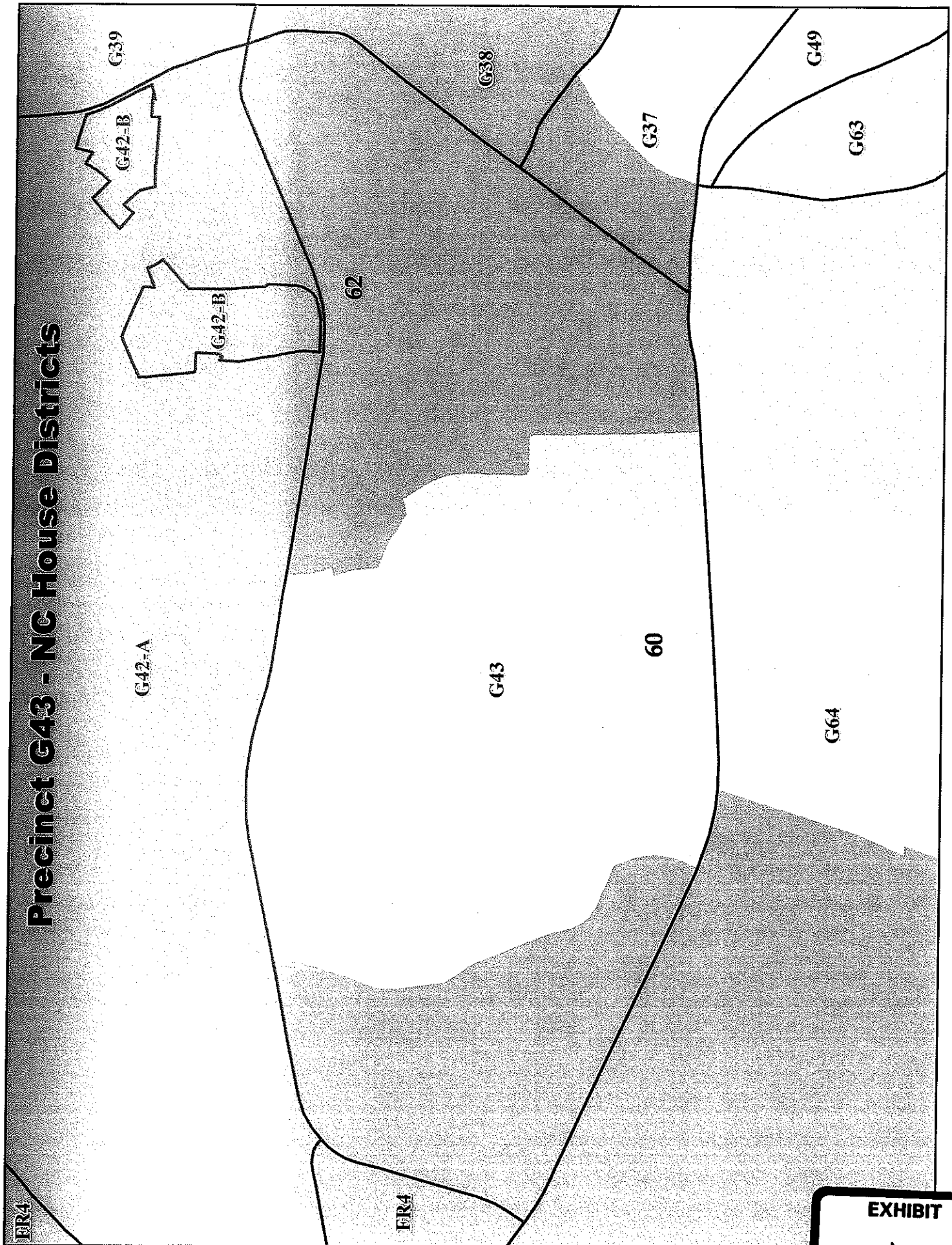


Notary Public

My Commission expires:

