

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

No. 19-cv-15941

COMMUNITY SUCCESS INITIATIVE, et al.,

Plaintiffs,

v.

TIMOTHY K. MOORE, IN HIS OFFICIAL
CAPACITY OF SPEAKER OF THE NORTH
CAROLINA HOUSE OF
REPRESENTATIVES, et al.,

Defendants.

**PLAINTIFFS' REPLY BRIEF IN
SUPPORT OF MOTION FOR SUMMARY
JUDGMENT OR IN THE ALTERNATIVE
A PRELIMINARY INJUNCTION**

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INTRODUCTION

Across 85 pages of briefing and hundreds more pages of exhibits, Defendants do not offer an iota of proof that disenfranchising North Carolinians on community supervision serves any legitimate purpose today. They present no expert testimony, fact witness testimony, or documentary evidence showing that disenfranchising such people advances any government interest. Instead of trying to establish some good reason for disenfranchising people on community supervision today, Defendants put forward state interests supporting certain procedural improvements made to the statutory scheme in the 1970s. But Plaintiffs do not challenge those aspects of the law in this case. Simply put, Defendants' briefs lay bare that there is no valid interest in denying the franchise to nearly 60,000 members of North Carolina communities who share the same concerns and interests in the public welfare as their neighbors.

Unable to justify disenfranchising these individuals, Defendants' arguments boil down to a combination of "because we can," "it used to be worse," "other states do it too," and "even if it is unlawful, there is nothing this Court can do about it." None of these arguments has merit.

As shown in Part I below, Defendants misstate the statute's history. The statutory disenfranchisement of people not incarcerated traces directly to the 1877 statutory scheme enacted with the goal of preventing African Americans from voting. Part II refutes Defendants' contentions that Plaintiffs lack standing and that this Court can grant no effective relief. The statute enacted by the General Assembly to implement the state constitutional provision on felony disenfranchisement must comport with other constitutional guarantees, and this Court has ample equitable authority to enjoin and sever unlawful aspects of the statute. On the merits, Parts III-VI establish that Defendants misapprehend the unique, broad rights that North Carolina guarantees under its Free Elections Clause, Equal Protection Clause, Freedom of Speech and Assembly Clauses, and Ban of Property Qualifications Clause. Defendants' arguments may be

plausible in other jurisdictions, but not in North Carolina. Part VII addresses Defendants’ failure to satisfy any level of scrutiny. Strict scrutiny—or at least intermediate scrutiny—applies here given the challenged law’s infringement upon fundamental constitutional rights, and Defendants have established no state interest that can justify the indiscriminate disenfranchisement of people on community supervision. Indeed, discovery obtained since Plaintiffs’ opening brief makes clear that disenfranchising people on community supervision produces rampant confusion and administrative problems, all to the detriment of North Carolina residents and elections.

The material facts are undisputed, and Plaintiffs are entitled to summary judgment. But at a minimum, as explained in Part VIII below, a preliminary injunction is warranted so that nearly 60,000 North Carolinians are not irreparably prevented from voting in November 2020.

ARGUMENT

I. The Statutory Disenfranchisement of People Not Incarcerated Traces Directly to the General Assembly’s Post-Civil War Efforts to Oppress African Americans

Defendants paint an incomplete and misleading history of North Carolina’s statutory disenfranchisement scheme. The undeniable fact is that the current statutory scheme—including the disenfranchisement of people on community supervision—traces directly to legislation enacted after the Civil War to suppress the political power of African Americans.

In the 1860s and before, North Carolina disenfranchised only persons convicted of “infamous” crimes, not all felonies. Burton Report at 19-21. Immediately after the Civil War, former rebels in North Carolina engaged in a widespread campaign of convicting African Americans of “infamous” crimes and whipping them as the punishment, with the express goal of preventing African Americans from being able to vote. *Id.*

In 1876, to neuter the effects of the recently adopted Fifteenth Amendment, Conservative-Democrats ratified North Carolina’s constitutional amendment expanding the

crimes for which people could be disenfranchised to include felonies, not just “infamous” crimes. Burton Report at 27-35. In the following session of the General Assembly, the very next year, the General Assembly enacted implementing legislation. A Democrat named John Henderson chaired the House committee that prepared this 1877 legislation. *Id.* at 35-36. Henderson was an avid Jim Crow supporter who once presided over the lynching of three African Americans who were “paraded down Main Street ... across the street from Henderson’s house, and lynched before a ‘bloodthirsty’ mob of more than two thousand white citizens.” *Id.*

There were three particularly noteworthy aspects of the 1877 statutory scheme that Henderson ushered into law. First, the General Assembly chose broadly to disenfranchise those convicted of *all* felonies, not just the most serious or election-specific crimes. Ch. 275, § 10, 1876 N.C. Sess. Laws. That is still the law today. Second, the General Assembly made it a crime for people with felony convictions to vote before their rights were restored, punishable by up to two years in prison. *Id.* § 62. That is still the law today. N.C.G.S. §§ 163-275, 15A-1340.17. Third, the 1877 statutory scheme required people to wait four years from the date of conviction before they could apply to have their rights restored. Pls.’ Opening Br. (“Br.”) 7. Thus, just like today, the statutory scheme adopted in 1877 extended disenfranchisement for a period after people were no longer incarcerated. In 1933, with African Americans blocked from voting through other means such as a literacy test and poll tax, the General Assembly shortened the wait time to seek rights restoration from four years to two. Ch. 242, 1933 N.C. Sess. Laws.

In 1971, the only two African American members of North Carolina’s General Assembly—Representatives Joy Johnson and Henry Frye—set out to amend the disenfranchisement statute. They had two principal goals. First, they sought to remove procedural obstacles to rights restoration. This effort was partly successful; the 1971 legislation

removed certain requirements such as the need to have five character witnesses. Defs.’ NOF, Exs. 1, 2. Second, the two legislators sought to re-enfranchise people with felony convictions as soon as they were *released from prison*. The original 1971 bill introduced by Representative Johnson would have restored rights upon the completion of a person’s sentence, with no mention of probation or parole. 5/8/20 Decl. of Daniel F. Jacobson (“Jacobson Decl.”), Ex. L. But that bill was reported unfavorably, and a substitute was introduced adding the phrase “including any period of probation or parole.” *Id.* Representative Frye made clear in a speech on the House floor that the intent of the original bill had been to re-enfranchise people once they were no longer incarcerated. As reported at the time: “Rep. Henry Frye, D-Guilford, told the House he favored the bill’s original proposal which called for automatic restoration of citizenship *when a felon had served his prison sentence*.” Defs.’ NOF, Ex. 5 (emphasis added).

Defendants point to an answer by Senator Michaux at his deposition suggesting that the original 1971 bill could have disenfranchised people on probation or parole. LD Br. 4, 17; SBOE Br. 6. But Defendants neglect to mention that Senator Michaux was not in the General Assembly at the time and had no formal or informal involvement with the legislation—he was first elected in 1972. Defs.’ NOF, Ex. 5 (“Michaux Dep.”) at 44:15-22, 53:14-20. Senator Michaux was merely speculating, under questioning from counsel several hours into his deposition, as to the meaning of the original 1971 bill. The contemporaneous statement of one of the two legislators who drafted the original 1971 bill, Representative Frye, is unambiguous that the bill was intended to restore voting rights upon the completion of a “prison sentence.”

But it is academic because, as Senator Michaux’s testimony makes clear, African American legislators *wanted* to restore voting rights upon completion of a prison sentence and were stymied by civil rights opponents. By 1973, Senator Michaux had joined the General

Assembly, and he provided un rebutted testimony that his goal and that of Representatives Frye and Johnson in the 1973 amendments was again to restore people’s voting rights upon their release from incarceration, “regardless of whether they had probation or parole.” Michaux Dep. at 16-22 (“Q. And so your original aim, and that of the NAACP, was to restore voting rights automatically as soon as someone ... was released from prison, regardless of whether they had probation or parole. Is that correct? A. That’s correct.”); *accord* Jacobson Decl., Ex. K (“Michaux Aff.”) ¶ 15. But civil rights opponents in the General Assembly insisted on continuing to disenfranchise people through probation and parole, and Senator Michaux agreed to keep that in the legislation in order to get further procedural reforms passed, such as removing the requirement to petition a judge for rights restoration. Michaux Aff. ¶¶ 10-19. Thus, as in 1971, the 1973 legislation removed procedural obstacles to re-enfranchisement, but fell short of the African American legislators’ goal of limiting disenfranchisement to those incarcerated. *Id.*

This history makes clear that the current statutory scheme carries forward central aspects of the 1877 statute enacted by white supremacists. The current scheme continues to disenfranchise people for all felonies rather than a subset, it continues to criminalize voting before one’s rights are restored with punishment of up to two years in prison, and it continues to disenfranchise people for a period of time even once they are not incarcerated. Indeed, before 1971 the required waiting period for rights restoration was two years, yet the average length of probation today is 2.5 years. Baumgartner Opening Report at 23. Functionally, therefore, the current requirement that people complete their community supervision before they can vote has the same effect as the required waiting period under the pre-1971 statutory scheme.

II. Plaintiffs Have Standing and This Court May Enjoin the Constitutional Violations

A. The General Assembly’s Implementing Legislation on Felony Disenfranchisement Must Comport with Other Constitution Provisions

Defendants argue that Article VI, § 2, cl. 3 of the North Carolina Constitution is a self-executing provision that operates alone to disenfranchise all persons with felony convictions, and that N.C.G.S. § 13-1 merely restores people’s rights. SBOE Br. 14-15; LD Br. 11-12.

According to Defendants, in the absence of any legislation regarding felony disenfranchisement, all North Carolinians with felony convictions would be disenfranchised for life. Defendants are wrong. Article VI, § 2, cl. 3 reflects a delegation of authority to the General Assembly to “prescribe[] by law” the contours of felony disenfranchisement, and legislation enacted by the General Assembly pursuant to this delegation must comport with all other provisions of the North Carolina Constitution. The history of Article VI and the maxim that constitutional provisions must be interpreted in harmony conclusively establish this interpretation.

For Article VI, § 2, cl. 3 to be “reconciled with other state constitutional guarantees.” *Stephenson v. Bartlett*, 355 N.C. 354, 371, 562 S.E.2d 377, 389 (2002), it must be interpreted as a delegation of authority to the General Assembly to enact a legislative scheme that comports with the rest of the Constitution. Because “all constitutional provisions must be read *in pari materia*,” it is a bedrock principle in North Carolina that a constitutional provision “cannot be applied in isolation or in a manner that fails to comport with other requirements of the State Constitution.” *Stephenson*, 355 N.C. at 377-78, 562 S.E.2d at 392, 394. Here, interpreting Article VI, § 2, cl. 3 as a self-executing provision that would impose across-the-board lifetime disenfranchisement absent implementing legislation would be incompatible with other provisions of the Constitution, including the Free Elections Clause, the Equal Protection Clause, and the

Freedom of Speech and Assembly Clauses. It would disenfranchise for life millions and millions of North Carolinians, a grossly disproportionate number of whom are African Americans.

Stephenson v. Bartlett and *Holmes v. Moore* are on point. In *Stephenson*, the Supreme Court interpreted the Constitution's "Whole County Provision," which states that "[n]o county shall be divided in the formation of a ... district." N.C. Const., art. II, § 3(3). The Court declined to interpret this constitutional provision in a "strictly mechanical fashion" because doing so "would be inconsistent with other provisions of ... the State Constitution." *Stephenson*, 355 N.C. at 377-78, 381-82, 562 S.E.2d at 392-96. "[T]o avoid internal textual conflict" with North Carolina's Equal Protection Clause, the Court interpreted the Whole County Provision in a manner that upheld "the principles of substantially equal voting power and substantially equal legislative representation arising from that same Constitution." *Id.*; see also *Jenkins v. State Bd. of Elecs.*, 180 N.C. 169, 104 S.E. 346, 349 (1920) ("A constitution should not receive a technical construction, as if it were an ordinary instrument or statute. It should be interpreted so as to carry out the general principles of the government and not defeat them.").

In *Holmes*, the Court of Appeals interpreted the constitutional provision stating that "[v]oters offering to vote in person shall present photographic identification before voting." N.C. Const. art. VI, §§ 2(4), 3(2). The Court of Appeals rejected Defendants' argument that this constitutional provision foreclosed challenges to the General Assembly's implementing legislation brought under other constitutional provisions, and the Court of Appeals held that the implementing legislation violated the Equal Protection Clause. 840 S.E.2d 244, 265-67 (N.C. Ct. App. 2020). As a result of the injunction against the legislation, North Carolinians will not be required to show photo identification before voting in 2020, even though the Constitution states

that “voters ... shall present photographic identification before voting.” *Id.* The voter ID constitutional provision is like Article VI, § 2, cl. 3—both require implementing legislation.

The history of Article VI confirms this interpretation. “A court should look to the history” in interpreting a constitutional provision, *N.C. State Bd. of Educ. v. State*, 255 N.C. App. 514, 529, 805 S.E.2d 518, 527 (2017), *aff’d*, 371 N.C. 149, 814 S.E.2d 54 (2018), and throughout its history Article VI, § 2, cl. 3 has *always* been accompanied by implementing legislation. As explained above, the General Assembly enacted a statutory scheme providing for felony disenfranchisement and rights restoration in 1877, in the very first legislative session after ratification of the 1876 constitutional amendment. At no point in the 144 years since its adoption has Article VI, § 2, cl. 3 ever operated by its own force without implementing legislation.

