

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

NORTH CAROLINA STATE CONFERENCE
OF THE NAACP, CHAPEL HILL—
CARRBORO NAACP, GREENSBORO
NAACP, HIGH POINT NAACP, MOORE
COUNTY NAACP, STOKES COUNTY
BRANCH OF THE NAACP, WINSTON-
SALEM—FORSYTH COUNTY NAACP,

Plaintiffs,

v.

ROY ASBERRY COOPER III, in his official
capacity as the Governor of North Carolina;
ROBERT CORDLE, in his official capacity as
Chair of the North Carolina State Board of
Elections; STELLA ANDERSON, in her
official capacity as Secretary of the North
Carolina State Board of Elections; KENNETH
RAYMOND, JEFFERSON CARMON III, and
DAVID C. BLACK, in their official capacities
as members of the North Carolina State Board
of Elections,

Defendants

and

VOTER INTEGRITY PROJECT NC, INC.,

*Proposed Defendant-
Intervenor.*

Case No. 1:18-CV-1034

**DECLARATION OF JAY
DELANCY IN SUPPORT OF
PROPOSED DEFENDANT-
INTERVENOR'S MOTION TO
INTERVENE**

I, Jay DeLancy, make the following declaration from personal knowledge pursuant
to 28 U.S.C. § 1746:

1. I am a citizen of the United States and a resident of North Carolina.

2. I have a Master of Business Administration from the University of Central Missouri and a Master of Arts in Journalism from Regent University.

3. I am registered to vote in North Carolina as an Unaffiliated, which allows my access to any party's ballot during a primary election.

4. I am a retired Air Force Lieutenant Colonel. I served in the United States Army and United States Air Force from 1979 until 2011.

5. I founded the Voter Integrity Project NC, Inc. ("VIP-NC") in 2011 and have served in its Director since its formation.

6. VIP-NC's mission is to ensure free and fair elections to all lawfully registered voters.

7. In my capacity with VIP-NC, I have dedicated three part-time and five full-time years of time and resources to promoting free and fair elections across the nation and in North Carolina.

8. VIP-NC supported the 2018 Constitutional amendment to require voters to provide photo identification before voting in person (hereinafter, the "North Carolina Voter ID Amendment").

9. In 2018, I requested personal leave of absence from my full-time teaching job in order to advocate for the North Carolina Voter ID Amendment's passage. My request was denied. I then resigned the position in order to work full-time for the North Carolina Voter ID Amendment's passage.

10. I drove across the state, covering at least 3,246 miles, to give speeches and distribute yard signs in support of the North Carolina Voter ID Amendment.

11. I was widely acknowledged as “the statewide leader” on the North Carolina Voter ID Amendment.

12. I was interviewed by numerous local, state, and national radio and television programs regarding the North Carolina Voter ID Amendment. Specifically, I was featured in several NPR programs and a special BBC documentary on the North Carolina Voter ID Amendment.

13. I and other individuals associated with VIP-NC have spent considerable time analyzing North Carolina’s voter rolls to ensure they are free from ineligible registrants, foreigners, individuals who are no longer residents, and individuals who are voting in two or more states for the same federal election.

14. VIP-NC has designed and conducted data-research projects that resulted in VIP-NC referring scores of voters whom our evidence suggested had violated North Carolina election law.

15. Although North Carolina public record laws prohibit our knowledge of each referred voter, VIP-NC has been able to confirm that our documentation has resulted in a number of known criminal referrals and felony convictions.

16. We at VIP-NC believe that observers are a critical element to ensure the integrity of our democratic process.

17. VIP-NC established a Forensic Observer Program and has dedicated a portion of its website as a resource for current and future observers. *See*, <https://voterintegrityproject.com/observers/>. The site featured several eyewitness testimonials on activities that suggested fraud and it provided incident reporting forms that would help election investigators follow up with actionable documentation.

18. Prior to the passage of S.B. 824, VIP-NC had great difficulty in recruiting observers from most counties across the state. S.B. 824's provisions expanding the number of at-large observers allows VIP-NC to centralize and standardize its observer training.

19. I and other individuals associated with VIP-NC have dedicated considerable time to recruiting, educating, and training individuals to serve as election observers.

20. I have spent considerable time volunteering as an observer at various voting sites. I have witnessed firsthand voting irregularities that, but for my presence as an observer, would have continued unchecked.

21. As an election observer, I have documented poll worker mistakes that, due to my presence as an observer, were able to be corrected on the spot.

22. During the 2016 run-off election, I documented several cases of Unaffiliated voters who were misled by poll workers on which ballots they were eligible to use. When pressed, election supervision conducted on-the-spot training, teaching the employee how to avoid misinforming Unaffiliated voters.

23. Later that same day, I observed and recorded the same poll worker clearly attempting to mislead me in the same manner in which she had already been reprimanded.

24. Further, I have assisted other observers outside of those I trained when they reported personally witnessing people who voted more than once by using different names.

25. I have interviewed an election employee who personally observed a woman voting on two different occasions by using two identities. After the employee persistently followed up on the incident, she was dismissed from her job. When new leadership took over the directorship of that county, the former employee sought and was denied reemployment.

26. I have interviewed an election employee who watched a voter attempting to read her name and address from a piece of paper. The employee recounted to me that the voter was unable to pronounce the name of the person whose name she was using and election officials violated state law by inputting the name off of the paper, without her having to struggle any further.

27. I interviewed a county-level Director of Elections who admitted the state provides no contingency training on how employees should respond to accusations that a voter was seen earlier, voting under a different name.

28. I believe that election administrators are poorly trained on their required procedures that are designed to prevent voter impersonation fraud and do not know what

to do when a witness reports seeing a person voting more than once, under a different name.

29. Since 2013, I have urged lawmakers to expand the rights of observers in polling locations. To that end, I proposed language for an Observer Bill of Rights that was introduced as a bill in three consecutive legislative sessions.

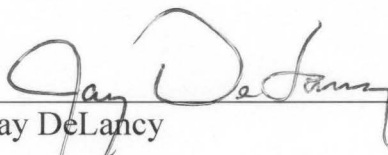
30. I support the increase of “at-large” observers provided in 2018 N.C. Sess. Laws 144. I believe this increase is needed and a step in the right direction to ensuring free and fair elections. I believe that the law should allow the participation of even more observers, not less.

31. I intend to volunteer as an observer in the future, including during the November 2020 general election.

32. Because of Plaintiffs’ challenge to the 100 at-large observer law in this litigation, our organization is having to redirect time and resources to defend the law as passed. These are resources that would have otherwise been allocated to train and deploy as many at-large observers throughout North Carolina as possible.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on March 26, 2020


Jay DeLancy