1 / 8 / 2016

Precinct G43 - NC House Districts

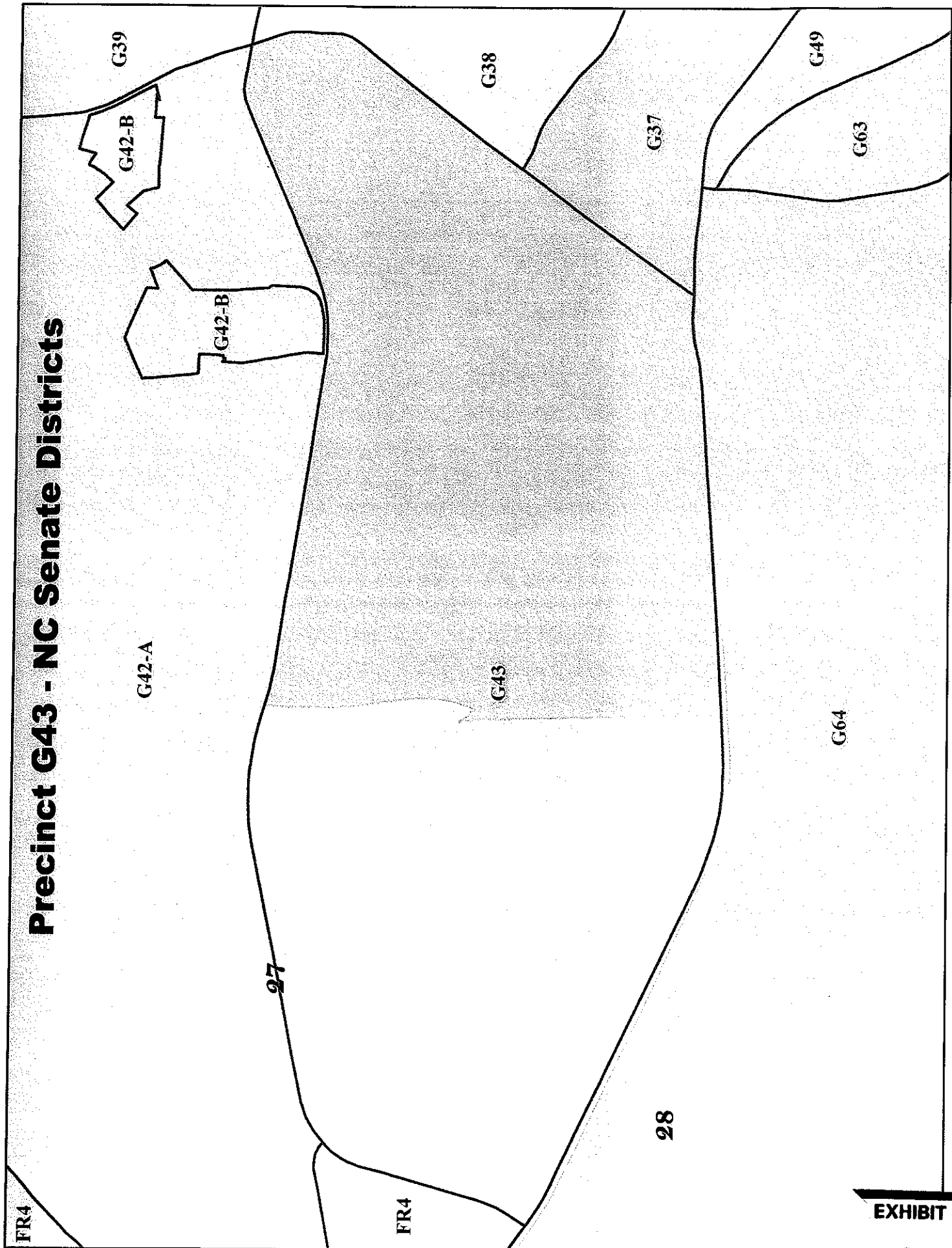


EXHIBIT

A

ALL-STATE® INTERNATIONAL

Precinct G43 - NC Senate Districts



EXHIBIT

B

ALL-STATE® INTERNATIONAL

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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ROBERT RUCHO, in his official capacity
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Committee, *et al.*,

Defendants.