In any event, implementing legislation *has* been enacted, and there can be no dispute that any statute enacted by the General Assembly must comport with all provisions of the North Carolina Constitution. Defendants admit as much when they concede that certain types of felony disenfranchisement statutes would violate the Constitution. SBOE Br. 22; LD Br. 14-15. And *Stephenson* and *Holmes* make clear that implementing legislation authorized under one constitutional provision is subject to the normal legal standards and scrutiny that apply under other constitutional provisions. In both cases, the courts applied the normal tests for evaluating whether legislation enacted by the General Assembly violated North Carolina’s Equal Protection Clause. *Stephenson*, 355 N.C. at 389, 562 S.E.2d at 394 (applying strict scrutiny where redistricting deprived a group of citizens of “substantially equal voting power”); *Holmes*, 840 S.E.2d at 255 (evaluating whether race was a “motivating factor” in implementing legislation).

These precedents also refute Defendants’ suggestion that N.C.G.S. § 13-1 is necessarily subject to rational basis review in light of Article VI, § 2, cl. 3. Even if the statutory

disenfranchisement scheme were subject to less scrutiny than other legislation based on Article VI, the statute still impinges upon other constitutional rights and thus at least intermediate scrutiny would apply. For instance, in *Blankenship v. Bartlett*, the Supreme Court harmonized the Constitution's delegation of authority to the General Assembly to create a "convenient number" of superior court districts with the Equal Protection Clause guarantee of substantially equal voting power. 363 N.C. 518, 523-25, 681 S.E.2d 759, 763-75 (2009). To reconcile the "internal conflict" between these two constitutional provisions, and because the dispute over judicial elections had "a component that implicates the fundamental right to vote and a separate component that is ordinarily the province of the legislature," the Court held that intermediate scrutiny was warranted where a judicial districting plan created different voting power between groups of citizens. *Id.* Here, at a minimum, intermediate scrutiny is warranted if the legislation enacted pursuant to Article VI is in tension with the rights protected under the Free Elections Clause, the Equal Protection Clause, and the Freedom of Speech and Association Clauses.

B. The Court May Enjoin the Unconstitutional Aspects of the Statute

Defendants contend that this Court lacks authority to enjoin portions of N.C.G.S § 13-1 to afford Plaintiffs the relief they seek. State Board Defendants frame the issue as one of standing, SBOE Br. 14-16, while Legislative Defendants focus on courts' remedial authority, LD Br. 31-33. These arguments run headlong into controlling precedent and foundational principles.

Plaintiffs seek an injunction preventing the disenfranchisement of North Carolinians on probation, parole, or supervised release, *see* Am. Compl., Prayer for Relief, and such relief is well within this Court's power. "Trial courts have broad discretion to fashion equitable remedies to protect innocent parties when injustice would otherwise result." *Kinlaw v. Harris*, 364 N.C. 528, 532-33, 702 S.E.2d 294, 297 (2010). "This discretion includes the power to 'grant, deny, limit, or shape' relief as necessary to achieve equitable results." *Id.* Under these powers, this

Court can fashion injunctive relief to remedy a partially unconstitutional statute. The Court may order that “the portion which is constitutional may stand while that which is unconstitutional is stricken out.” *State v. Fredell*, 283 N.C. 242, 245, 195 S.E.2d 300, 302 (1973).

The Court of Appeals recently exercised such remedial authority in *State v. Hilton*, a case analogous to this one. There, plaintiffs challenged a statute providing that, if certain conditions are met, “the court shall order the offender to enroll in satellite-based monitoring *for life*.” N.C.G.S. § 14-208.40B(c) (emphasis added). The Court of Appeals held that it is permissible to impose satellite-based monitoring during a person’s post-release supervision, but that monitoring after such supervision “is no longer reasonable.” *Hilton*, -- S.E.2d --, 2020 WL 2529538, at *2-5 (N.C. Ct. App. May 19, 2020). The Court of Appeals enjoined the “for life” language and found it severable, holding that the monitoring requirement could instead be enforced for a shorter duration. *Id.* at *2. Echoing Defendants’ arguments here, the dissent objected that “the majority does not merely strike through ‘for life’ but also adds a wholly different temporal frame, ‘so long as the offender is on post-release supervision’ or some equivalent, to the statute in question.” *Id.* at *16 (Brook, J., concurring in part and dissenting in part). The dissent accused the majority of improperly “rewriting the statute,” *id.*, but the majority rejected this concern.

Just as in *Hilton*, this Court may enjoin the “temporal frame” of N.C.G.S. § 13-1. The Court can and should hold that, while the statute may deny voting rights to persons in prison, it may not disenfranchise people living in North Carolina communities on supervision. Put differently, for a “probationer” or a “parolee,”¹ the Court can enjoin the requirement that the person must receive an “unconditional discharge” to have their voting rights restored. Such an injunction falls comfortably within the Court’s discretionary remedial authority.

¹ Under N.C.G.S. § 13-1(1), a “parolee” includes a person on post-release supervision. The provision was enacted before North Carolina switched from a system of parole to post-release supervision in 1994.

Defendants’ argument that this Court could only “enjoin the automatic restoration of citizenship rights” for everyone, SBOE Br. 15, or could only order a remedy that involves striking through specific words in the statute, SBOE Br. 15; LD Br. 31, contradicts decades of civil rights precedent. The U.S. Supreme Court’s decisions finding gender-based equal protection violations, for example, have regularly ordered remedies that expand a statute to cover an improperly excluded class, rather than enjoining the statute altogether. For example, after finding that a statute extending financial benefits to children of an unemployed “father” was unconstitutional, the Supreme Court did not hold that no one got benefits, but extended the statute to cover children of unemployed mothers as well. *Califano v. Westcott*, 443 U.S. 76, 80, 92-93 (1979) (affirming district court decision “ordering that ‘father’ be replaced by its gender-neutral equivalent”); accord, e.g., *Frontiero v. Richardson*, 411 U.S. 677 (1973) (extending statute conferring discretionary benefit on men to confer that benefit on women as well). Similarly, after finding that a disability program and a food stamp program unlawfully excluded particular classes of individuals, the Supreme Court extended the programs to the wrongfully excluded classes. *Jimenez v. Weinberger*, 417 U.S. 628, 630-631 & n.2, 637-638 (1974); *Dep’t of Agriculture v. Moreno*, 413 U.S. 528, 529-530, 538 (1973). In none of these cases did the Court’s ability to provide effective relief depend on whether such relief could be accomplished by striking through a particular word or phrase, as Defendants suggest. SBOE Br. 15; LD Br. 32.

Even if it were necessary to perform a technical strikethrough exercise (and it is not), this Court could afford effective relief by simply enjoining the term “unconditional” throughout N.C.G.S. § 13-1. Subsection (1) would then provide that voting rights are restored upon the “discharge of an inmate, of a probationer, or of a parolee,” where the “discharge” of a probationer or parolee means the release of a person by a court or the Department of Public

Safety (DPS) onto community supervision. Indeed, the “discharge” of a probationer or parolee under § 13-1 cannot mean the termination of their community supervision, because otherwise the term “unconditional” before “discharge” would have no import for probationers and parolees.²

Finally, Defendants contend that N.C.G.S. § 13-1’s disenfranchisement of people on community supervision is not severable from the remainder of the statute. SBOE Br. 16; LD Br. 33. Based on this theory, they assert that the only appropriate remedy in this case would be to invalidate *all* of § 13-1, which, in Defendants’ view, would result in *lifetime* disenfranchisement of the millions of North Carolinians with felony convictions. SBOE Br. 16-17, 50. Defendants are wrong that enjoining all of § 13-1 would have this extreme consequence, but this Court need not reach the question because the challenged portions of § 13-1 are plainly severable.

“Generally speaking, when confronting a constitutional flaw in a statute,” courts should “limit the solution to the problem, severing any problematic portions while leaving the remainder intact.” *Free Enter. Fund v. Pub. Co. Accounting Oversight Bd.*, 561 U.S. 477, 508 (2010) (quotation marks omitted). Under North Carolina law, courts must sever where “the remaining provisions are operative and sufficient to accomplish their proper purpose.” *Fredell*, 283 N.C. at 245, 195 S.E.2d at 302; *accord Fulton Corp. v. Faulkner*, 345 N.C. 419, 422, 481 S.E.2d 8, 9 (1997) (“[I]f the separate parts of the statute are not so interrelated and mutually dependent that one part cannot be enforced without reference to another, the offending part must be severed and the rest of the statute enforced.”). Where this standard is met, a court must sever regardless of

² Another alternative option would be to enjoin everything in N.C.G.S. § 13-1 after “automatically restored,” such that voting rights are immediately restored to all persons convicted of felonies. This particular remedy is not necessary given the Court’s ability to enjoin only the statute’s withholding of rights from people on community supervision, but as between restoring voting rights to everyone or nobody, the African American legislators who led the 1970s amendments to § 13-1 plainly would have preferred the former.

whether the statute has a severability clause. *See, e.g., Hilton*, 2020 WL 2529538, at *2; *ACLU of N.C. v. Conti*, 835 F. Supp. 2d 51, 62 (E.D.N.C. 2011).

Here, if the Court enjoins the disenfranchisement of people on community supervision, N.C.G.S. § 13-1's denial of voting rights to people in prison can continue to operate as it always has. Disenfranchising people in prison is not "mutually dependent" on, or inextricably bound to, disenfranchising people on community supervision. *Fulton Corp.*, 345 N.C. at 422, 481 S.E.2d at 9. And it is plain that the General Assembly that enacted and amended § 13-1 would have wanted to deny voting rights to people in prison even if people on community supervision could vote. As described above, that was the original goal of the legislators who introduced the 1970s amendments. Conversely, even if it were permissible to permanently disenfranchise everyone with a felony conviction (and it is not), the General Assembly could not possibly have preferred such a draconian scheme to simply restoring rights for people on community supervision.

In short, this Court has ample authority and discretion to afford the relief that Plaintiffs seek. The Court should reject Defendants' efforts to elevate form over substance to deny relief to 60,000 members of North Carolina communities who are now locked out of democracy.

III. N.C.G.S. § 13-1's Disenfranchisement of People on Community Supervision Violates the North Carolina Constitution's Free Election Clause

Defendants do not dispute that N.C.G.S. § 13-1 prevents nearly 60,000 people living in North Carolina communities from voting. Nor do they deny that, in at least nine counties, more than 1% of the total voting-age population is disenfranchised by virtue of being on community supervision. Br. 25. And they do not deny that, in 19 counties, more than 2% of the African American voting-age population is on community supervision and thus cannot vote. *Id.* at 27.

What's more, Defendants do not contest that N.C.G.S. § 13-1's disenfranchisement of people on community supervision may have swung the outcome of numerous elections. *Id.* at

28-29. It is thus undisputed that the disenfranchisement of people on community supervision may frequently prevent the will of North Carolina communities from prevailing in elections.

Defendants’ attempts to preserve this undemocratic scheme rest on erroneous theories of the Free Elections Clause. State Board Defendants contend that a plaintiff may not challenge “the composition of the electorate” under the Free Elections Clause. SBOE Br. 20. But State Board Defendants’ own recounting of the Free Elections Clause’s history and purpose belies that assertion. As they explain, the free elections clause in the English Bill of Rights, on which North Carolina’s provision is modeled, was designed to address the King’s efforts to “manipulat[e] the composition of the electorate by expanding or shrinking the electorate.” *Id.* at 17 (quotation marks omitted). State Board Defendants’ suggestion that the Free Election Clause does not prohibit laws altering “the composition of the electorate” thus conflicts with its central purpose.

State Board Defendants’ reading of the Clause would also have startling consequences. In their view, *any* restriction on who constitutes a “qualified voter” would comply with the Free Elections Clause, because the Clause purportedly protects only “qualified voters.” SBOE Br. 20. State Board Defendants openly admit that, under this position, a statutory scheme that restored voting rights only to members of one “race, sex, or religion ... would *not* violate the Free Elections Clause.” *Id.* at 22 (emphasis added). That statement alone requires rejecting their view. Courts should not endorse any theory under which the Free Elections Clause would permit the General Assembly to disenfranchise all African Americans, all women, or all Muslims.³

State Board Defendants suggest that Plaintiffs are claiming a Free Election Clause right to vote for “*all* people living in North Carolina communities,” including “non-citizens, citizens

³ State Board Defendants assert that a law disenfranchising people with felony convictions based on race, gender, or religion “may” violate other constitutional provisions, and thus they contend that it would be “superfluous” if such a law violated the Free Elections Clause as well. SBOE 22. But of course statutes can and often do violate multiple constitutional provisions. *See, e.g., Common Cause v. Lewis*, 2019 WL 4569584 (N.C. Super. Sept. 3, 2019).

under 18 years of age, [and] persons who have not resided in the state for a sufficient period before the election.” SBOE Br. 20. That is incorrect. The Free Elections Clause prohibits the General Assembly from obstructing the will of the people who share an interest in the State’s welfare and “humane, economic, ideological, and political concerns,” and for whom no compelling government interest justifies their exclusion from the electorate. Br. 30-31 (quoting *Texfi Indus., Inc. v. City of Fayetteville*, 301 N.C. 1, 13, 269 S.E.2d 142, 150 (1980) and *Roberts v. Cannon*, 20 N.C. 398, 4 Dev. & Bat. (Orig. Ed.) 256, 260-61 (1839)). That does not include non-citizens, minors, and people who have not lived in the State for a month.

