



STATE OF NORTH CAROLINA  
COUNTY OF ROBESON

ROBESON COUNTY  
BOARD OF ELECTIONS

IN RE: THE TOWN OF RED SPRINGS  
MAYOR ELECTION

**AFFIDAVIT OF KENYA MYERS**

Kenya Myers, after first being duly sworn, deposes and says:

1. I am employed as a Voting Rights Program Manager with Disability Rights North Carolina ("DRNC"). I have been with DRNC since January 2, 2019, working almost exclusively on issues related to voting and voters with disabilities.
2. Prior to my time at DRNC, I worked on voting issues in other contexts, and as an investigator in a legal compliance context.
3. DRNC is our state's Protection and Advocacy ("P&A") organization. Each U.S. state and territory has a federally designated P&A. Each P&A is empowered and required by federal law to protect and advocate for the rights of individuals with disabilities.
4. As the P&A, DRNC is empowered, and sometimes required, by federal law to visit congregate care facilities for a variety of purposes, including to monitor for abuse, neglect, and exploitation. To enable P&As to conduct such monitoring and investigations, Congress has granted the P&As access authority to visit any location at which a person with a disability resides or receives services. P&As are subject to federal limitations on disclosure of information collected from individuals pursuant to access authority and must treat such information as confidential unless specifically granted permission to disclose by the individual(s). Due to federal confidentiality requirements, this Affidavit does not disclose individualized information.
5. If DRNC uncovers abuse, neglect, or exploitation, the organization engages in further investigation, reports findings to the relevant agency or agencies, and/or takes other appropriate action. For example, DRNC reports concerns about facility safety to the Department of Health and Human Services and reports financial or other exploitation of individuals receiving SSI or SSDI to the Social Security Administration.
6. As the Voting Rights Program Manager for DRNC, I work primarily on issues related to the rights of North Carolinians with disabilities as they pertain to voting accessibility, the right to vote, and the right to have one's vote counted.
7. Voting helps individuals with disabilities, who are sometimes isolated from their communities, to maintain a connection to current affairs and to their role as citizens. For

many such voters, particularly older individuals, voting is a core value and an important part of their self-conception; they have voted all their lives and strongly wish to continue voting and to have their votes count.

8. DRNC is not interested in the outcome of the Red Springs mayoral race, and the statements made herein are not intended to be taken as a preference for one candidate or another. Rather, as required by federal law, I offer the below information in furtherance of DRNC's purpose to protect and advocate for the rights of individuals with disabilities.
9. In my experience, individuals living in facilities often face barriers to voting because of their disabilities and where they live. Barriers include getting identification or finding transportation to the polls. For absentee voting by mail, there are often barriers to filling out the ballot request form, mailing the form, and even having a stamp available to send in the form or the ballot itself.
10. In my capacity as Voting Rights Program Manager, I provide information and materials to congregate care facilities across North Carolina and sometimes visit such facilities in support of DRNC's voting work. I also communicate with facilities about changes in voting law or policy, and offer resources to ensure that residents are able to vote if they choose.
11. Attached as Exhibit A is a fact sheet to which DRNC refers facilities regarding the provision of assistance for residents to vote. Red Springs Assisted Living is the type of facility that routinely receives these communications.
12. DRNC's guidance includes information on:
  - **MAT Teams.** If available and desired by the residents, facilities may request a Multipartisan Assistance Team (MAT). However, the availability of MATs is limited in many places across the state because of an inadequate number of volunteers and the demands on county board staff. There are more than 30 congregate care facilities serving adults in Robeson County and thousands in North Carolina, making it impractical for facilities and local boards for MATs to fully meet the needs of voters in facilities. In addition, a resident is not required to request or use a MAT if they want someone else, including staff, to provide assistance.
  - **Staff Assistance.** Staff may provide assistance as a result of a court order allowing voters with disabilities to receive assistance from facility staff. The ruling came in the case *Disability Rights NC v. NC Board of Elections*. Due to the staffing and time challenges of serving many individuals with health needs, DRNC supports the common practices employed to provide assistance as efficiently as possible. This usually involves gathering or identifying individuals who wish to request an absentee ballot and completing the forms at one sitting or in batches. The same process is helpful for the ballot return, particularly as two witnesses are needed for that process,

which requires staff coordination. We believe this practice reduces errors from staff needing to refamiliarize themselves with the process repeatedly.