**AFFIDAVIT OF KELLIE HARRIS
HOPKINS**

NORTH CAROLINA STATE CONFERENCE
OF BRANCHES OF THE NAACP *et al.*,

Plaintiffs,

v.

STATE OF NORTH CAROLINA *et al.*,

Defendants.

I, Kellie Harris Hopkins, being first duly sworn, depose and say:

1. I am over 18 years of age, legally competent to give this affidavit and have personal knowledge of the facts set forth in this affidavit.
2. I am the current Executive Director of the Beaufort County Board of Elections and I have served in this position since November of 1998.
3. I also have served on the State Board of Elections Precinct Uniformity Task Force, State Board of Elections One Stop Voting Focus Group, Electronic Records Access at the Polling Place (ERAPP) Task Force as an Operations Team Member, and Current

Member and Past Chairman of the State Election Information Management System Management and Review Team.

4. I have concern about the enacted House Plan splitting Voting Tabulation Districts. Two precincts are split by House Districts 3 and 6.
5. In Beaufort County, our precincts currently match our Voting Tabulation Districts (VTDs). VTDs are the voting tabulation districts reported to the Census. They are based on the voting precincts in effect on January 1, 2008 and cannot be altered by the Board of Elections. In most cases, precincts correspond exactly with VTDs. However, in some cases, local Boards of Election may have altered the precinct boundary within a VTD after January 1, 2008.
6. In Beaufort County, Precincts Washington 1 and Washington 4 are split by House Districts 3 and 6.
7. The split of Precinct Washington 1 endangers voters' right to a secret ballot. The precinct has a total population of 2,165 people. 2,042 people live in the area assigned to District 3. Only 123 live in the area assigned to District 6. Voter Registration Numbers would be less than total population. Voter Registration numbers would then be reduced into smaller groups by party. Low voter turnout and voter trends could isolate voters.
8. By having such a small number of voters with that ballot style, I am afraid that reporting by VTD, which is required by law, could possibly allow others to know how someone marked their ballot.
9. Splitting precincts, in Beaufort County or any other county for that matter, will create added ballot styles for Counties to administer. For example, if a VTD is whole, and by whole, I mean all in the same district, all voters would receive a ballot with that particular

district's contest. By splitting the VTD, two ballots would be in place and it would be up to the precinct officials to determine which ballot a voter receives.

10. Errors could be made by poll officials, which could in turn affect election results. An example of this error occurred in 2002 during the Beaufort County School Board Elections. A precinct was split between two school board districts. However, until late afternoon on election day, poll workers gave out the same ballot to all voters until a voter realized they had received the wrong ballot. Because of the poll workers' error, 220 voters were given ballots without the correct school board district, and a new election for the school board seat was ordered.
11. Split precincts also confuse voters. The average voter does not understand redistricting issues and by splitting precincts it adds to the public's confusion as to who represents them. Voters call the Board of Elections when they are confused about why they vote in a different district than their neighbors. I believe the Board of Elections will receive more calls from confused voters who live in split precincts.
12. Multiple ballot styles will also add to the expense of administering the election for the county. The company that creates our charges for each additional ballot style. There is also an additional charge to code each machine with each additional ballot style.
13. In conclusion, my concern is with splitting the VTDs. I feel that if at all possible, the District lines should follow VTD lines. Keeping VTDs whole would cost the counties less, be more easily administered by Boards of Elections and poll workers, would cause less voter confusion, and does not negate ballot secrecy. At the very least, those VTDs that include extremely small numbers should be changed.

