

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

COMMON CAUSE, et al., )  
)  
Plaintiffs, )  
vs. ) Civil Action No.  
) 1:16-CV-2016-WO-JEP  
ROBERT A. RUCHO, in his )  
official capacity as Chairman )  
of the North Carolina Senate )  
Redistricting Committee for the )  
2016 Extra Session and )  
Co-Chairman of the Joint Select )  
Committee on Congressional )  
Redistricting, et al., )  
)  
Defendants. )  
)  
LEAGUE OF WOMEN VOTERS OF NORTH )  
CAROLINA, et al., )  
)  
Plaintiffs, )  
vs. ) Civil Action No.  
) 1:16-CV-1164  
ROBERT A. RUCHO, in his )  
official capacity as Chairman )  
of the North Carolina Senate )  
Redistricting Committee for the )  
2016 Extra Session and )  
Co-Chairman of the 2016 Joint )  
Select Committee on )  
Congressional Redistricting, )  
et al, )  
)  
Defendants. )  
)

DEPOSITION OF ELIZABETH EVANS

---

9:55 A.M.

FRIDAY, APRIL 7, 2017

---

SOUTHERN COALITION FOR SOCIAL JUSTICE  
1415 WEST HIGHWAY 54, SUITE 101  
DURHAM, 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

A P P E A R A N C E S

For the Plaintiffs: League of Women Voters, et al.  
SOUTHERN COALITION FOR  
SOCIAL JUSTICE  
BY: ANITA S. EARLS, ESQ.  
1415 Highway 54  
Suite 101  
Durham, NC 27707  
(919) 323-3380 x 115  
AnitaEarls@southerncoalition.org

For the Defendants:  
OGLETREE DEAKINS NASH SMOAK  
BY: BRODIE ERWIN, ESQ.  
4208 Six Fork Road  
Suite 1100  
Raleigh, NC 27609  
(919) 787-9700  
Brodie.Erwin@ogletree.com  
NC DEPARTMENT OF JUSTICE  
BY: JAMES BERNIER, JR., ESQ.  
PO Box 629  
Raleigh, NC 27602  
(919) 716-6400  
APeters@ncdoj.gov  
JBernier@ncdoj.gov

The Reporter: Discovery Court Reporters  
and Legal Videographers, LLC  
BY: DENISE MYERS BYRD, CSR 8340  
4208 Six Forks Road, Suite 1000  
Raleigh, NC 27609  
(919) 424-8242  
(919) 649-9998 Direct  
Denise@DiscoveryDepo.com

--o0o--

1 That's why I was curious. I wondered if they  
2 were their kids or not.

3 Okay. So did you bring any documents  
4 with you here today to help you in your  
5 testimony?

6 A. No, I did not.

7 Q. Ms. Evans, are you married?

8 A. Yes.

9 Q. Okay. What is your husband's name?

10 A. Chester Evans.

11 Q. And what does Mr. Evans do?

12 A. He's a disabled veteran, so retired.

13 Q. Okay. Did he do anything after he got out of  
14 the military, before he retired, or did he  
15 retire straight out of the military?

16 A. He retired straight out of the military and then  
17 went into employment as -- I believe cleaning  
18 pools, pool service.

19 Q. Okay. And where do you guys live at?

20 A. We live -- we have a Franklinton address but  
21 Granville county.

22 Q. Granville county. And I want to make sure -- I  
23 know you gave us this information in your  
24 discovery responses. Is it 4036 Old Franklinton  
25 Road?

1 A. Yes.

2 Q. How long have you guys been married?

3 A. It will be 19 years this anniversary.

4 Q. Congratulations. I just got married in October.

5 A. Congratulations.

6 Q. Just starting that journey.

7 Ms. Torres, do you have any social  
8 media accounts, like Facebook, Twitter,  
9 Instagram?

10 A. I have all three of those.

11 Q. With Facebook, do you use your real name?

12 A. Yes.

13 Q. And Instagram, do you know what your handle or  
14 name --

15 A. From Evans Ridge.

16 Q. Okay. And what about Twitter?

17 A. Same.

18 Q. From Evans Ridge?

19 A. Yes.

20 Q. Now, in your discovery responses, you said that  
21 you hadn't posted anything on any of your  
22 accounts about this lawsuit. Is that still  
23 correct?