13. On November 14, 2025, I became aware of the protest filed by Duron Lee Burney regarding voters at Red Springs Assisted Living. As I understood it, the protest alleged that the votes of certain residents should not be counted because they received assistance from staff, and, as to several, because they are under guardianship. The challenge raised serious concerns for DRNC regarding the rights of these voters because: 1) voters with disabilities, including those in facilities, may be assisted by anyone they choose, including facility staff; and 2) those under guardianship retain the right to vote.
14. In my capacity as Voting Rights Program Manager, I took the following steps:
  - a. Contacted the Robeson County BOE Director regarding the existence of a protest and/or challenge;
  - b. Reviewed the protest documents;
  - c. Researched information about the facility;
  - d. Obtained the publicly available records of the 19 protested voters; and
  - e. Visited Red Springs Assisted Living on November 16, 2025 and interviewed the facility director and ten individuals whose ballots were being challenged; other residents subject to the protest were out or did not want to talk. During my discussions with the residents, I asked about whether they voted and if they remembered who had helped them. I also asked whether they had voted the way they wished. I did not ask who they voted for.
15. With regard to the protest documents:
  - a. The issues presented in the protest related to facility staff providing assistance and to the guardianship status of some of the individuals whose votes were being challenged. The protest appeared to base an allegation of fraud or misconduct on a misunderstanding of the law and practice with regard to the voting rights of people with disabilities.
  - b. I reviewed the ballot request forms and the ballot return envelopes submitted by Mr. Burney in connection with his protest. In my experience, the similarity in the forms, including the forms being completed near in time and by the same people, is not indicative of anything unusual but is consistent with the practice we advise of conducting the process in an efficient manner, usually on one day, that makes it easier for a facility to support voting by residents.
16. As to the facility, my research indicated:
  - a. The Red Springs Assisted Living facility is licensed as an Adult Care Home. For admission to such a facility, an individual must be identified as having a need for personal care services or other assistance with activities of daily living. In other words, residents are individuals who have been identified through medical documentation as having disabilities because they are substantially limited in one

or more major life activities, including those that would necessitate assistance with the absentee by mail voting process.

- b. The facility is licensed for up to 81 residents. The number of individuals voting from the facility address was not unusual, in my experience.
- c. DRNC had had no prior encounters with the facility, other than sending the facility our standard communications regarding voting.

17. As to the protested voters, my research indicated:

- a. Most had been voting from the Red Springs Assisted Living address for several elections, primarily, though not exclusively, through absentee by mail voting.
- b. Two had voted in person in the 2025 election, not by absentee by mail.
- c. One ballot was rejected because of an error in the witness signature process.
- d. One individual did not have their ballot counted because they died before election day.
- e. Residents whose absentee by mail votes had been submitted had a range of specific memories regarding the voting process for the municipal election.
  - i. None indicated that they were coerced or told who to vote for.
  - ii. All but one affirmatively recalled voting and that they had voted for who they wanted to vote for, or that they did not mark a specific candidate.
  - iii. The one individual who did not affirm his vote has previously voted absentee from the Red Spring Assisted Living address. Based on my review of the documents submitted with the protest, it appeared that this individual had signed the ballot request and ballot envelope in the same manner as the other voters with whom I spoke. My assessment was that he had forgotten that he had voted.

18. Difficulty remembering recent events is common in individuals living in facilities, particularly when it comes to the specifics of those events. Memory or capacity issues do not preclude voting since voters are permitted to cast their ballots as they see fit and are not subject to testing or assessment to ensure any particular level of cognition or memory.

19. Based on the totality of the information I gathered, I concluded that residents of Red Springs Assisted Living were offered an opportunity to vote consistent with State Board guidance, and that there was no probable cause to believe residents had been exploited or mistreated in the process by staff. If I had concluded otherwise, I would have taken appropriate steps to report any such exploitation or mistreatment.