This, the 5th day of Jan., 2012.

Kellie Harris Hopkins
Kellie Harris Hopkins

I, Melinda Wilson, a Notary Public of the County and State aforesaid, hereby
certify that Kellie Harris Hopkins personally known to me to be the affiant in the
foregoing affidavit, personally appeared before me this day and having been by me duly sworn
deposes and says that the facts set forth in the above affidavit are true and correct.

Witness my hand and official seal this the 5 day of Jan, 2012.

(SEAL)

Melinda Wilson

Notary Public

My Commission expires:

11 / 11 / 2013.

STATE OF NORTH CAROLINA
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MARGARET DICKSON, *et al.*,

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ROBERT RUCHO, in his official capacity
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Defendants.

AFFIDAVIT OF DANA KING

NORTH CAROLINA STATE CONFERENCE
OF BRANCHES OF THE NAACP *et al.*,

Plaintiffs,

v.

STATE OF NORTH CAROLINA *et al.*,

Defendants.

I, Dana King, being duly sworn, depose and say:

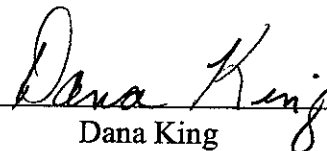
1. I am over 18 years of age, legally competent to give this affidavit and have personal knowledge of the facts set forth in this affidavit.
2. I am the Director of the Lenoir County Board of Elections. I have held this position since 1997. Before becoming Director, I served as a poll worker and chief precinct judge.
3. In Lenoir County, seven out of twenty-two precincts are split by House Districts 10 and 12 under the 2011 House Redistricting Plan. Eight precincts out of the twenty-two

precincts are split by Senate Districts 5 and 7 under the 2011 Senate Plan. One precinct is split by Congressional Districts 1 and 3 in the 2011 Congressional Redistricting Plan.

4. I am concerned about the effect of the number of split precincts on Lenoir County's ability to have fair and accurate elections because increasing the number of possible ballot styles for each precinct increases the probability that a poll worker will make a human error on Election Day.
5. In Lenoir County, voters vote through iVotronic, touch screen machines. Once a precinct worker finds a voter eligible to vote based on the registrations, the worker finds his/her name on the computer and prints an "Authorized to Vote" (ATV) Form. The voter then signs the ATV and the worker directs them to take it to the machine operator. The machine operator notes the voter's information on the ATV and brings up the proper ballot on the DRE touch screen. The machine worker then returns the ATV to the precinct workers to file in the binder in numerical order.
6. The possibility of human error caused by split precincts prompted the State Board of Elections order a new primary for House District 10 in 2006. In the May 2006 primary, Republican candidate Stephen LaRoque alleged that poll workers in Lenoir County had not given voters eligible to vote in the House District 10 election a ballot that had that contest on it. Candidate Willie Ray Starling had won the May primary by eleven votes.
7. During that 2006 primary, nine precincts in Lenoir County were split between Districts 10 and 12. In each of the split precincts, there were voters eligible to vote in Districts 10 and 12.

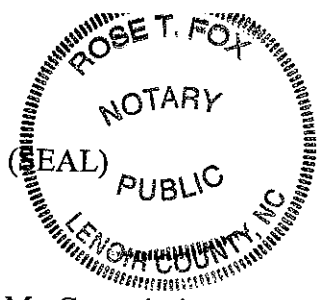
8. The voting machines used in the primary were iVotronic DRE touch screen voting systems. The voting procedure was a little different as described in Paragraph 6, as the worker completed an ATV, by hand, after looking the voter up in a printout with labels.
9. A Kinston Precinct #4 Election assistant testified that precinct workers incorrectly marked ATVs. The Lenoir Board of Elections performed two audits of votes cast in the primary in Lenoir County. There was a serious discrepancy between the number of ballots cast and the number of ATVs that authorized the ballots.
10. The audits showed that ineligible voters voted in the Republican House District 10 primary, and that voters eligible for that same primary were not allowed to vote. In both cases, the number of voters who received the wrong ballot was sufficient to change the outcome of the election.
11. Because of these irregularities, a new House District 10 Primary was ordered in August, 2006.
12. I am concerned that the number of split precincts may cause more serious errors in the next election cycle.