24 A. That's correct, although I would -- I would say  
25 that I may have reposted on Twitter anything or

1 A. No.

2 Q. Okay. I'm sure they probably keep you busy.

3 A. Well, not since North Carolina. Prior to  
4 North Carolina, yes.

5 Q. No, that's just what I was asking about.

6 Now, in your discovery responses --  
7 actually, I'll hand you this and I'll mark it as  
8 Defense Exhibit 1. That will be your discovery  
9 responses.

10 MS. EARLS: We've actually been using  
11 the deponent's name.

12 MR. ERWIN: Yeah, we can mark it as  
13 Evans 1.

14 MS. EARLS: That's fine.

15 (WHEREUPON, Defendants' Evan Exhibit 1  
16 was marked for identification.)

17 BY MR. ERWIN:

18 Q. So I'm handing you what's been marked as Evans  
19 Exhibit 1. Will you take a look at that and  
20 confirm with me that those are the responses  
21 that you and your attorney worked on and  
22 submitted to us.

23 A. Yes.

24 Q. Okay. Perfect. If you'll turn to Page 8 for  
25 me. Looking at your response to what's listed

1 as Interrogatory Number 10, you said that you  
2 are the secretary for the Granville Democratic  
3 Party; is that correct?

4 A. At the time that I responded to this I was. I  
5 am no longer.

6 Q. No longer the secretary?

7 A. Yes.

8 Q. So 2013 to -- I guess, when did --

9 A. 2017. We just had our convention yesterday.

10 Q. Okay. Did you get another position or --

11 A. No, I did not.

12 Q. Tell me what did some of your duties consist of  
13 as the secretary for the Granville Democratic  
14 Party.

15 A. Taking minutes of the meetings.

16 Q. How often did y'all have meetings?

17 A. We tried to have a meeting once a month.

18 Q. Just generally, what were some of the things  
19 that you all discussed at some of the most  
20 recent meetings leading up to your becoming  
21 involved in this lawsuit?

22 A. Voter registration, getting the vote out,  
23 organizing precincts.

24 Q. When you say organizing precincts, what do you  
25 mean by that?

1 A. We have 13 precincts in Granville county and  
2 half of them are organized. The other half are  
3 not, meaning they do not have five members that  
4 met and submitted their names and paid their --  
5 whatever monetary amount that they have to pay  
6 for that particular precinct.

7 Q. And you talked about voter drives. Were you  
8 actively involved in get-out-the-vote drives?

9 A. I was.

10 Q. And what are some of the things you did in  
11 trying to help people get out the vote?

12 A. I did phone banking at least three to four  
13 nights a week after work.

14 Q. And when you were working these phone banks --  
15 I'm not as familiar, you know, what the role of  
16 those. What types of things are you calling and  
17 talking to people about?

18 A. Finding out if they're going to be voting, if  
19 they knew where to voted, if they knew the  
20 voting dates and if they needed any help.

21 Q. Where did you get the list -- did you just pick  
22 a phone book or how did you determine who to  
23 call?

24 A. We were provided lists.

25 Q. Who provided you the list?

1 A. Our organizer.

2 Q. Is that someone who was affiliated with the  
3 state Democratic Party?

4 A. That's correct.

5 Q. If someone told you they needed help voting,  
6 what was the next step?

7 A. You gave it back to the organizer. He would  
8 follow up or have someone follow up the next  
9 day.

10 Q. What were some of the problems? Maybe they  
11 needed a ride? Or what were the things that  
12 you --

13 A. We also were canvassing for volunteers and they  
14 might need to know locations of where to show up  
15 for get-out-the-vote circumstances, but  
16 typically, for some of the senior citizens, it  
17 was getting a ride.

18 Q. And as the secretary from 2013 to, I guess,  
19 2017, you were involved in elections in --  
20 get-out-the-vote drives for elections in 2014,  
21 I'm guessing, and this past election in 2016?