State Board Defendants argue that it is “doubtful” the Framers of the Free Elections Clause intended to promote the will of *all* members of the community because they excluded slaves, women, and non-property owners from the franchise. SBOE Br. 19. But the Free Elections Clause establishes the *principle* that elections must reflect the “will of the people,” even if its Framers held antiquated views about who constitutes “the people.” *Compare* U.S. Const., Preamble (“We the People ...”). Just as we now recognize that women and African Americans are part of “the people” who may express their will at the ballot box, it is time to recognize that so too are North Carolinians on community supervision.

Legislative Defendants argue that Plaintiffs’ Free Elections Clause claim fails because people on community supervision purportedly do not “enjoy the ... fundamental right to vote.” LD Br. 20. As explained *infra* pp. 18-19, their premise is wrong. But the question is of no moment here, because the Free Elections Clause protects not only the individual right of a voter to cast his or her ballot, but the *collective* right of the people to elections that properly reflect their will. State Board Defendants recognize this distinction, explaining that “the Free Elections Clause guarantees a different ‘fundamental’ right—to have elections conducted freely and

honestly to ascertain, fairly and truthfully, the will of the people.” SBOE Br. 23 (quotation marks omitted). For example, in *Common Cause v. Lewis*, the challenged redistricting plans did not prevent any individual person from voting, but the plans still violated the Free Elections Clause because they led to election results that did not reflect the collective will of the people. 2019 WL 4569584, at *108-12. The challenged disenfranchisement scheme here infringes the right shared by disenfranchised and non-disenfranchised people alike—including NC NAACP’s 20,000-plus members—to be governed by leaders chosen according to the will of the people.

Defendants do not deny that the right under the Free Elections Clause to elections reflecting the will of the people is a “fundamental right.” *Common Cause*, 2019 WL 4569584, at *110. Nor do they contest that, if disenfranchising people on community supervision infringes that collective right, strict scrutiny applies. And as described *infra* pp. 28-35, disenfranchising people on community supervision cannot satisfy strict scrutiny, or indeed any level of scrutiny.

IV. N.C.G.S. § 13-1’s Disenfranchisement of People on Community Supervision Violates the North Carolina Constitution’s Equal Protection Clause

A. The Law Imposes Classifications Depriving North Carolinians of the Fundamental Right to Substantially Equal Voting Power

Defendants acknowledge that classifications involving a “fundamental right” are subject to strict scrutiny under North Carolina’s Equal Protection Clause. SBOE Br. 24; LD Br. 29. But they ignore the fundamental right at the center of Plaintiffs’ equal protection claim—the fundamental right to “substantially equal voting power and substantially equal legislative representation,” which the North Carolina Supreme Court has held is a uniquely protected right under Article I, § 19. *Stephenson*, 355 N.C. at 382, 562 S.E.2d at 396. Heightened scrutiny applies under North Carolina’s Equal Protection Clause whenever a challenged statute draws a “distinction among similarly situated citizens” that deprives one group of citizens of substantially equal voting power relative to the other. *Stephenson*, 355 N.C. at 377-78, 562 S.E.2d at 393-94.

Neither set of Defendants addresses the equal protection right of similarly situated North Carolinians to “substantially equal voting power” anywhere in their briefs.

Defendants instead focus on whether each individual with a felony conviction maintains a “fundamental right to vote” as that phrase has been used in federal jurisprudence. SBOE Br. 24-26; LD Br. 20. But the right to substantially equal voting power under the North Carolina Constitution focuses on classifications that affect the *relative* voting power of similarly situated groups of citizens. Whether each individual in each group, standing alone, maintains a personal “fundamental right to vote” is not determinative. For instance, in *Blankenship*, an individual’s right to elect judges was *not* a fundamental right, but the Court still applied heightened scrutiny because the challenged judicial districts created a “disparity in voting power between similarly situated residents of Wake County.” 363 N.C. at 527, 681 S.E.2d at 766. And *King ex rel. Harvey-Barrow v. Beaufort County Board of Education*, 364 N.C. 368, 704 S.E.2d 259 (2010), though not a voting rights case, is also analogous. There, the Supreme Court held that even though a suspended student does not have a “fundamental right to alternative education ... under the state constitution,” heightened scrutiny still applied where the State provided alternative education to some suspended students but not others, because there is a constitutional right “to equal education access” across students. *King*, 364 N.C. at 373, 377, 704 S.E.2d at 261, 265.

A felony disenfranchisement statute like N.C.G.S. § 13-1 thus can impermissibly deprive similarly situated groups of substantially equal power regardless of whether each individual has a fundamental right to vote. If the General Assembly prescribed that only people with felony convictions over 50 years old can vote—or only those who were registered to vote before their conviction—heightened scrutiny would apply because the scheme affords differential voting power to similarly situated groups of people. N.C.G.S. § 13-1 creates such classifications as

well. The statute deprives substantially equal voting power to the group of people on community supervision relative to similarly situated groups of people, including those with felony convictions who have finished their community supervision. The people in both groups have felony convictions, both live and work in their communities after having been deemed by the State fit to return to society, but one group has voting power and the other has none. For this reason, the challenged law is subject to heightened scrutiny. *Stephenson*, 355 N.C. at 377-78, 562 S.E.2d at 393-94; *Blankenship*, 363 N.C. at 527-28, 681 S.E.2d at 766.

In any event, contrary to Defendants' position, individuals on community supervision do personally maintain a fundamental right to vote. Defendants assert that there is "no support or reasoning" for affording such individuals this fundamental right. SBOE Br. 26. Of course there is. "The right to vote is the right to participate in the decision-making process of government" among all those "sharing an identity with the broader humane, economic, ideological, and political concerns of the human body politic." *Texfi Indus.*, 301 N.C. at 13, 269 S.E.2d at 150. People on community supervision share the same concerns as everyone else living in their communities. These individuals are our neighbors, our friends, our family members, our co-workers, members of our churches. As State Board Defendants recognize, people on community supervision "are subject to the laws enacted and enforced within our communities." SBOE Br. 32. North Carolinians on community supervision thus share in the State's "public burthens" and "feel an interest in its welfare." *Roberts*, 4 Dev. & Bat. (Orig. Ed.) at 260-61.

Defendants argue that "the U.S. Supreme Court" and "federal appellate courts" have held that "the right to vote by people who have been convicted of felonies is not fundamental" under the U.S. Constitution. SBOE Br. 24-25 (collecting cases). But as this Court reaffirmed last year, it is "beyond dispute" that "North Carolina's Equal Protection Clause provides greater protection

for voting rights than federal equal protection provisions.” *Common Cause*, 2019 WL 4569584, at *113 (citing cases). Simply put, this Court need not follow federal precedent refusing to recognize a fundamental federal right to vote for people with felony convictions.

It does not matter that the U.S. Constitution “implicitly” authorizes States to “exclu[de] felons from the vote,” barring Fourteenth Amendment challenges to disenfranchisement laws. SBOE Br. 24 (quoting *Richardson v. Ramirez*, 418 U.S. 24, 54 (1974)). The U.S. Constitution *explicitly* authorizes States to draw congressional districts, U.S. Const., art. I, § 4, cl. 1, and the U.S. Supreme Court has held that challenges to States’ redistricting plans are not even cognizable under the Fourteenth Amendment, *Rucho v. Common Cause*, 139 S. Ct. 2484, 2507-08 (2019). Nevertheless, a three-judge panel of this Court held last year that North Carolina’s congressional redistricting plan violated North Carolina’s Equal Protection Clause, and enjoined the plan. Order on Inj. Relief, *Harper v. Lewis*, CVS 012667 (N.C. Super. Oct. 28, 2019). The U.S. Constitution’s explicit delegation of power to the state legislature to draw the congressional plan did not insulate it from judicial review under North Carolina’s Equal Protection Clause. The same is true with respect to this Court’s review of N.C.G.S. § 13-1.

Nor does it matter that the North Carolina Constitution authorizes the General Assembly to regulate felony disenfranchisement. SBOE Br. 26. *Holmes* is again instructive. Even though the North Carolina Constitution states that people must have photo ID to vote in person, the Court of Appeals held that the statute restricted “fundamental voting rights” of people who lack photo ID. *Holmes*, 840 S.E.2d at 266. In other words, even though the North Carolina Constitution permits the General Assembly to prevent people without a qualifying photo ID from voting, those people still possess the fundamental right to vote. The same is true with respect to people living in North Carolina’s communities on supervision following a felony conviction.

B. The Law Has the Impermissible Intent and Effect of Disproportionately Disenfranchising African Americans

As Defendants acknowledge, regardless of whether a fundamental right is at stake, strict scrutiny independently applies when a classification “disadvantage[s] ... a suspect class.” SBOE Br. 24 (quoting *Liebes v. Guilford Cty. Dep’t of Pub. Health*, 213 N.C. App. 426, 428-29, 713 S.E.2d 546, 549 (2011)); *see also* LD Br. 24. Race is a suspect class, and thus if N.C.G.S. § 13-1 intentionally discriminates against African Americans, strict scrutiny applies.

Under North Carolina’s Equal Protection Clause, “[w]hen considering whether discriminatory intent motivates a facially neutral law, a court must undertake a ‘sensitive inquiry into such circumstantial and direct evidence of intent as may be available.’” *Holmes*, 840 S.E.2d at 254 (quoting *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 266 (1977)). “Challengers need not show that discriminatory purpose was the ‘sole’ or even a ‘primary’ motive for the legislation, just that it was ‘a motivating factor.’” *Id.* at 254-55 (quoting same) (cleaned up). “Discriminatory purpose ‘may often be inferred from the totality of the relevant facts, including the fact, if it is true, that the law bears more heavily on one race than another.’” *Id.* at 255 (quoting same). Relevant circumstances include: (1) “the historical background of the challenged [policy]”; (2) “the specific sequence of events leading up to the challenged [policy]”; (3) “departures from normal procedural sequence”; (4) “the legislative history of the decision”; and (5) “of course, the disproportionate impact of the official action—whether it bears more heavily on one race than another.” *Id.* (citation and internal quotation marks omitted).

Starting with the final factor, the law here disproportionately disenfranchises African Americans in the extreme. As detailed in Plaintiffs’ opening brief, African Americans comprise 21.51% of the voting-age population in North Carolina, but 42.43% of those disenfranchised while on community supervision. Br. 44-45. State Board Defendants admit that “there are racial

disparities in the population of North Carolinians who are serving probation or parole sentences or who are under post-release supervision for a felony conviction.” SBOE Br. 34.

Nevertheless, relying on Legislative Defendants’ expert Dr. Callanan, Defendants contend that “it is not North Carolina’s policy of re-enfranchisement that leads to disproportionate exclusion from the franchise among certain voters in North Carolina; instead, it is the outcomes arising out of the criminal justice system that lead to such disproportionate representation.” SBOE Br. 34; *see* LD Br. 19 (similar). Setting aside that Dr. Callanan’s report and testimony should be excluded under Rule 702, the Court should reject his profoundly flawed view that African Americans are “not disenfranchised at disproportionately high rates in North Carolina” because the “racial ... disparities in disenfranchisement are simply a function of the racial ... composition of the felon population in North Carolina.” Callanan Report at 2-3. Under this circular analysis, no facially race-neutral law could *ever* have a racially disparate impact. A literacy test could be upheld on the theory that it disenfranchised “100% of [individuals] of every race” who could not pass the test. That is not how disparate impact analysis works. *See Holmes*, 840 S.E.2d at 262. The General Assembly has enacted a law disenfranchising people on community supervision, and that law disproportionately disenfranchises African Americans. That is quintessential disparate impact. *See, e.g., Hunter v. Underwood*, 471 U.S. 222, 227 (1985) (describing disparate impact of facially neutral felony disenfranchisement law).

Other *Arlington Heights* factors confirm the challenged law’s intent to disenfranchise African Americans. First, the “historical background” of this law centers on violent white supremacy and a racist aim to prevent African Americans from voting. There is no dispute that this law is part of an extensive “historical pattern of laws” targeting African Americans’ voting rights. *Holmes*, 840 S.E.2d at 257; *see, e.g., Br. 9*. State Board Defendants admit that “North

Carolina’s history with racial discrimination, particularly in voting, is well documented.” SBOE Br. 36. And the specific history of using criminal convictions to disenfranchise North Carolinians is unequivocally and unabashedly racist. *See supra* pp. 2-5; Br. 4-12.

Seeking to paper over this law’s grounding in white supremacy, Defendants contend that the legislative changes in 1971 and 1973 were not racist. SBOE Br. 35; LD Br. 15-18. But history did not begin in the 1970s. The policy of disenfranchising people with felony convictions who are not incarcerated was adopted in the 1870s, not the 1970s. *See supra* pp. 2-3.