This, the 5th day of January, 2012.


Dana King

I, Rose T. Fox, a Notary Public of the County and State aforesaid, hereby certify that Dana King personally known to me to be the affiant in the foregoing affidavit, personally appeared before me this day and having been by me duly sworn deposes and says that the facts set forth in the above affidavit are true and correct.

Witness my hand and official seal this the 5th day of January, 2012.



Rose T. Fox

Notary Public

My Commission expires: 11 / 07 / 2014.

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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Defendants.

AFFIDAVIT OF JOSEPH FEDROWITZ

NORTH CAROLINA STATE CONFERENCE
OF BRANCHES OF THE NAACP *et al.*,

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v.

STATE OF NORTH CAROLINA *et al.*,

Defendants.

I, Joseph Fedrowitz, being first duly sworn, deposes and says:

1. I am over 18 years of age, legally competent to give this affidavit and have personal knowledge of the facts set forth in this affidavit.
2. I make this affidavit as a citizen of Durham County, North Carolina, not as a representative of the Durham County Board of Elections (DCBE).
3. I am employed as an Election Administrator with the DCBE; among my responsibilities are Geographer and "Absentee by Mail" Coordinator for the DCBE. I have held this position for almost eleven years.

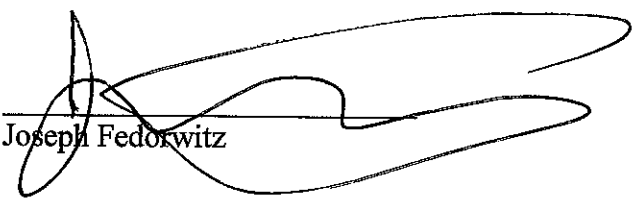
4. My assignments and responsibilities with the DCBE require extensive familiarity with Voting Tabulation Districts (VTDs) and the maps of Durham County on a street by street level.
5. Voting Tabulation Districts (VTDs) are the voting tabulation districts reported to the Census. They are based on and the same as the voting precincts in effect on January 1, 2008. VTDS cannot be altered by the Board of Elections. In most cases, precincts correspond exactly with VTDs. However, in limited cases, local Boards of Election may have altered the precinct boundary within a VTD after January 1, 2008, however the VTD itself cannot be changed.
6. In my position with the DCBE I manage data for the State Election Information Management System (SIEMS). I verify that voter registration data contains the right addresses by comparing addresses to maps, and I geocode the physical location of each new address. I also enter new streets into Board of Elections maps based on voter registration data.
7. In Durham County, a total of 39 out of the current 55 VTDs are split in the Senate and House Plans enacted in 2011. The Senate Plan splits 35 VTDs and the House Plan splits 21 VTDs. 17 VTDs are split by both House and Senate Districts.
8. In comparison, a total of 6 VTDs in Durham are split in the House and Senate plans based on the previous redistricting. These splits are along major roads, create readily identifiable boundaries, and did do overlap between VTDs.
9. In my experience, Durham County has never had to administer an election with anything close to this number of split VTDs in the 2011 enacted Plans..