20. I have reviewed the affidavits submitted by Ms. Graham and Ms. Sinclair. There is no indication that the affiants have had any training or expertise in interviewing or assessing individuals with specific disability-related needs, including memory or cognition deficits. As a result, it appears that they may have misunderstood or misinterpreted what may have been memory or cognition issues. For example, they identified an individual who they say indicated that she did not vote but also said that she voted on the day of the

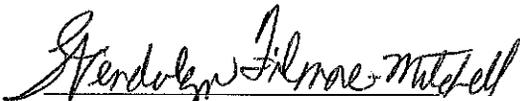
affiants' visit (after the election). Such apparent inconsistencies are not uncommon and, in my experience and based on the totality of the information I gathered, would not support a determination that this individual had not, in fact, voted by mail. The assertions made in the affidavits are inconsistent with the information I had gathered regarding the voluntary and knowing involvement of residents in the process.

- 21. I understand that some may harbor concerns about voting by individuals who may or may not be able to recall many or most of the specifics of the process later on. The ability to remember at a later date is not a requirement for voting and such an additional requirement would disenfranchise eligible voters, particularly those with disabilities or age-related factors that affect memory or cognition. Confronting individuals whose age or disability may impair their memory with contradictions or inconsistencies creates anxiety and causes confusion. This is particularly concerning where these individuals are confronted by multiple different questioners.
- 22. Based on my experience working with facility staff and residents across the state, I have serious concerns about the chilling effect of continued pursuit of voters with disabilities and staff. Staff faced with the prospect of being villainized and accused of crimes would be much less willing to help. DRNC has experience trying to ensure voters in facilities can vote, and many such individuals would likely face serious difficulties if facility staff were unwilling to assist.

FURTHER AFFIANT SAYETH NOT, this 7<sup>th</sup> day of January, 2026.

  
 \_\_\_\_\_  
 Kenya Myers

Sworn to and subscribed before me  
This 7<sup>th</sup> day of January, 2026.

  
 \_\_\_\_\_  
 Notary Public



My Commission Expires 6-10-2026

# EXHIBIT A



## Assistance for Voters with Disabilities

Under Section 208 of the federal Voting Rights Act, voters with disabilities who need help voting are entitled to the assistance of the voter's choosing, with very limited exceptions for the voter's employer or union.

North Carolina laws further limited who could provide assistance to a voter with a disability. Disability Rights NC brought a lawsuit challenging the North Carolina laws as violating Section 208 of the Voting Rights Act.

Disability Rights NC won the lawsuit. In a ruling issued by US District Judge Terrence W. Boyle, he ordered the North Carolina Board of Elections not to enforce the laws against voters protected by Section 208 of the Voting Rights Act.

### What Was Changed:

Previously, a voter with a disability who needed assistance with voting would have to rely on a legal guardian or close family member for help with most of the voting process. It did not matter whether that was the voter's preference or whether such a person was readily available. Voters who live in facilities like nursing homes and adult care homes could not get assistance from the people who care for them every day and might be the only source of help. Some of the laws made it a felony to give or receive prohibited assistance.

### What the ruling means for voters with disabilities:

Judge Boyle found that North Carolina's restrictions are contrary to, and pre-empted by, Section 208 of the federal Voting Rights Act.

As a result, voters with disabilities who need assistance with voting may request and receive assistance from anyone they choose. The judge's ruling applies to all parts of the voting process, from requesting the absentee ballot to completing the ballot, and returning the ballot to the local board of elections.

The North Carolina State Board of Elections has posted information about the ruling on its website. For information about assistance with voting by mail, see <https://www.ncsbe.gov/voting/vote-mail/detailed-instructions-vote-mail>. For information about assistance for voters living in facilities, see <https://www.ncsbe.gov/voting/help-voters-disabilities/assistance-voters-care-facilities>.

## Frequently Asked Questions

Please note that these FAQs and examples are for illustrative purposes only.

**Q: Can a staff member of a facility help a person living in a nursing home, adult care home, or other congregate care setting with voting?**



A: Yes, if the person has a disability, needs help with voting because of their disability, and wants to be helped by the staff person.