Second, “the specific sequence of events leading up to the challenged [policy]” includes the racist expansion of criminal disenfranchisement to prevent African Americans from voting after the Civil War. This white supremacist campaign began with the systematic whipping of African Americans in the 1860s to render them “infamous” and thus unable to vote. Then came the enactment of a constitutional amendment expanding disenfranchisement to all felonies. Such disenfranchisement was then implemented via enactment of a statutory scheme in 1877.

Finally, “legislative history” reinforces the law’s discriminatory intent. Defendants analyze the statutory scheme as if it was first adopted in 1971. SBOE Br. 34-35; LD Br. 16. It was not. The legislative history is that proud proponents of Jim Crow led the 1877 enactment of the statutory scheme that carries forward to this day in critical respects, including by prolonging disenfranchisement for non-incarcerated individuals. As explained, African American legislators who led the 1970s amendments wanted to eliminate this aspect of the statutory scheme, but they were unable to. *See supra* pp. 3-5. Just as with the felony disenfranchisement law in *Hunter v. Underwood*, changes to the statute “occurring in the succeeding ... years” since its enactment do not wipe out the law’s original intent. 471 U.S. at 232-33. Regardless of whether N.C.G.S. § 13-1 “would be valid if enacted today without any impermissible motivation, ... its original

enactment was motivated by a desire to discriminate against blacks on account of race and the section continues to this day to have that effect.” *Id.* at 233; *see also Ramos v. Louisiana*, 140 S. Ct. 1390, 1410 (2020) (Sotomayor, J., concurring) (“[W]here a legislature actually confronts a law’s tawdry past in reenacting it[,] the new law may well be free of discriminatory taint,” but “[t]hat cannot be said of the laws at issue here.”).

If the Court concludes that this law “was likely motivated by discriminatory intent, the burden shifts to Defendants ‘to demonstrate that the law would have been enacted without this factor.’” *Holmes*, 840 S.E.2d at 264-65 (quoting *North Carolina State Conference of NAACP v. McCrory*, 831 F.3d 204, 221 (4th Cir. 2016)). But neither State Board Defendants nor Legislative Defendants even attempt to argue that they could carry this burden. For good reason. It is apparent that North Carolina’s statutory disenfranchisement of people convicted of all felonies even while they live in the community would never have come to pass but-for an explicitly racist effort to prevent African Americans from voting. Thus, Plaintiffs’ showing of discriminatory intent under the *Arlington Heights* factors is dispositive.

C. The Law Imposes an Impermissible Wealth-Based Classification

N.C.G.S. § 13-1 also triggers strict scrutiny under the Equal Protection Clause because, in denying voting rights to some individuals based solely on their failure to pay financial obligations accompanying a conviction, the statute creates a wealth-based classification that denies substantially equal voting power to poor persons. Br. 46-48.

Defendants assert that N.C.G.S. § 13-1 does not facially impose a classification “on the basis of wealth.” SBOE Br. 39; *see* LD Br. 26-27. But on its face, § 13-1 requires a person to obtain an “unconditional discharge” before the person can vote, and failing to pay financial obligations is a basis on which a person may be denied an “unconditional discharge.” As between two identically situated probationers who owe the same amount of money, the one who

can afford to pay will receive an unconditional discharge while the one without sufficient means may not. That is a wealth-based classification, plain and simple.

Defendants stress that North Carolina law merely “authorizes, but does not require, a court to extend the period of probation,” and thus “the period of probation is not necessarily extended for a failure to pay such a financial obligation.” SBOE Br. 40. But by default under North Carolina law, every probationer owes some form of financial obligation, and the only way for a probationer to *ensure* that his or her probation is not extended is to pay those obligations. It does not matter whether “every person who has an outstanding financial obligation will have their supervision period extended,” as Defendants contend. *Id.* What matters is that every probationer *could* have their supervision extended based on unpaid financial obligations, and thus every probationer must pay those obligations to ensure they regain the right to vote.

State Board Defendants contend that Plaintiffs should have brought “an as-applied challenge” solely on behalf of “indigent people who are, in fact, precluded from re-enfranchisement based on their inability to pay court fees, costs, and restitution.” SBOE Br. 41. But nothing required Plaintiffs to bring such an as-applied claim or to limit the relief they seek only to “indigent people” who are unable to pay their financial obligations.

A law is facially invalid under equal protection principles “whenever it makes the affluence of the voter *or payment of any fee* an electoral standard.” *Harper v. Virginia Bd. of Elections*, 383 U.S. 663, 666 (1966) (emphasis added). In *Harper*, the U.S. Supreme Court *facially* invalidated Virginia’s poll tax of \$1.50. The law was invalid as to *all* citizens, the Court explained, regardless of “whether the citizen . . . has \$1.50 in his pocket or nothing at all, pays the fee or fails to pay it.” *Id.* at 668. The Court explained that “a system which excludes those unable to pay a fee to vote or who fail to pay” is facially unconstitutionally because it makes

wealth a condition of voting for everyone, including those with means. *Id.* Thus, while State Board Defendants emphasize that “the actual plaintiffs” in *Harper* were unable to pay the poll tax, SBOE Br. 41, the Supreme Court struck down the poll tax in its entirety, not only as to the actual plaintiffs. Under Defendants’ view, states might permissibly impose a poll tax on people able to pay it. That is plainly not the law. Like the poll tax in *Harper*, N.C.G.S. § 13-1’s requirement that every probationer pay financial obligations to ensure their rights are restored is facially invalid as to all probationers, not only those who are unable to pay or who do not pay.

Defendants point out that North Carolina “generally authorize[s]” courts to consider a person’s ability to pay in deciding whether to waive financial obligations accompanying a conviction. LD Br. 8, 27. But according to the North Carolina Administrative Office of Courts’ 2019 Report on Criminal Cost Waivers, courts waived such financial obligations last year in only a miniscule fraction of cases. Statewide, financial obligations were “Waived” in 28,036 cases, “Partially Waived” in 392 cases, and “Not Waived” in 848,375 cases. *See* 8/17/20 Decl. of Daniel F. Jacobson (“Jacobson Reply Decl.”), Ex. 9 at 9. Such an insignificant waiver rate hardly reduces the burden on North Carolinians forced to pay financial obligations to vote.

State Board Defendants dispute that N.C.G.S. § 13-1 was “intentionally designed to prevent low-wealth people who had completed their felony sentences from voting.” SBOE Br. 42. Plaintiffs cited evidence of intentional wealth-based discrimination, Br. 48, but it is irrelevant because wealth discrimination claims have no intent requirement. Br. 47-48 (citing cases). Defendants do not dispute that legal contention, waiving any argument to the contrary.

V. N.C.G.S. § 13-1’s Disenfranchisement of People on Community Supervision Violates the North Carolina Constitution’s Freedom of Speech and Assembly Clauses

Defendants do not deny that voting is core political expression protected by North Carolina’s Freedom of Speech Clause. Br. 49. Nor do they deny that registering to vote with a

political party is a form of political association protected by the Freedom of Assembly Clause. *Id.* at 50. And they do not deny that N.C.G.S. § 13-1 bans people on community supervision from engaging in such political expression and association. SBOE Br. 43-45; LD Br. 29-30.

To justify depriving North Carolinians on community supervision of these rights, Defendants repeat their argument that these individuals purportedly do not have a “fundamental right to vote.” LD Br. 29; SBOE Br. 43-44. But none of the out-of-state cases Defendants rely upon for that proposition, *e.g.*, SBOE Br. 25, address the speech or associational components of voting and registering to vote. They cite no support for the notion that people on community supervision somehow enjoy lesser speech and association rights than everyone else in society.

State Board Defendants assert that N.C.G.S. § 13-1 does not discriminate against speech based on its content or viewpoint. SBOE Br. 45. But this law is content-based because it restricts speech based on its “subject matter”—namely, supporting a candidate in an election. *Barr v. Am. Ass’n of Political Consultants*, 140 S. Ct. 2335, 2346 (2020). In any event, free speech rights guard against more than just content and viewpoint discrimination. The State also cannot ban speech based on “the identity of the speaker,” *Sorrell v. IMS Health Inc.*, 564 U.S. 552, 567 (2011), and that is precisely what N.C.G.S. § 13-1 does.⁴

VI. N.C.G.S. § 13-1’s Disenfranchisement of People on Community Supervision Violates the North Carolina Constitution’s Ban on Property Qualifications

Defendants do not deny that money is property subject to Article I, § 11’s ban on property qualifications. SBOE Br. 45-48; LD Br. 30-31. Nor could they. The Supreme Court

⁴ State Board Defendants assert that they are not aware of any court “that has recognized a free speech or assembly claim for the denial of the franchise to individuals who are not guaranteed voting rights under the state constitution.” SBOE Br. 44. But *Hand v. Scott*, 285 F. Supp. 3d 1289 (N.D. Fla. 2018), held that “voting is . . . a form of speech,” that people with felony convictions maintain “the right to free association and expression,” and that Florida’s statutory scheme violated those people’s free speech and association rights. *Id.* at 1295, 1298-99 (quotation marks omitted). The district court’s decision was stayed (over a dissent) and ultimately vacated on mootness grounds due to the passage of Florida’s constitutional amendment on felony disenfranchisement.

has held that “property” under this Clause is “not confined to tangible property,” but rather “[i]n its most general sense” “embraces every thing which a man may have exclusive dominion over,” including financial assets. *Wilson v. City of Charlotte*, 74 N.C. 748, 755-56 (1876).

State Board Defendants also “do not dispute that it may be an unconstitutional property qualification to require a person convicted of a felony to pay money ... as a necessary condition to regaining the franchise.” SBOE Br. 47. But Defendants insist that N.C.G.S. § 13-1 does not violate the Ban on Property Qualifications Clause because the statute purportedly “does not speak to financial obligations.” SBOE Br. 46; *see* LD Br. 30-31. State Board Defendants assert that it is “other statutes” that impose “costs, fees, and restitution” as conditions of probation and permit courts to extend probation for failure to pay such financial obligations. SBOE Br. 47.

This argument mischaracterizes Plaintiffs’ claims. Plaintiffs do not challenge the constitutionality of the statutes requiring payment of financial obligations as conditions of community supervision, nor do Plaintiffs challenge the State’s ability to extend probation for failure to pay such obligations. Plaintiffs instead challenge the North Carolina law that ties voting-rights restoration to the payment of financial obligations. It is N.C.G.S. § 13-1, not any other statute, that bars individuals from voting when they have failed to receive an “unconditional discharge” from community supervision because of their failure to pay money.

Defendants argue that Plaintiffs have not identified specific individuals on extended probation for failure to pay financial obligations. SBOE Br. 48; LD Br. 31. That is both incorrect and irrelevant. It is incorrect because Plaintiff Henry Harrison attested that he has had probation extended previously for failure to pay. Jacobson Decl., Ex. C (“Harrison Decl.”) ¶ 10. And Defendants have not contested the organizational Plaintiffs’ standing based on their diversion of resources to educate people about the need to pay financial obligations to regain

voting rights. *E.g.*, Jacobson Decl., Ex. F (“Powell Aff.”) ¶¶ 20-21; *id.*, Ex. H (“NAACP Decl.”) ¶ 26. In any event, Defendants’ assertion is irrelevant because a statute imposing a property qualification to vote is facially unconstitutional as to everyone, including people who meet the qualification. If a statute provided that only people who own 10 acres of land can vote, it would facially violate the Ban on Property Qualifications Clause as to everyone, including people who own 10 acres of land. *See Harper*, 383 U.S. at 665 (facially invalidating poll tax as to everyone).

N.C.G.S. § 13-1’s violation of the Ban on Property Qualifications Clause may be particularly injurious for people living in North Carolina with out-of-state convictions. A person convicted in another state may not vote until he or she receives an “unconditional discharge ... by the agency of that state having jurisdiction of such person.” N.C.G.S. § 13-1(5). In some states, people with felony convictions cannot obtain an “unconditional discharge” until they pay their financial obligations. For instance, in Kentucky, “the parole for a person owing restitution shall be until the restitution is paid in full, even if this would lengthen the period of supervision beyond the statutory limit of parole supervision or the statutory limit for serving out the sentence imposed.” Ky. Rev. Stat. 439.563(5). Accordingly, for any person living in North Carolina who was convicted of a felony in Kentucky or another state with a similar regime, having enough money to pay their financial obligations is an absolute precondition to voting.⁵

VII. N.C.G.S. § 13-1’s Disenfranchisement of People on Community Supervision Does Not Serve Any Adequate Government Interest

For each of Plaintiffs’ claims except the Ban on Property Qualifications Clause—which imposes an absolute prohibition that no government interest can override—strict scrutiny applies

⁵ Kentucky’s Governor recently issued an Executive Order allowing people with felony convictions to vote even if they still owe restitution or other financial obligations, if they have finished their other terms of parole. https://governor.ky.gov/attachments/20191212_Executive-Order_2019-003.pdf. Thus, a person convicted in Kentucky who has finished all terms of parole except restitution could vote in *Kentucky* elections. But if the person lives in *North Carolina*, he or she could not vote here based on the lack of an “unconditional discharge” from parole.

for the reasons explained above. Defendants do not even attempt to argue that the challenged disenfranchisement scheme could satisfy strict scrutiny, and that is conclusive.

