

IN THE UNITED STATES DISTRICT
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)
Joint Select Committee on)
Congressional Redistricting, et al.,)
)
Defendants.)

DEPOSITION OF
ELLIOTT J. FELDMAN

1:07 P.M.
Friday, March 24, 2017

OGLETREE DEAKINS NASH SMOAK & STEWART, P.C.
201 SOUTH COLLEGE STREET, SUITE 2300
CHARLOTTE, NORTH CAROLINA

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A P P E A R A N C E S

For the Plaintiffs: Common Cause, et al.
POYNER SPRUILL, LLP
BY: CAROLINE P. MACKIE, ESQ.
301 Fayetteville Street, Suite 1900
Raleigh, North Carolina 27601
919.783.1108
cmackie@poynerspruill.com

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, North Carolina 27707
919.323.3380 x 115
anita@southerncoalition.org

For the Defendants:

OGLETREE DEAKINS NASH SMOAK & STEWART, P.C.
BY: MICHAEL D. MCKNIGHT, ESQ.
4208 Six Forks Road, Suite 1100
Raleigh, North Carolina 27609
919.787.9700
michael.mcknight@ogletreedeakins.com
NC DEPARTMENT OF JUSTICE
BY: JAMES BERNIER, JR., ESQ.
PO Box 629
Raleigh, North Carolina 27602
919.716.6400
jbernier@ncdoj.gov

Also Present: Alesha Brown, JD
Janie Sumpter
The Reporter: Discovery Court Reporters
and Legal Videographers, LLC
BY: MARY LABONTE, RPR
4208 Six Forks Road, Suite 1000
Raleigh, NC 27609
919.424.8242

1 Q. Okay. And how long?

2 A. 1989, 28 years.

3 Q. And what is your spouse's name?

4 A. Sandra.

5 Q. Feldman?

6 A. Yes.

7 Q. And what is her occupation?

8 A. She is now retired. She had a travel company that did
9 tours to Costa Rica and Panama for the last 18 years, until
10 about a year ago, and before, that she was a management
11 consultant.

12 Q. And I assume she lives in your household. Correct?

13 A. She does.

14 Q. Okay. Does anyone else live in your household?

15 A. No.

16 Q. And do you own your home?

17 A. We do, yes.

18 Q. Okay. And how long have you lived there?

19 A. Since 1992, when we came to Charlotte.

20 Q. What is your address?

21 A. 3116 Lauren Glen Road, Charlotte, NC 28226.

22 Q. And where did you live before you lived in Charlotte?

23 A. We were in Silver Spring, Maryland.

24 Q. All right. And I believe that you've been involved in
25 customs enforcement?

1 A. Uh-huh.

2 Q. It at the top of the thing and it's got your name and
3 address in the upper left-hand corner.

4 A. Yes.

5 Q. Do you see that?

6 A. Let's see if I'm -- yeah, I do.

7 Q. And I believe your counsel's titled it plaintiff's
8 voting history and I recognize this document to be the
9 information that is on file with the State Board of Election
10 about your voting, really where you vote and the elections that
11 you've participated in at least going back to 1994. Do you see
12 that?

13 A. I see that, yes.

14 Q. Okay. All right. So I want to ask you a few
15 questions about this document. So the first question is: At
16 the top the left-hand corner is your name and address. Correct?

17 A. It is.

18 Q. Okay. And you're a registered Democrat. Is that
19 right?

20 A. I am.

21 Q. And you're a resident of Mecklenburg County?

22 A. I am.

23 Q. And how long have you been a registered Democrat?

24 A. Since 2002. And before that, I was unaffiliated.

25 Q. And why did you decide to change your registration

1 Q. And during the time that you've been voting, have you
2 traditionally leaned more toward one party or the other?

3 A. Yeah. I have leaned exclusively Democratic. I have,
4 every election, voted Democratic.

5 Q. Is there any circumstance that you remember where you
6 ever voted for a Republican?

7 A. Yeah. When I was still in New York and the New York
8 Republican party -- when I was teaching at New Paltz for
9 example, Nelson Rockefeller was the governor and he was very,
10 very big on supporting the State University of New York. Some
11 of us said it was an Oedipus Complex, but anyway he liked all
12 the tall buildings and so on and dorms and all that. So in
13 those days, it is conceivable I could have voted him. But most
14 likely I did vote for Jacob Javits as senator, who was a
15 Republican. I was not as partisan nor was the country as
16 partisan in those days.

17 Q. And do you know people like you who were public
18 servants who may have registered unaffiliated because they felt
19 like they shouldn't register with one party or another?

20 A. Well, no. I never had a discussion with anybody about
21 how they voted or how they were registered. And I didn't know
22 and maybe at the time, they didn't have this online so I had a
23 no idea how anyone registered.

24 Q. Now, how did you get into customs enforcement from
25 teaching?

1 Q. Okay. And I see that you live in the 9th
2 Congressional District. Is that right?

3 A. Yes.

4 Q. And you've lived in the 9th Congressional District for
5 how long?

6 A. Since I moved to Charlotte in 1992.

7 Q. And has your candidate of choice been elected in the
8 9th Congressional District since you've lived there?

9 A. No.

10 Q. Has your candidate of choice ever been elected in the
11 9th Congressional District since you've lived there?

12 A. No.

13 Q. So your candidate of choice lost in 2016?

14 A. Yes.

15 Q. And since -- from 1992 until 2016, your candidate of
16 choice lost in each election?

17 A. That is correct.

18 Q. Okay.

19 A. And in some cases, it may have been even an
20 uncontested election.

21 Q. In each of those elections from 1992 through 2016, was
22 your candidate of choice a Democrat?

23 A. Yes.

24 Q. Now, looking at these other districts that you lived
25 in -- this is on the voter information sheet. I just want to

1 legislature, get one-third of the seats. Same thing here,
2 congressional districts, we have 3 of 13. Well, something
3 needed to be done.

4 No matter what I did in terms of contribution, helping
5 in registration or other things, I am not, either in my district
6 or in the state, able to change that situation. And that
7 requires some degree of redress.

8 Q. And how do you know that? How do you know you're not
9 able -- that nothing you do would change that situation?

10 A. Well, we can -- how is it that for governor, the
11 Democratic candidate in 2016 can get 50 percent of the vote,
12 two-party vote anyway, and yet in the elections for the state
13 legislature, we have a completely different situation? I mean,
14 what can I do? What can I do in my district? I mean, even if
15 you had a waive election, it wouldn't change the circumstances.
16 Whatever we have is embedded to be asymmetrical for a long, long
17 time to come.

18 And a waive election, even that might shift -- I don't
19 think it would even shift one congressional district. There
20 are -- this is my personal opinion. I am not an expert, I am
21 not on this, but the things I have read in this complaint and so
22 on, lead me to believe that that is the case.

23 Q. So you're basing that on things that you read in the
24 complaint?

25 A. Yes. That's why I'm a plaintiff in this case. I