10. In addition to splitting more than nine times the number of VTDSs than the previous plans, the 2011 Plans split VTDs in a much more complicated manner. The VTDs split many minor roads that only span one to two blocks. Many districts intertwine or overlap between the House and Senate districts, creating complex splits between a number of jurisdictions.
11. The complex and pervasive nature of precinct splits in the 2011 Plans in Durham County will create the need for many ballot styles in individual VTDs, and scores of ballot styles for the whole county.
12. Ballot styles are determined by the different lists of candidates, issues and referenda that each voter may vote for in a given election. The ballot styles are based on the legislative districts a voter lives in, as well as the local school board and municipal election districts. Other factors such as the age of the voter also create different ballot styles. For example, 17 year olds voting in a primary may receive a different ballot than voters who are 18 and over.
13. The overlap of the complex district lines across VTDs makes it very difficult to estimate the number of ballot styles needed for Durham County as a whole.
14. There are very many areas in Durham County where these complex overlap of districts occur.
15. One example of a complicated, multi-district, VTD split is the division of VTD 6 in the area on the west end of Morehead Avenue in the City of Durham. A map of the precinct is attached to this Affidavit as Exhibit A.

16. In VTD 6, the Senate and House districts overlap and intertwine in a manner typical throughout Durham County. This area of VTD 6 is split between Senate Districts 20 and 22 and House Districts 29 and 30.
17. These splits could create 18 ballot styles in a six block area along one side of Morehead Avenue for a partisan primary with contested Democratic and Republican races in all legislative districts as well as non-partisan races and Durham School Board elections on the ballot. In an election with only contested Democratic primary races, there would be 11 ballot styles.
18. These splits will create 4 ballot styles in any general election with North Carolina legislative races.
19. Small neighborhood streets that are only one to two blocks long are split down the middle. In the case of Burke Street, one end of the street is cut off, resulting in three different ballot styles in a general election for a one and one half block long area of that street.
20. Currently all of these particular streets have simple geocodes as they are short and located in the same jurisdictions. We know with certainty that each street is currently in the correct VTD.
21. VTDs with no splits can have their geocoding updated easily and reliably, with only a few basic steps required. Splitting the precinct creates much more complex geocoding.
22. Due to the complexity of addresses, reliably identifying every address in our data base by matching up with another data base is impossible. Board of Election staff members must match voters to districts based on detailed maps of the geographic

- area. In some cases where parcels are split by a district, aerial maps must be used showing the exact location of the house in relation to the line that splits that parcel.
23. Due to the number of complex precinct splits, geocoding in split precincts must be carried out throughout the county essentially on a block by block basis.
 24. Geocoding on a block by block basis across the county will increase the possibility of error. Staff who geocode the new districts must make hundreds of entries for each new district, increasing the probability of a wrong entry and misplaced voter.
 25. The number of split VTDs will also increase the difficulty and expense of conducting elections.
 26. The number of ballot styles possible in a split precinct will require precinct judges to pay much greater attention to detail due. The greater the number of ballot styles, the greater the chance of error.
 27. Some voters will want to know why their neighbors are getting a different ballot styles from them requiring precinct workers to give explanations that may not always be accepted or trusted by the voter.
 28. As a result of the confusion and administrative burden caused by multiple ballot styles, the Board of Elections will need to increase staff at the precincts.
 29. The number of ballot styles will greatly increase the cost of printing ballots.

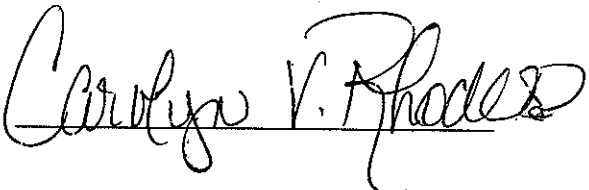
This, the 6th day of January, 2012.


Joseph Fedorwitz

I, Carolyn V. Rhodes, a Notary Public of the County and State aforesaid,
hereby certify that Joseph Fedorwitz personally known to me to be the affiant in the
foregoing affidavit, personally appeared before me this day and having been sworn by me
duly sworn deposes and says that the facts set forth in the above affidavit are true and correct.
Witness my hand and official seal this the 6th day of January, 2012..

(SEAL)

**Carolyn V Rhodes
NOTARY PUBLIC
Durham County, NC**


Notary Public

My Commission expires:

04/20/2013.