But as discussed above, the Court at a minimum should apply intermediate scrutiny. The Supreme Court has repeatedly applied intermediate scrutiny where the government's discretion to regulate in a particular field had to be balanced against other constitutional protections. In *King*, the Supreme Court recognized the deference owed to a school board's "judgments regarding the provision of alternative education," but held that "[r]ational basis review ... does not adequately protect student[s]" in light of the "state constitutional rights to equal educational access and a sound basic education." 364 N.C. at 372-77, 704 S.E.2d at 262-65. The Court applied intermediate scrutiny "to harmonize the rational basis test employed in school discipline cases with the strict scrutiny analysis that formed a part of this Court's constitutional holding in school funding cases." *Id.* The Supreme Court likewise applied intermediate scrutiny in *Blankenship* to balance the constitutional "province of the legislature" to create a "convenient number" of judicial districts with the separate equal protections right of North Carolinians to substantially equal voting power. *Blankenship*, 363 N.C. 523-27, 681 S.E.2d 763-76. Under intermediate scrutiny, the government must show that the challenged law "advance[s] important government interests" and is not more restrictive "than necessary to further those interests." *Id.*

Here, Defendants cannot show that N.C.G.S. 13-1's disenfranchisement of people on community supervision advances any "important," much less "compelling," government interest. Indeed, Defendants have not shown that the challenged aspects of N.C.G.S. 13-1 advance any legitimate government interest at all, and thus the scheme is invalid under any level of constitutional scrutiny. Defendants have presented no *evidence* whatsoever—none—that disenfranchising people on community supervision serves *any* valid state interest today.

Importantly, to defend the law’s constitutionality here, Defendants must show not just that the law served some supposed government interests when it was amended nearly 50 years ago, but instead that the law adequately serves government interests *today*. See *Shelby Cty. v. Holder*, 570 U.S. 529, 550-56 (2013). As the U.S. Supreme Court has explained, a “classification must substantially serve an important governmental interest *today*, for ... ‘new insights and societal understandings can reveal unjustified inequality that once passed unnoticed and unchallenged.’” *Sessions v. Morales-Santana*, 137 S. Ct. 1678, 1690 (2017) (quoting *Obergefell v. Hodges*, 135 S. Ct. 2584, 2603 (2015)) (emphasis by Supreme Court)).

State Board Defendants focus primarily on the state interests served in the 1970s by certain changes to the law adopted then—changes that Plaintiffs do not challenge in this case. See SBOE Br. 29-31 (“Fourth” through “Seventh” interests). For instance, State Board Defendants describe the benefits of making rights restoration automatic rather than requiring a petition to a judge or other tribunal, but Plaintiffs do not challenge the part of N.C.G.S. § 13-1 that makes rights restoration “automatic.” Plaintiffs challenge other parts of the law, and State Board Defendants must establish that those parts of the law serve government interests today.

The relevant inquiry, moreover, is not to compare the current version of the law to prior versions and evaluate which is better; the question is whether the ongoing enforcement of the challenged parts of the statute serves adequate government interests that would be lost if those parts were enjoined. If a single statute imposing both a poll tax and a literacy test were amended to remove the literacy test, the remaining poll tax could not be sustained on the ground that the amendment “expand[ed] the opportunities ... to vote.” SBOE Br. 29. The question would be whether the poll tax served government interests, which it would not. The same is true here.

Other than invoking Article VI—which *Holmes* establishes is insufficient, Br. 31-32—State Board Defendants put forward just two government interests in their brief relating to the aspect of the law that Plaintiffs do challenge, but those interests were *not* identified in discovery and thus cannot be relied upon now. In particular, State Board Defendants assert that people on community supervision “have forgone their opportunity to elect the officials who are responsible for enacting and enforcing the laws,” and that the State has an interest in conditioning restoration “on some showing of rehabilitation.” SBOE Br. 28. State Board Defendants did not list these interests in response to Plaintiffs’ interrogatory asking them to identify any government interest supporting the law. *See* Jacobson Decl., Ex. I. It would be manifestly unfair to permit State Board Defendants to rely on such undisclosed interests now when Plaintiffs did not have the opportunity to examine the Board’s 30(b)(6) representative about them. The prejudice is particularly great because, as explained below, at deposition the Board’s representative disclaimed any reliance on the interests that *were* listed in their interrogatory response.

Even setting aside the failure to disclose these purported interests, they do not remotely justify the law. The first rationale, which seems to be grounded in social contract theory, is inconsistent with N.C.G.S. § 13-1 itself and this State’s entire history of felony disenfranchisement. North Carolina has never *permanently* disenfranchised people with felony convictions. By its own terms, N.C.G.S. § 13-1 does not adhere to a notion that people with felony convictions have “foregone altogether” the ability to vote. SBOE Br. 28. Legislative Defendants’ own expert also admitted that there is no evidence that North Carolina’s disenfranchisement scheme was enacted based on principles of social contract theory. Callanan Dep. 264:5-14. This State’s disenfranchisement law traces its origins to white supremacy in the post-Civil War American South—not ancient “Roman and English law.” SBOE Br. 28.

As for State Board Defendants' other newly disclosed interest, people released from incarceration have already made "some showing of rehabilitation." SBOE Br. 28. That is why they are permitted to live in communities across the State. State Board Defendants offer no explanation why that is not so. If anything, the record shows that disenfranchisement stigmatizes people with felony convictions, thus hindering their reintegration. Burch Report at 40-42.

As to the purported interests disclosed in State Board Defendants' interrogatory response, the State Board's Executive Director testified at deposition that the State Board is *not* asserting those interests to justify enforcing the challenged law today. For five of the six interests set forth in the interrogatory response, the Executive Director testified that the State Board is not asserting that disenfranchising people on probation, parole, or post-release supervision serves these interests as a factual matter in the present day, and she admitted that the State Board has no evidence that disenfranchising such people advances any of these interests. *See* Jacobson Reply Decl., Ex. 1 ("Bell Dep.") at 179:4-204:15. For the remaining interest that Plaintiffs could ask about—that the law purportedly ensures people satisfy their obligations before their rights are restored—the Executive Director interpreted that to mean only that the State Board has an obligation to comply with N.C.G.S § 13-1 as currently written, which obviously is not a government interest supporting the statute itself. *Id.* at 206:11-19.

For their part, Legislative Defendants merely provide a list of bullet points—largely copied-pasted from their interrogatory response—listing ten interests that the statute purportedly serves.⁶ LD Br. 23. Legislative Defendants offer no evidence or explanation for how disenfranchising people on community supervision serves any of those interests. Merely pasting a list of purported interests into a brief with no elaboration cannot satisfy any level of scrutiny.

⁶ There are some differences between the interests listed in Legislative Defendants' brief and their interrogatory response. Legislative Defendants may not rely on any aspects of the interests in their brief that are different.

Further, the record shows that disenfranchising people on community supervision in fact undermines the interests that Defendants put forward. For instance, the challenged scheme does the opposite of “simplifying the administration of the process,” “avoiding confusion” among people with felony convictions, and “streamlining and promoting voter registration and electoral participation among North Carolinians convicted of felonies.” The State Board uses a data-matching process to identify people convicted of felonies in North Carolina state court who are registered voters, and these individuals’ registrations are then canceled. But the State Board’s Executive Director admitted that, based on audit data from a related matching process, roughly 20% of the hits through this data matching may be false positives, meaning that a very sizeable number of people may have their registrations canceled erroneously. Bell Dep. at 78:2-82:14.

The State’s tracking and notification procedures are also a mess. When the State Board identifies a registered voter who has been convicted of a felony through its data matching, the relevant county board of elections sends the voter a letter stating that they are no longer eligible to vote. Jacobson Reply Decl., Ex. 2 at 4; Bell Dep. at 34:6-40:15. But neither the county board nor the State Board sends the voter a new notification once they are *re-eligible* to vote after completing their community supervision—even though the State Board receives lists from DPS of individuals who have completed their sentences. Bell Dep. at 41:16-47:4.

The situation is even worse for people convicted of felonies in federal court. The U.S. Attorneys’ offices inform the State Board when people are convicted of federal felonies, and county boards then notify those people that they cannot vote and cancels their registrations. Jacobson Reply Decl., Ex. 3; Bell Dep. at 53:9-55:3. But federal officials never notify the State Board or county boards when people finish their federal sentences. The boards’ databases thus continue to show that people convicted of federal felonies are ineligible to vote even after their

rights are restored. Bell Dep. at 55:10-25, 62:25-63:5. Moreover, the State Board has no idea whether federal probation officers or anyone else ever tell people that upon completing their federal community supervision their voting rights are restored. *Id.* at 65:8-66:3. Worse yet, the State Board maintains no information about people living in North Carolina after a felony conviction in another state. *Id.* at 67:13-70:15. As a result, nobody tells these people that they are ineligible to vote or that they can vote once they receive an unconditional discharge. *Id.*

The disenfranchisement of people on community supervision fosters confusion on the State Board's forms as well. At the time of the Executive Director's deposition, all of the State Board's forms—including the voter registration form and the application for one-stop voting—told applicants that they could not vote if they were on “probation or parole,” but the forms did not mention post-release supervision. Jacobson Reply Decl., Exs. 4, 5; Bell Dep. at 83:5-97:19, 112:11-113:4.⁷ The State Board's educational materials for people with criminal convictions, and its training manuals for poll workers, likewise omit post-release supervision. Jacobson Reply Decl., Exs. 6, 7; Bell Dep. at 98:18-109:21. People on post-release supervision reading these materials accordingly may mistakenly believe that they are eligible to vote, and they could then be prosecuted for a serious crime if they do. Bell Dep. at 105:13-106:5.

Beyond these problems, disenfranchising people on community supervision inherently leads to confusion. Many people intuitively believe that they can vote once released from prison. Powerful evidence on this score can be found in an affidavit by Anthony Haith, one of the “Alamance 12,” included with the North Carolina Justice Center's amicus brief. Many North Carolinians are also uncertain whether they have received an “unconditional discharge” if they have not paid off all of their financial obligations. Powell Aff. ¶ 20. This confusion, in

⁷ Since the deposition, the State Board amended the voter registration form to mention post-release supervision, but Ms. Bell indicated that the Board's other forms and materials may not be similarly changed. Bell Dep. at 97:5-18.

conjunction with recent high-profile prosecutions of people for voting while on community supervision, deters people with felony convictions from voting even once they are eligible—particularly in the African American community. *Id.* ¶ 21. A simple rule that people can vote if they are not incarcerated would eliminate all of this confusion and fear.

In short, the mass disenfranchisement of people on community supervision causes immense harm, and Defendants produced zero evidence that it serves any counterbalancing state interest. The scheme thus fails strict scrutiny or any other level of review. *See, e.g., Romer v. Evans*, 517 U.S. 620, 635 (1996) (striking down statute under rational basis review where “[t]he breadth of the [law] is so far removed from the[] particular justifications” offered for it).

Defendants assert that the “reasonableness” of disenfranchising people on community supervision is “confirmed by the fact that 31 other states draw the same distinction among people living in their communities.” SBOE Br. 31. As of 1948, 39 states including North Carolina banned interracial marriage. Jacobson Reply Decl., Ex. 8 (“Barber Dep.”) at 58-59. It wasn’t reasonable. Before the Nineteenth Amendment, 33 states including North Carolina had laws restricting women from voting. *Id.* at 56-57. It wasn’t reasonable. As of 1923, 45 states including North Carolina had a poll tax. *Id.* at 54-56. It wasn’t reasonable. As of 1965, half of the states including North Carolina required a literacy test for voting. *Id.* at 57-58. It wasn’t reasonable. There is no “everyone else is doing it” defense to unconstitutional discrimination.

VIII. The Court Should Enter a Preliminary Injunction If It Does Not Grant Judgment

While summary judgment is warranted for the reasons set forth above, at a minimum the Court should enter a preliminary injunction for the November 2020 elections.⁸ Defendants do not even attempt to refute the irreparable harm to the nearly 60,000 people who will be prevented

⁸ Because Defendants have not cross-moved for summary judgment, a trial would be necessary if the Court does not grant Plaintiffs’ motion for summary judgment.

from voting—and their surrounding communities—if they are unable to vote this year. Br. 54-57. Legislative Defendants do not discuss the equities or public interest at all. LD Br. 35. State Board Defendants avoid addressing the severe injuries that will befall tens of thousands of North Carolinians by hiding behind the broken premise that this Court would have to disenfranchise all people with felony convictions as the only available remedy. SBOE Br. 50. That is not the only equitable remedy this Court can order, as previously explained. *See supra* pp. 8-12.

Rather than address the equities or public interest, Defendants assert that a preliminary injunction here would not maintain the “status quo.” LD Br. 35; SBOE Br. 49. Even if Defendants were correct that North Carolina law permits preliminary injunctions only to restore a “status quo” (and they are not), that requirement would be met here. “[T]here is no particular magic in the phrase ‘status quo,’” *Ga. State Conf. of the NAACP v. Fayette County Bd. of Commr’s*, 118 F. Supp. 3d 1338, 1349 (N.D. Ga. 2015) (quotation marks omitted), but generally in the injunction context, the term means “the last uncontested status between the parties which preceded the controversy,” *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 236 (4th Cir. 2014) (quotation marks omitted). Here, the “last uncontested status” between the parties is before North Carolina ever passed legislation disenfranchising people with felony convictions who are not incarcerated, and Plaintiffs seek to return to that status. *See, e.g.*, Order on Inj. Relief at 12, *Harper v. Lewis*, 19 CVS 012667 (N.C. Super. Oct. 28, 2019).