22 A. That's correct.

23 Q. Do you think that you were successful in  
24 accomplish the goals that you set out with in  
25 these drives?

1 A. Well, according to the -- no, I don't think I  
2 was successful.

3 Q. Can you explain that to me.

4 A. Because I think the most recent election, a lot  
5 of people did not come out to vote.

6 Q. Despite you calling them?

7 A. Despite my calling them.

8 Q. Why do you think that is?

9 A. Because they felt their vote didn't count.

10 Q. Did you find -- did you think it was just  
11 Democrats who weren't coming out to vote?

12 A. I only called Democrats.

13 Q. You only called Democrats?

14 A. Yes.

15 Q. So you don't have any knowledge if Republicans  
16 in the Franklinton area felt like their vote  
17 wasn't going to count either and stayed at home?

18 A. I didn't speak to but a handful of Republicans  
19 and they didn't give me that indication.

20 Q. Now, if you'll look back at Page 8, you also  
21 said that you were the -- I guess you are still  
22 the secretary and co-chair person of the  
23 Granville County League of Women Voters; is that  
24 correct?

25 A. May I correct that?

1 Q. Yes.

2 A. I was the secretary. We have a very small  
3 league, so we rotate about every six months. I  
4 am currently the co-chair until May and will be  
5 stepping down in May.

6 Q. Do you plan to take another position, or are you  
7 going to --

8 A. No. I plan to be a member for the time being.

9 Q. Now, is the Granville County League of Women  
10 Voters, is that affiliated with the larger  
11 statewide League of Women Voters?

12 A. That's correct.

13 Q. And that's the organization that's a plaintiff  
14 in this case as well?

15 A. That's correct.

16 Q. But now I know that you said that you've been  
17 the secretary since 2013, but how long have you  
18 been a member of the Granville County League of  
19 Women Voters?

20 A. Since 2013. That's when we organized.

21 Q. Were you a member of the larger statewide League  
22 of Women Voters before Granville had an  
23 organization?

24 A. I was not.

25 Q. What are some of the things that you were

1 page. I know you've got a lot of information  
2 there. I did want to ask you about, I guess,  
3 what it is that you received via what's harmed  
4 you here in this lawsuit.

5 You say that you filed the lawsuit  
6 because you felt you had been harmed because the  
7 2016 Congressional Redistricting Plan that the  
8 state legislature passed diluted the strength of  
9 your vote solely because you were a Democrat.

10 Did I read the gist of that correctly?

11 I'm sorry, it will be at the top of the page  
12 under your first response.

13 A. Yes.

14 Q. Can you explain to me when you said the 2016  
15 plan diluted the strength of your vote as a  
16 Democrat.

17 A. I'm -- I'm part of a majority party in  
18 North Carolina, but I have only three  
19 representatives. It's not an equitable  
20 representation.

21 Q. So I want to unpack that because you had a lot  
22 of good information in there. You said you're  
23 part of a majority party.

24 It's your understanding that Democrats  
25 are the majority party?

1 A. That's my understanding.

2 Q. How do you know that?

3 A. From reading the newspaper.

4 Q. Okay. And when you say the plan isn't equitable  
5 because Democrats have only three  
6 representatives, does that mean you have a  
7 problem with the plan statewide?

8 A. I have a problem with the plan statewide. Our  
9 party's not represented equitably in Washington.  
10 The platform -- Democratic platform and the  
11 issues that are important to me and to Democrats  
12 like me -- I'm the wife of a disabled vet, I'm  
13 the mother of an active-duty service member, I  
14 have aging parents, all these issues are  
15 important to people like me. And there's other  
16 issues, healthcare, these things are not -- are  
17 not represented equitably in this state with a  
18 10-3 --

19 Q. I apologize for that.

20 A. That's okay.

21 Q. Continue, please. I'm so sorry.

22 A. -- with a 10-3 representation.

23 Q. So your problem is the fact that you don't think  
24 the fact that Democrats have 3 current  
25 congressional seats in North Carolina, that that

1           doesn't correlate with the fact that they are  
2           the majority party. Is that what I'm hearing?