Example 1: A woman living in a nursing home has shaky hands due to Parkinson's. Because of her disability, she may need assistance with filling out an absentee ballot request form, and having her ballot completed, witnessed, and returned. She may choose to have nursing home staff help her.

Example 2: A man living in an adult care home is taking medication for a mental illness that makes it difficult for him to complete an absentee ballot or ballot request form. He may choose to have facility staff help him with understanding the form and filling it out, and any other necessary steps in the voting process.

Example 3: A facility resident can fill out an absentee request form and ballot, but due to disability is unable to access outside witnesses or place the form or ballot in the mail. They may choose to have facility staff help them by witnessing and returning the ballot.

**Q: Are facility residents who need assistance with voting required to rely on facility staff or management for help?**

A: No. It is the voter's choice whether to request assistance, and from whom. Options include friends, family, other residents, or a Multipartisan Assistance Team from the voter's local county board of elections.

**Q: What about privacy? Can the assistant reveal the voter's choices?**

A: Anyone who provides a voter assistance is required to maintain confidentiality about the voter's choices. It is unlawful for a person who has access to another's ballot to disclose how the person voted. N.C. Gen. Stat. § 163-274(b).

**Q: What protections are there against exploitation by the person providing assistance, including facility owners and staff?**

A: State law prohibits interference, fraud, and exploitation against voters. N.C. Gen. Stat. §§ 163-273(a)(4) (prohibiting interference with a voter when marking a ballot), 163-274(a)(7) (prohibiting voter intimidation), 163-274(a)(7) (prohibiting fraud against a blind voter), and 163-275 (prohibiting various forms of fraud in voting). There are criminal penalties for violating these voter protection provisions. For voters living in facilities, additional protections apply. For example, violation of facility residents' rights, including exploitation, is expressly prohibited. N.C. Gen. Stat. § 122C-51.

**Q: Are there any changes to the requirement that an absentee ballot must be witnessed?**



A: No. An absentee ballot must still be witnessed by two people or one notary public. A witness must be 18 or older.

**Q: What if the voter does not have a disability?**

A: The court order in this case relates only to voters with disabilities who need assistance because of their disability. State rules about who can and cannot provide assistance continue to apply to all others.

**Q: How is disability defined?**

A: Under the Americans with Disabilities Act, a disability is a physical or mental impairment that causes someone to be substantially limited in a major life activity. This means that someone who has limitations that make it harder to do every day things like eating, reading, thinking, and walking than it is for most people, they are likely to be considered disabled under the ADA. For example, someone who can walk, but cannot walk more than a short distance without assistance or getting winded is substantially limited in walking. Most people living in nursing homes and congregate settings need help with at least one aspect of daily living, and will generally be considered to have a disability.

**Specific statutes affected by the ruling:**

The below statutes are the ones affected by the ruling. These statutes remain in effect for all voters except voters with disabilities who need assistance. If a voter does not have a disability that creates the need for assistance, the statutes still apply.

**N.C. Gen. Stat. § 163-226.3** prohibits anyone other than a voter's legal guardian or near relative from assisting a voter with voting an absentee ballot. Subsection (a)(4) prohibits staff or owners of congregate care facilities from helping a resident in any way with voting. Subsection (a)(5) prohibits any person other than a legal guardian or near relative from delivering a ballot to the voter or delivering the cast ballot to the board of elections. Subsection (a)(6) made it illegal for a voter to accept any of the assistance made illegal under the other sections. These provisions no longer apply to voters with disabilities who need assistance because of their disability. Voters with disabilities now have the right to the assistant of their choosing in all aspects of absentee voting, regardless of where they live.

**N.C. Gen. Stat. §§ 163-230.1, 230(e) and 230.3** place limits on who can help a voter request an absentee ballot. These provisions no longer apply to voters with disabilities who need assistance because of their disability. Voters with disabilities now have the right to the assistant of their choosing when requesting an absentee ballot.

**N.C. Gen. Stat. § 163-231(b)(1)** limits who can assist a voter with the mailing or delivery of their absentee



ballot. *This provision no longer applies to voters with disabilities who need assistance because of their disability.* Voters with disabilities now have the right to the assistant of their choosing when mailing or delivering their absentee ballot.

**Questions? Contact:**

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