In any event, North Carolina courts may alter the status quo through mandatory, as opposed to prohibitory, preliminary injunctions. *Roberts v. Madison Cty. Realtors Ass’n*, 344 N.C. 394, 400, 474 S.E.2d 783, 788 (1996); *League of Women Voters of N.C.*, 769 F.3d at 236 (“mandatory injunctions alter the status quo”). In *Lloyd v. Babb*, 296 N.C. 416, 430, 251 S.E.2d 843, 853 (1979), the trial court entered a preliminary injunction requiring a county board of

elections to take new measures when registering college students to vote. The Supreme Court held that “[t]his order amounts to a preliminary mandatory injunction,” and “[o]ur courts have power to enter such an order, provided it is supported by the evidence.” *Id.* (cleaned up). This Court has authority to enter a preliminary injunction that affirmatively orders the State Board to process registrations by people on community supervision and to allow them to vote.

Furthermore, irrespective of the status quo, the Supreme Court has held that a preliminary injunction may issue “where the primary ultimate remedy sought is an injunction; where the denial of a preliminary injunction would serve effectively to foreclose adequate relief to plaintiff; where no ‘legal’ (as opposed to equitable) remedy will suffice; and where the decision to grant or deny a preliminary injunction in effect results in a determination on the merits, [and] plaintiff has made a showing that the issuance of a preliminary injunction is necessary for the protection of its rights.” *A.E.P. Industries, Inc. v. McClure*, 308 N.C. 393, 410, 302 S.E.2d 754, 764 (1983). All of these criteria are met here. Plaintiffs ultimately seek a permanent injunction; the decision to grant a preliminary injunction will turn on the merits; and an injunction is necessary to protect Plaintiffs and their members’ right to vote in the November 2020 elections.

Ultimately, Defendants’ position elevates form over substance, ignoring the maxim that a preliminary injunction is “equitable in nature.” *A.E.P.*, 308 N.C. at 406, 302 S.E.2d at 762. If ever there were a case where the equities demanded an injunction, it is this one.

CONCLUSION

For the foregoing reasons, the Court should grant summary judgment in favor of Plaintiffs, or alternatively a preliminary injunction.

Respectfully submitted this the 17th day of August, 2020.

FORWARD JUSTICE

/s/ Daryl Atkinson

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing to counsel for Defendants via *e-mail*, addressed to the following persons at the following addresses which are the last addresses known to me:

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Counsel for State Board Defendants

This the 17th day of August, 2020.

/s/Daryl Atkinson
Daryl Atkinson (NC Bar # 39030)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
No. 19-cv-15941

COMMUNITY SUCCESS INITIATIVE, *et al.*,

Plaintiffs,

v.

TIMOTHY K. MOORE, IN HIS OFFICIAL CAPACITY AS
SPEAKER OF THE NORTH CAROLINA HOUSE OF
REPRESENTATIVES, *et al.*,

Defendants.

**DECLARATION OF
DANIEL F. JACOBSON**

I, Daniel F. Jacobson, declare and say as follows:

1. I am over the age of eighteen (18) and competent to testify as to the matters set forth herein.
2. I am a senior associate with the law firm Arnold & Porter Kaye Scholer LLP and one of the attorneys representing Plaintiffs in this case.
3. I submit this affidavit in support of Plaintiffs' Reply Brief in Support of Motion for Summary Judgment or in the Alternative a Preliminary Injunction.
4. Attached as Exhibit 1 is a true and correct copy of the Deposition of Karen Brinson Bell.
5. Attached as Exhibit 2 is a true and correct copy of a PowerPoint presentation from the State Board of Elections ("SBOE") titled "Election Technology Training" produced by the SBOE in discovery, which was Exhibit A to the Deposition of Karen Brinson Bell.
6. Attached as Exhibit 3 is a true and correct copy of an excerpt from a SBOE document describing the felony voter list maintenance process that was produced by the SBOE in discovery, and which was Exhibit B to the Deposition of Karen Brinson Bell.

7. Attached as Exhibit 4 is a true and correct copy of the North Carolina Voter Registration Application produced by the SBOE in discovery, which was Exhibit E to the Deposition of Karen Brinson Bell.

8. Attached as Exhibit 5 is a true and correct copy of North Carolina's One Stop Application produced by the SBOE in discovery, which was Exhibit G to the Deposition of Karen Brinson Bell.

9. Attached as Exhibit 6 is a true and correct copy of a document titled "NC Voting Rights Guide: People in the Criminal Justice System," which was produced by the SBOE in discovery and was Exhibit J to the Deposition of Karen Brinson Bell.

10. Attached as Exhibit 7 is a true and correct copy of an excerpt from an SBOE poll worker guide, which was produced by the SBOE in discovery and was Exhibit I to the Deposition of Karen Brinson Bell.

11. Attached as Exhibit 8 is a true and correct copy of excerpts of the Deposition of Michael J. Barber.

12. Attached as Exhibit 9 is a true and correct copy of the North Carolina Administrative Office of the Courts' 2019 Report on Criminal Cost Waivers.

Respectfully submitted this the 17th day of August, 2020.

/s/ Daniel F. Jacobson
Daniel F. Jacobson

EXHIBIT 1

1 NORTH CAROLINA) IN THE GENERAL COURT OF JUSTICE
2 WAKE COUNTY) SUPERIOR COURT DIVISION
19-CVS-15941

3

4 COMMUNITY SUCCESS INITIATIVE; JUSTICE
5 SERVED NC, INC.; NORTH CAROLINA STATE
6 CONFERENCE OF THE NAACP,

7 Plaintiffs,

8 vs.

9 TIMOTHY K. MOORE, IN HIS OFFICIAL
10 CAPACITY OF SPEAKER OF THE NORTH
11 CAROLINA HOUSE OF REPRESENTATIVES;
12 et al.,

13 Defendants.

14 _____/

15

16

17 30(b)(6) Deposition by RingCentral

18 of

19 KAREN BRINSON BELL

20

21

22 (Taken Remotely by Plaintiffs)

23 Raleigh, North Carolina

24 Thursday, July 16, 2020

25

26 Reported Remotely in Stenotype
27 Denise Y. Meek
28 Court Reporter and Notary Public

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Page 6	<p>1 - - -</p> <p>2 THE REPORTER: We are now on the</p> <p>3 record.</p> <p>4 MR. COX: I'm Paul Cox with the</p> <p>5 North Carolina Attorney General's Office,</p> <p>6 representing the State Board of Elections</p> <p>7 and its members, and the witness, and we</p> <p>8 consent to the remote deposition.</p> <p>9 MR. JACOBSON: This is Daniel Jacobson</p> <p>10 from Arnold & Porter representing the</p> <p>11 plaintiffs. We consent to the remote</p> <p>12 deposition.</p> <p>13 MR. ATKINSON: Darryl Atkinson,</p> <p>14 Forward Justice, counsel for the</p> <p>15 plaintiffs. We consent to the remote</p> <p>16 deposition.</p> <p>17 MS. CARPENTER: Whitley Carpenter,</p> <p>18 Forward Justice, counsel for the</p> <p>19 plaintiffs. We consent to the remote</p> <p>20 deposition.</p> <p>21 MR. RABINOVITZ: This is Brian</p> <p>22 Rabinovitz from the North Carolina Attorney</p> <p>23 General's Office on behalf of the</p> <p>24 legislative defendants, and we also consent</p> <p>25 to the remote deposition.</p>
Page 7	<p>1 THE REPORTER: All right. Ms. Bell,</p> <p>2 please raise your right hand.</p> <p>3 Do you solemnly swear the testimony you</p> <p>4 will give in this matter will be the truth,</p> <p>5 the whole truth, and nothing but the truth,</p> <p>6 so help you God?</p> <p>7 THE WITNESS: I do.</p> <p>8 THE REPORTER: Thank you, ma'am.</p> <p>9 MR. JACOBSON: Good morning, Ms. Bell.</p> <p>10 MR. COX: Dan, this is Paul. Before we</p> <p>11 get started, I just wanted to make one note</p> <p>12 on the record.</p> <p>13 Yesterday the Court entered into a</p> <p>14 protective order, as all counsel knows, and</p> <p>15 I just want to make sure that that's</p> <p>16 entered into the record. I'll be emailing</p> <p>17 a copy to the court reporter to enter it</p> <p>18 into the record.</p> <p>19 But just for everyone's sake of</p> <p>20 understanding right now, it states that:</p> <p>21 "Plaintiffs' examination of Defendant</p> <p>22 State Board's Rule 30(b)(6) designee</p> <p>23 relating to matter 1 of Schedule A of the</p> <p>24 notice of deposition shall be limited to</p> <p>25 factual assertions pertaining to items 1.a.</p>
Page 8	<p>1 through 1.f.</p> <p>2 "Plaintiffs' examination of Defendant</p> <p>3 State Board's Rule 30(b)(6) designee shall</p> <p>4 also be limited to governmental interests</p> <p>5 Defendant State Board may have in the</p> <p>6 present enforcement of N.C.G.S.,</p> <p>7 Section 13-1, including Defendant State</p> <p>8 Board's current policies and procedures</p> <p>9 relating to N.C.G.S., Section 13-1."</p> <p>10 And finally:</p> <p>11 "Plaintiffs shall be precluded from</p> <p>12 examining Defendant State Board's Rule</p> <p>13 30(b)(6) designee on matters relating to</p> <p>14 the enactment or historical enforcement of</p> <p>15 N.C.G.S., Section 13-1."</p> <p>16 And, Madam Court Reporter, I'll send</p> <p>17 you a copy for the exhibit to be entered</p> <p>18 into the record.</p> <p>19 And just stating here at the outset,</p> <p>20 for anything that would go outside the</p> <p>21 bounds of that order or would violate the</p> <p>22 order, the State Board will be objecting to</p> <p>23 those questions and instructing the witness</p> <p>24 not to answer.</p> <p>25 (Defendants' 1 marked.)</p>
Page 9	<p>1 - - -</p> <p>2 KAREN BRINSON BELL,</p> <p>3 having been first duly remotely sworn,</p> <p>4 was examined and testified as follows:</p> <p>5 EXAMINATION</p> <p>6 BY MR. JACOBSON:</p> <p>7 Q. Okay. Good morning, again, Ms. Bell.</p> <p>8 As I mentioned, I'm Daniel Jacobson. I am an</p> <p>9 attorney for the plaintiffs in this case.</p> <p>10 Could I ask you to state your full name</p> <p>11 for the record.</p> <p>12 A. Karen Brinson Bell.</p> <p>13 Q. And do you understand that you've taken</p> <p>14 an oath to tell the truth today?</p> <p>15 A. Yes, I do.</p> <p>16 Q. There will be a transcript of</p> <p>17 everything we say. So we should just try the</p> <p>18 best we can not to talk over each other. I'll</p> <p>19 try to do my best if you could do your best as</p> <p>20 well.</p> <p>21 A. Yes. I'm aware of that. Thank you.</p> <p>22 Q. And your counsel may object, but you</p> <p>23 must answer the question even if he objects,</p> <p>24 unless your counsel specifically instructs you</p> <p>25 not to answer the question.</p>