3           A. That's correct.

4           Q. Is it your belief that the fair way to draw a  
5           plan would be to allocate seats based on the  
6           proportion of a vote of registered voters that  
7           one party has versus the other?

8           A. I believe there has to be a better way to  
9           allocate and represent the majority voters in  
10          the state. I'm not sure as a layman or as a  
11          voter how that's done, but currently what's --  
12          what's in place does not seem fair.

13          Q. Okay. So do you have any specific ideas about  
14          how the breakdown should look?

15          A. I do not.

16          Q. If I was to represent to you that, say,  
17          Democrats had 51 percent -- this is hypothetical  
18          because I don't know the numbers right of the  
19          top of my head, but if the Democrats had a  
20          51 percent majority and the Republicans had  
21          49 percent of the registered voters, with that  
22          breakdown, should the Democrats get the 7 seats  
23          and the Republicans should get 6? How should it  
24          look?

25          A. I would love that to be the case. Anything

1                   So you haven't -- so you've lived --  
2                   from 2002 to 2005, what was your address? Do  
3                   you remember?

4           A.    319 Pine Knoll Court.

5           Q.    Okay.

6           A.    In Creedmoor.

7           Q.    Creedmoor, North Carolina?

8           A.    True.

9           Q.    Okay. Did you vote in elections during that  
10           time period, 2002 to 2005?

11          A.    I did, yes.

12          Q.    Do you remember if your candidate of choice --  
13                when I say that, I mean the candidate that you  
14                wanted to win. Do you remember if he won or she  
15                won in those elections?

16          A.    I don't recall the candidates back in those  
17                days. I couldn't tell you. I apologize.

18          Q.    No, no, it's totally fine. This is not a memory  
19                test. I understand we're talking stuff ten and  
20                more years in the past.

21          A.    What I can say is I voted the Democratic ticket  
22                each time I voted.

23          Q.    So from 2002 to 2005, you lived at 319 Pine  
24                Knoll Court in Creedmoor.

25          A.    Correct.

1 A. Here.

2 Q. And is that in that green Congressional  
3 District 13 or is it --

4 A. That's correct.

5 (WHEREUPON, Defendants' Evans Exhibit 4  
6 was marked for identification.)

7 BY MR. ERWIN:

8 Q. And now I'm going to hand you another map -- I'm  
9 going to hand you another map that's marked  
10 Evans Exhibit 4, and it's entitled 2016 -- I'm  
11 sorry -- 2016 Contingent Congressional Plan  
12 Corrected.

13 Will you point to me on there where you  
14 think you reside.

15 A. Right here.

16 Q. And that will be in the yellow Congressional  
17 District 1 shaded area?

18 A. That's correct.

19 Q. Okay. So it looks like that from 2005 up until  
20 this latest election, you voted for a Member of  
21 Congress in the 13th Congressional District. Is  
22 that what we decided, do you think?

23 A. That's what we decided, what it would appear.

24 Q. Do you remember if your candidate of choice won  
25 the congressional elections from 2002 to 2010?

1 A. I do not.

2 Q. Okay. So you don't have any recollection of  
3 whether a Democrat won the congressional  
4 election in any of those races?

5 A. Not to my recollection.

6 Q. In 2016 did you vote for Congressman  
7 Butterfield?

8 A. I did.

9 Q. And did he win that race?

10 A. Yes.

11 Q. So I guess in filing your lawsuit, it's not so  
12 much that you feel that you aren't being fairly  
13 represented in your own district, it's purely  
14 that you feel like the state hasn't been divided  
15 up evenly as far as the whole congressional  
16 plan?

17 A. That's correct.

18 Q. Would you agree with me that someone's political  
19 affiliation is not -- it's not a mutable  
20 characteristic, it's something that can change?

21 A. Can you repeat the question. I'm sorry.

22 Q. Sure. Would you agree with me that someone's  
23 political affiliation, that it's subject -- it  
24 can change? We're not born Republicans. We're  
25 not born Democrats. It can change as our ideas