

**NORTH CAROLINA NATIONAL ASSOCIATION  
FOR THE ADVANCEMENT OF COLORED PEOPLE**

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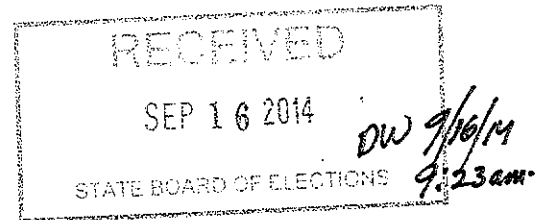
Rev. Dr. William J. Barber, II  
President

Attorney Rosalyn Pelles  
Interim Executive Director

September 15, 2014

Kim Strach, Director  
North Carolina State Board of Elections  
441 N Harrington Street  
Raleigh, NC 27603

Doug Henderson, Guilford County District Attorney  
P. O. Box 3427  
Greensboro NC 27402



Re: *Complaint Against Sen. Philip Berger and Those Acting in Concert With Him To Design and Air the TV Advertisement and Video Referenced Herein*

Dear Director Strach, and District Attorney Henderson:

The NC NAACP and the tens of thousands of people in the Forward Together Moral Movement, as well as the three registered voters signing this letter, respectfully file this complaint to the North Carolina Board of Elections alleging as follows:

1. On August 29, 2014, North Carolina Senate Leader Phil Berger aired a 30-second ad on television in Guilford County and other areas which boasted that Sen. Berger had passed a law that required North Carolina voters to have a photo ID if they wanted to vote in North Carolina elections. On information and belief, Sen. Berger has spent \$122,000 on this ad, and similar ones, in an effort to intimidate and discourage people who do not have a photo ID for the 2014 elections.
2. Sen. Berger takes credit for the ad, which is continuously accessible on the "Phil Berger" You Tube page: [https://www.youtube.com/watch?v=p\\_9TyLrkEm4](https://www.youtube.com/watch?v=p_9TyLrkEm4)
3. Viewers of the TV ad and the ad on the You Tube page since at least August 29 might reasonably believe that all voters must present a Photo ID for this November's election before they are permitted to cast a vote.
4. No one needs a Photo ID for the November 2014 election, nor any election in 2015. Sen Berger knows this.
5. Nielson reports 691,200 homes with TVs in the Greensboro-High Point market in 2012.
6. NC General Statute 163-275 at paragraph 17 states:

**§163-275. Certain acts declared felonies.**

Any person who shall, in connection with any primary, general or special election held in this State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a Class I felony. It shall be unlawful:

(17) For any person, directly or indirectly, to misrepresent the law to the public through mass mailing or any other means of communication where the intent and the effect is to intimidate or discourage potential voters from exercising their lawful right to vote.

7. Senator Berger, who has repeatedly taken credit for the photo ID law, knew, or should have known, his statement was false and that it would intimidate and discourage potential voters from exercising their lawful right to vote in October and November 2014.

Wherefore, the undersigned respectfully request that the North Carolina State Board of Elections immediately issue an order to cease and desist this misleading advertisement and website video, and that it conduct an expedited investigation, and refer the case for prosecution to the Guilford County District Attorney (and other prosecutors where the alleged crime was committed) for criminal prosecution of Mr. Berger and those acting in concert with him, to intimidate and discourage potential voters.

Sincerely,

*Rev. Dr. William J. Barber II*  
*Irv Joyner* *Al McSurely*

Rev. Dr. William J. Barber II, President

Atty. Irv Joyner, NC NAACP Chair, Legal Redress Committee

Atty. Al McSurely, NC NAACP Chair, Communications Committee

Preview YouTube video Senator Phil Berger "Protect Voter ID"