Page 10	Page 12
<p>1 Do you understand that?</p> <p>2 A. I do.</p> <p>3 Q. Is there any reason you cannot give</p> <p>4 complete, truthful testimony today?</p> <p>5 A. Not that I'm aware of.</p> <p>6 Q. Have you taken any medications that</p> <p>7 would prevent you from giving complete,</p> <p>8 accurate, and truthful testimony today?</p> <p>9 A. I have not.</p> <p>10 Q. If you want a break at any point, just</p> <p>11 let us know, and we'll take a break.</p> <p>12 A. Will do. Thank you.</p> <p>13 Q. Have you ever been deposed before?</p> <p>14 A. Yes, I have.</p> <p>15 Q. And when was that?</p> <p>16 A. I've been deposed once personally; once</p> <p>17 about a year ago, in my capacity as executive</p> <p>18 director; and then once this week in my</p> <p>19 capacity as executive director; and then this</p> <p>20 deposition.</p> <p>21 Q. I'll take those one at a time, then.</p> <p>22 You said once about a year ago? Did I</p> <p>23 hear that right?</p> <p>24 A. That's correct.</p> <p>25 Q. And what case was that?</p>	<p>1 Q. And other than those two cases, you've</p> <p>2 never given a deposition before in any</p> <p>3 capacity?</p> <p>4 A. In my role as executive director.</p> <p>5 That's correct. There was a personal matter</p> <p>6 that I've been deposed for.</p> <p>7 Q. Okay. And just to make sure: You've</p> <p>8 never given a deposition in any other case in</p> <p>9 your professional capacity even before your</p> <p>10 current job; is that right?</p> <p>11 A. That's right.</p> <p>12 Q. Have you ever testified before at a</p> <p>13 trial?</p> <p>14 A. I'm sorry. One moment.</p> <p>15 Q. Sure.</p> <p>16 A. Sorry. No, I have not testified in a</p> <p>17 trial.</p> <p>18 Q. Okay. What is your current job title?</p> <p>19 A. I'm executive director of the</p> <p>20 North Carolina State Board of Elections.</p> <p>21 Q. And how long have you been in that</p> <p>22 position?</p> <p>23 A. I began June 1, 2019. So just over a</p> <p>24 year.</p> <p>25 Q. And I understand that this might be a</p>
Page 11	Page 13
<p>1 A. It was dealing with the federal ID law.</p> <p>2 Q. And was that a federal court case or a</p> <p>3 state court case?</p> <p>4 A. I honestly don't recall at this point.</p> <p>5 Q. Okay. And you were already in your</p> <p>6 position that you currently hold now at the</p> <p>7 time of that deposition; is that right?</p> <p>8 A. I had just begun. Yes.</p> <p>9 Q. Okay. And then the second case, what</p> <p>10 was that case?</p> <p>11 A. That was earlier this week, and it is</p> <p>12 dealing with changes to the -- it's a case</p> <p>13 dealing with coronavirus and -- a lawsuit</p> <p>14 asking for changes in how we conduct elections</p> <p>15 dealing with coronavirus.</p> <p>16 Q. And what kind of changes are the</p> <p>17 plaintiffs asking for in that case?</p> <p>18 A. It's actually quite a -- numerous</p> <p>19 things. Changes to the witnesses on -- changes</p> <p>20 to the voter registration deadline. How we --</p> <p>21 I'm just trying to think of some of the other</p> <p>22 things that were being considered. Those are</p> <p>23 two of the main ones.</p> <p>24 Q. Okay.</p> <p>25 A. The poll workers and precinct workers.</p>	<p>1 very difficult question to answer, but on a</p> <p>2 high level, what are your responsibilities in</p> <p>3 that role?</p> <p>4 A. I am the chief elections official for</p> <p>5 the State of North Carolina. I, with the State</p> <p>6 Board of Elections, have oversight of</p> <p>7 elections, administration for our state, and</p> <p>8 the conduct of all 100 county boards of</p> <p>9 elections. And we also, as the State Board,</p> <p>10 and the 100 county boards, oversee compliance</p> <p>11 with campaign finance laws.</p> <p>12 Q. In your role, do you oversee the State</p> <p>13 Board's efforts to notify people convicted of</p> <p>14 felonies about their voting rights?</p> <p>15 A. We do receive voter registrations. So</p> <p>16 that does pertain to felons.</p> <p>17 Q. And do you oversee the State Board's</p> <p>18 procedures for preventing people convicted of</p> <p>19 felonies from voting?</p> <p>20 MR. COX: Objection. Assumes facts not</p> <p>21 in evidence.</p> <p>22 BY MR. JACOBSON:</p> <p>23 Q. Ms. Bell, you understand that people</p> <p>24 who are serving a felony sentence in</p> <p>25 North Carolina are not allowed to vote. Is</p>

<p style="text-align: right;">Page 14</p> <p>1 that right?</p> <p>2 A. That is what the law states.</p> <p>3 Q. And do you oversee the State Board's</p> <p>4 procedures for preventing such people from</p> <p>5 voting?</p> <p>6 A. I administer the law which says that we</p> <p>7 give notice or administer the law as it's</p> <p>8 written pertaining to felons and their rights</p> <p>9 to vote.</p> <p>10 Q. Right. And just so that I -- the Board</p> <p>11 has certain procedures in place. Right?</p> <p>12 Administrative procedures to, you know, the</p> <p>13 best they can, make sure that people who are</p> <p>14 serving such felony convictions are not</p> <p>15 actually able to vote; is that right?</p> <p>16 A. We have procedures pertaining to the</p> <p>17 qualifications of voters.</p> <p>18 Q. Okay. And then in your capacity as</p> <p>19 executive director, that falls within your</p> <p>20 purview of overseeing those procedures; is that</p> <p>21 right?</p> <p>22 A. That's correct.</p> <p>23 Q. Okay. And in your role -- and,</p> <p>24 Ms. Bell, you understand that people who have</p> <p>25 completed their felony sentence become</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. And how long did you have that job?</p> <p>2 A. From -- in a full-time capacity,</p> <p>3 October of 2016 until I assumed this role. So</p> <p>4 the end of May 2019.</p> <p>5 Q. And is that a nonprofit organization?</p> <p>6 A. It is. It is organized now as a</p> <p>7 nonprofit organization.</p> <p>8 Q. And what's -- again, this might be a</p> <p>9 loaded question, but, broadly speaking, what's</p> <p>10 the primary mission of that organization?</p> <p>11 A. We were a group of former election</p> <p>12 administrators who had worked in the election</p> <p>13 administration field. We were working with</p> <p>14 different governmental entities, be that a</p> <p>15 legislature or a city council, varying levels</p> <p>16 of government and election administration for</p> <p>17 those who were considering or were already</p> <p>18 charged with implementing ranked choice voting</p> <p>19 as a voting method. We had -- I particularly</p> <p>20 had experience in that voting method, and so we</p> <p>21 were sharing election administration practices</p> <p>22 for those considering the method or who were</p> <p>23 implementing or expanding their processes.</p> <p>24 Q. And before that job -- what was your</p> <p>25 job before that?</p>
<p style="text-align: right;">Page 15</p> <p>1 reeligibile to vote again. Is that right?</p> <p>2 A. That is how our law is stated, yes.</p> <p>3 Q. And does the Board have procedures to</p> <p>4 help implement that aspect of the law, that</p> <p>5 people are allowed to vote again once their</p> <p>6 felony sentences are completed?</p> <p>7 A. Yes. That's correct.</p> <p>8 Q. And in your capacity as executive</p> <p>9 director, do you oversee those procedures?</p> <p>10 A. Yes.</p> <p>11 Q. Ms. Bell, am I correct that the Board</p> <p>12 conducts investigations of people who may have</p> <p>13 voted illegally while they were serving their</p> <p>14 felony sentence?</p> <p>15 A. We do have an investigations division</p> <p>16 where we look at violations of election law.</p> <p>17 Q. And do you -- in your capacity as</p> <p>18 executive director, do you oversee that</p> <p>19 division?</p> <p>20 A. Yes, that is a division of this agency.</p> <p>21 Q. Okay. Before your current job, what</p> <p>22 was -- what job did you hold before your</p> <p>23 current job?</p> <p>24 A. I was a consultant for the Ranked</p> <p>25 Choice Voting Resource Center.</p>	<p style="text-align: right;">Page 17</p> <p>1 A. I had worked for a voting -- an</p> <p>2 elections software company.</p> <p>3 Q. Have you ever worked -- other than your</p> <p>4 current job, have you ever worked for any</p> <p>5 government agency?</p> <p>6 A. Yes. From two thousand -- well, yes.</p> <p>7 That's a "yes" or "no." So yes.</p> <p>8 Q. And what agency was that?</p> <p>9 A. I was the elections director for</p> <p>10 Transylvania County, North Carolina.</p> <p>11 Q. And when did you serve in that role?</p> <p>12 A. From March of 2011 until March of 2015.</p> <p>13 Q. And did I hear you right that you said</p> <p>14 you were the elections director? Or I might</p> <p>15 have misheard.</p> <p>16 A. That's correct. Yes. At the county</p> <p>17 level in North Carolina, we're considered</p> <p>18 election directors.</p> <p>19 Q. And what were your responsibilities in</p> <p>20 that role?</p> <p>21 A. To administer voting, voter</p> <p>22 registration, campaign finance, election</p> <p>23 administration for Transylvania County,</p> <p>24 North Carolina.</p> <p>25 Q. And in that role, were you involved in</p>

<p style="text-align: right;">Page 18</p> <p>1 implementing procedures for notifying people 2 convicted of felonies about their voting 3 rights? 4 A. Yes, as it pertains to North Carolina 5 law, yes. 6 Q. And in that role were you involved in 7 implementing procedures for preventing people 8 who were serving felony sentences from voting? 9 A. Again, my role was to administer 10 elections and voter registration based on 11 qualifications for people to vote or not to 12 vote based on North Carolina law. 13 Q. And those qualifications included that 14 a person is not currently serving a felony 15 sentence; is that right? 16 A. That was the law at that time. Yes. 17 Q. Okay. And in that role in Transylvania 18 County, were you involved in procedures for 19 enabling people who had finished their felony 20 sentence to once again vote? 21 A. Yes. If an individual was qualified to 22 register and vote, then we did follow those 23 procedures. 24 Q. And in that role were you involved in 25 the investigation of people who may have</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. And when you say "voting systems," are 2 you referring to the actual software that 3 voting machines use that will actually cast the 4 ballots? Is that -- 5 A. A voting system is the firmware, 6 software, and hardware associated with voting. 7 So the tabulators, the tabulation software. 8 Yeah. All the components you see when you cast 9 your ballot. 10 Q. In that role -- did that role touch at 11 all on the law regarding people serving their 12 felony sentences and whether they can vote? 13 A. That was not a direct part of my job. 14 I assisted counties in other processes, but 15 that was not a direct part of my job at that 16 time. 17 Q. Okay. And other than the three 18 government positions we've discussed, have you 19 held any government position? 20 A. No. 21 Q. Other than the jobs we've already 22 talked about, have you ever worked at all in a 23 professional capacity on issues relating to 24 felony disenfranchisement? 25 A. I have not.</p>
<p style="text-align: right;">Page 19</p> <p>1 legally voted while serving a felony sentence? 2 A. The county level turns over that 3 information to the state, and there is no 4 county investigations division. So that's 5 turned over to the state. 6 Q. Other than that role in Transylvania 7 County, have you served in any sort of 8 government capacity, other than your current 9 job? 10 A. Yes. 11 Q. And what was that? 12 A. I worked for the State Board of 13 Elections from 2006 until I became county 14 elections director in 2011. 15 Q. And what was your -- what role did you 16 hold at that time? 17 A. I was a district elections technician. 18 Q. And what did that job entail? 19 A. I was assigned a regional position 20 where I worked in the western part of the state 21 supporting 12 counties. The primary 22 responsibilities dealt with the voting systems 23 and North Carolina's procurement of a new 24 voting system in 2006, and that rollout, and 25 the training associated with that.</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. Okay. What did you do to prepare for 2 today's deposition? 3 A. I have spoken with counsel to 4 understand the process, particularly, to the 5 organizational witness aspect. I have reviewed 6 documents that we provided as the State Board, 7 that were provided by counsel. 8 Q. Did you meet with your lawyers to 9 prepare for this deposition? 10 A. I did. 11 Q. How many times did you meet them? 12 A. Other than being briefed, you know, on 13 the status of the case to actually prepare for 14 this, we met once. 15 Q. And other than Mr. Cox, was anyone else 16 present at that meeting? 17 A. The State Board's general counsel, 18 Katelyn Love. 19 Q. Other than Ms. Love and Mr. Cox, was 20 anyone present? 21 A. Yes. Our deputy director, Trena Parker 22 Velez. 23 Q. Okay. Was Mr. Rabinovitz from the 24 Attorney General's Office present at that 25 meeting?</p>

<p style="text-align: right;">Page 22</p> <p>1 A. No, he was not.</p> <p>2 Q. Okay. And I believe you just mentioned</p> <p>3 this a moment ago, but have you reviewed any</p> <p>4 documents to prepare for this deposition?</p> <p>5 A. Yes. I reviewed some of our</p> <p>6 procedures -- procedural documents that were</p> <p>7 provided with this case.</p> <p>8 Q. Other than documents that were -- and</p> <p>9 when you -- I'm sorry. When you say provided</p> <p>10 in this case, do you mean provided to</p> <p>11 plaintiffs as part of discovery?</p> <p>12 A. That would be my understanding. I'm</p> <p>13 not an attorney, so...</p> <p>14 Q. Okay. Other than those documents that</p> <p>15 you think were provided to the plaintiffs as</p> <p>16 part of discovery, did you review any documents</p> <p>17 to prepare for today?</p> <p>18 A. No, not that I recall.</p> <p>19 Q. I see that you have a large stack of</p> <p>20 documents behind you, and I won't ask you about</p> <p>21 those, but did you --</p> <p>22 A. So that would be our COVID response,</p> <p>23 our Monday morning kickoff, our conference that</p> <p>24 we have coming up. All the many things that go</p> <p>25 on in election administration.</p>	<p style="text-align: right;">Page 24</p> <p>1 handled by our general counsel. We reached out</p> <p>2 to staff.</p> <p>3 Q. Okay. Are you familiar at all with the</p> <p>4 process that he used to gather documents?</p> <p>5 A. Our general counsel, or Mr. Cox?</p> <p>6 Q. Your general counsel.</p> <p>7 A. I was copied or included on emails when</p> <p>8 she reached out to staff members. If she --</p> <p>9 yeah, I was not pertinent to phone</p> <p>10 conversations, if those occurred.</p> <p>11 Q. Okay. Do you know do they search paper</p> <p>12 files and electronic documents, or just one or</p> <p>13 the other?</p> <p>14 A. I don't have the answer to that.</p> <p>15 Q. Okay. Do you know if they conducted</p> <p>16 electronic searches?</p> <p>17 A. In some of what I have, there's a</p> <p>18 record of an email that I have in front of me</p> <p>19 that was submitted. So if that answers your --</p> <p>20 there's at least an email. So that would be an</p> <p>21 electronic file.</p> <p>22 Q. Okay. What email is that?</p> <p>23 A. It's -- maybe the best way for me to</p> <p>24 identify it is the page number.</p> <p>25 Q. Sure.</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Fair enough. And that would probably</p> <p>2 take us a full day just to go through those.</p> <p>3 A. At least.</p> <p>4 Q. Did you bring any documents, though,</p> <p>5 with you today specifically for this</p> <p>6 deposition?</p> <p>7 A. I have some of those documents that</p> <p>8 have been provided. I have those with me.</p> <p>9 Q. Okay. But nothing else beyond what</p> <p>10 you've already described?</p> <p>11 A. That's correct.</p> <p>12 Q. Okay. And, Ms. Bell, I believe, again,</p> <p>13 you already answered this, but you're aware</p> <p>14 that the State Board produced documents in</p> <p>15 response to the plaintiffs' discovery request</p> <p>16 in this case?</p> <p>17 A. Yes.</p> <p>18 Q. Were you involved in the process of</p> <p>19 identifying or collecting the documents that</p> <p>20 were to be produced?</p> <p>21 A. No, not -- not particularly.</p> <p>22 Q. Who at the State Board was involved in</p> <p>23 gathering the documents that were produced as</p> <p>24 part of discovery in this case?</p> <p>25 A. To my knowledge, most of that was</p>	<p style="text-align: right;">Page 25</p> <p>1 A. So CSI_NCSBE_000048. So it's an email</p> <p>2 from Katelyn Love, as well as Veronica</p> <p>3 Degraffenreid.</p> <p>4 Q. And do State Board -- does the State</p> <p>5 Board staff or members frequently email about</p> <p>6 issues relating to felony disenfranchisement?</p> <p>7 A. What do you mean by "frequently"?</p> <p>8 Q. Do they ever email about issues</p> <p>9 relating to felony disenfranchisement?</p> <p>10 A. Yes, we would email -- you know, yes,</p> <p>11 we would email about that.</p> <p>12 Q. Okay. And do you know that the State</p> <p>13 Board searched their emails in response to</p> <p>14 discovery requests in this case?</p> <p>15 A. I don't know.</p> <p>16 Q. Okay. And you think the person who</p> <p>17 would know that is the deputy director and the</p> <p>18 general counsel. Am I understanding that</p> <p>19 right?</p> <p>20 A. In this case it would be the general</p> <p>21 counsel.</p> <p>22 Q. Okay.</p> <p>23 A. The deputy director does not have the</p> <p>24 discovery rights.</p> <p>25 Q. Okay. And have you reviewed all of the</p>

<p style="text-align: right;">Page 26</p> <p>1 documents that were ultimately produced by the</p> <p>2 State Board in this case?</p> <p>3 A. I have not.</p> <p>4 Q. Okay. Just a subset?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. I'm going to walk through some</p> <p>7 of the documents, now, that were produced.</p> <p>8 A. Okay.</p> <p>9 Q. So I'm going to pull up -- I'm going to</p> <p>10 pull up exhibits on my screen and use the</p> <p>11 screen-share function. You can at any point</p> <p>12 tell me you want me to scroll to a different</p> <p>13 page or you want to take more time to read</p> <p>14 something I'm looking at. It's a little bit</p> <p>15 cumbersome using remote procedures, but we'll</p> <p>16 do the best we can.</p> <p>17 MR. JACOBSON: And for opposing</p> <p>18 counsel, Mr. Atkinson will email you the</p> <p>19 marked copies. We've premarked all of</p> <p>20 these. So he'll email them, you know, one</p> <p>21 by one as we introduce each one, just so</p> <p>22 everyone has a copy in front of them.</p> <p>23 Does that sound okay to everyone?</p> <p>24 MR. COX: Yes.</p> <p>25 MR. JACOBSON: Okay.</p>	<p style="text-align: right;">Page 28</p> <p>1 reflect current protocols and technology</p> <p>2 databases used by the State Board and county</p> <p>3 board of elections?</p> <p>4 A. Yes. We have -- we have other</p> <p>5 supplemental documents, but, yes, this is the</p> <p>6 latest version, to my knowledge, of this</p> <p>7 document.</p> <p>8 Q. So there's no more recent documents</p> <p>9 that sort of updates this? This is the latest</p> <p>10 version, you just said?</p> <p>11 A. I believe that's correct. Yes.</p> <p>12 Q. Okay. I'm going to turn now to the</p> <p>13 page that's Bates stamped page 286.</p> <p>14 Do you see that the title of this slide</p> <p>15 is "DOC Felon Reports Updated"?</p> <p>16 A. Yes.</p> <p>17 Q. Does this page show the databases that</p> <p>18 the State Board maintains regarding persons</p> <p>19 convicted of a felony in a North Carolina state</p> <p>20 court and their eligibility to vote?</p> <p>21 MR. COX: Objection. Vague.</p> <p>22 A. Repeat your question, please.</p> <p>23 Q. Sure. Does this page show the</p> <p>24 databases that the State Board of Elections</p> <p>25 maintains regarding persons convicted of a</p>
<p style="text-align: right;">Page 27</p> <p>1 (Plaintiffs' A premarked.)</p> <p>2 BY MR. JACOBSON:</p> <p>3 Q. Are you able to see my screen?</p> <p>4 A. Yes. Well, I see a screen. I don't</p> <p>5 see the entire document.</p> <p>6 Q. Do you see that this is a document</p> <p>7 entitled Election Technology Training?</p> <p>8 A. Yes.</p> <p>9 Q. Have you seen this document before?</p> <p>10 A. I have.</p> <p>11 Q. Can you confirm, to the best of your</p> <p>12 ability, that this is a true and accurate copy</p> <p>13 of a document produced by the State Board in</p> <p>14 discovery?</p> <p>15 A. I'm sorry. Your audio faded.</p> <p>16 Q. I'm sorry. You said you've seen this</p> <p>17 document before, correct?</p> <p>18 A. Yes, I have.</p> <p>19 Q. Can you confirm, to the best of your</p> <p>20 ability, that this is a true and accurate copy</p> <p>21 of a document produced by the State Board in</p> <p>22 this case in discovery?</p> <p>23 A. Yes, it is a State Board document. At</p> <p>24 least, as far as the cover.</p> <p>25 Q. And does this -- does this document</p>	<p style="text-align: right;">Page 29</p> <p>1 felony in a North Carolina state court and</p> <p>2 their eligibility to vote?</p> <p>3 MR. COX: Objection. Vague.</p> <p>4 A. I don't know that the terminology used</p> <p>5 is correct for what this displays.</p> <p>6 Q. Okay. How would you describe it?</p> <p>7 A. Okay. This is a listing of lists and</p> <p>8 daily reports. It's not necessarily a</p> <p>9 database.</p> <p>10 Q. Okay. But these are the lists and</p> <p>11 daily reports that the State Board possesses</p> <p>12 regarding persons convicted of a felony in a</p> <p>13 North Carolina state court; is that right?</p> <p>14 A. Somewhat.</p> <p>15 Q. Okay. What did I get wrong?</p> <p>16 A. You indicated that we possess them.</p> <p>17 They may be provided to us or -- I just don't</p> <p>18 want to -- it indicates it's the Department of</p> <p>19 Corrections, which is a title that really means</p> <p>20 DPS, Department of Public Safety. And so some</p> <p>21 of these are provided to us and not necessarily</p> <p>22 our documents.</p> <p>23 Q. Sure. The State Board maintains copies</p> <p>24 of -- at least, copies of all of these lists;</p> <p>25 is that correct?</p>

<p style="text-align: right;">Page 30</p> <p>1 A. Yes. They're provided to us, and we 2 maintain them for our purposes. Yes. 3 Q. And these lists show -- or these lists 4 relate to persons convicted of a felony in a 5 North Carolina state court; is that correct? 6 A. Actually, the way this is written, it 7 does not indicate that all of those are those 8 convicted of a felony in a North Carolina state 9 court. 10 Q. You think that this includes people who 11 were convicted of a felony in a different 12 court? 13 A. Not -- no, just indicating that that's 14 not what all of these bullet points state. 15 Q. Okay. How about we'll do this. We'll 16 go through them one by one, and I'll state my 17 understanding of them, and then you can tell me 18 what I'm getting wrong. Sound good? 19 A. I believe you're correct that they are 20 from the North Carolina state court, but I just 21 wanted to clarify that they don't each state 22 that. 23 Q. I understand. Okay. So the first one 24 here is called "Felon County List"? 25 A. Yes.</p>	<p style="text-align: right;">Page 32</p> <p>1 North Carolina state court? 2 A. I don't want to split hairs with you, 3 but that's -- it is not a report that says they 4 are not eligible to vote. It says that they 5 are "active felony status due to conviction of 6 a felony" in North Carolina. 7 Q. Okay. But everyone who is on the list 8 is ineligible to vote; is that right? 9 A. They are active felony status. 10 Therefore, we would then process this as 11 someone who is not eligible to vote. 12 Q. Okay. 13 A. But it's -- 14 Q. Go ahead. I'm sorry. 15 A. That's all. 16 Q. Okay. The second list is called "Felon 17 State Matching List"; is that right? 18 A. Yes. 19 Q. And does that list show the current 20 list of people who are on active felony status 21 who you are able to -- from a conviction in a 22 North Carolina state court -- who you are able 23 to match up to a North Carolina voter 24 registration record? 25 A. That is correct.</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. And does that list show the current 2 list of people who are ineligible to vote 3 because they are serving a felony sentence? 4 A. By definition, no, that's not what the 5 report indicates. 6 Q. Okay. Well, can you explain to me why 7 that's not correct? 8 A. I will read what it says. It says 9 that: "This report shows the current list of 10 persons who have an active felony status due to 11 conviction of a felony in a North Carolina 12 state court. The report is available by the 13 county in which the person was convicted of a 14 felony (or was a resident at the time of his or 15 her conviction). User must select county and 16 user may select conviction month and year." 17 It does not state whether they are 18 eligible to vote or not, as you stated. 19 Q. Okay. Is it your understanding that 20 anyone serving an active felony status due to a 21 felony is ineligible to vote in North Carolina? 22 A. That is correct. 23 Q. So given that, doesn't this list show a 24 current list of persons who are ineligible to 25 vote in North Carolina due to a conviction in a</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Okay. And is that -- am I 2 understanding right, is that the SEIMS 3 database? I might be -- 4 A. No. You said it correctly. 5 Q. Okay. That's a list of voters who are 6 registered in North Carolina; is that right? 7 A. That's our database of people who are 8 registered in North Carolina, SEIMS. 9 Q. Okay. And the third list is called 10 "Felon Completed List." Does that show the 11 current list of persons who have completed 12 their felony sentence from a conviction in a 13 North Carolina state court? 14 A. It states that they are no longer 15 considered active felons. So by that -- does 16 that meet your definition of no longer serving 17 a sentence? 18 Q. So let me ask you this: Anyone who is 19 no longer considered to be an active felon and 20 is, therefore, on that list, are all of those 21 people eligible to vote in North Carolina 22 elections? 23 A. They are eligible, yes. 24 Q. Okay. And then the fourth list here, 25 "Felon Completed State Matching List," does</p>

<p style="text-align: right;">Page 34</p> <p>1 that show the current list of people who are no</p> <p>2 longer considered to be active felons who you</p> <p>3 are also able to match up to a North Carolina</p> <p>4 voter registration record?</p> <p>5 A. That is correct.</p> <p>6 Q. Okay. I'm going to turn back now to</p> <p>7 what is stamped as Bates stamp page 282.</p> <p>8 Ms. Bell, do you see that the title of</p> <p>9 this slide is "Felony Removal Notice"?</p> <p>10 A. I do.</p> <p>11 Q. And does this represent a sample letter</p> <p>12 sent to voters notifying them that their name</p> <p>13 will be removed from the list of registered</p> <p>14 voters because they've been convicted of a</p> <p>15 felony?</p> <p>16 A. That is what it's depicting, yes.</p> <p>17 Q. So to state it slightly differently:</p> <p>18 This letter tells voters that they are now</p> <p>19 ineligible to vote because of their felony</p> <p>20 conviction; is that correct?</p> <p>21 A. That is correct.</p> <p>22 Q. Okay. Is it -- am I right that this</p> <p>23 letter is sent shortly after the conviction</p> <p>24 takes place?</p> <p>25 MR. COX: Calls for speculation.</p>	<p style="text-align: right;">Page 36</p> <p>1 MR. COX: Objection. Calls for</p> <p>2 speculation.</p> <p>3 A. What I can attest to is what the</p> <p>4 process would be once we receive that</p> <p>5 information. And that is available to the</p> <p>6 counties on a daily or weekly basis. So as</p> <p>7 they process those, that would be the time</p> <p>8 frame from an elections side of things.</p> <p>9 Q. Gotcha.</p> <p>10 A. So that's all I can speak to.</p> <p>11 Q. And is the county processing that</p> <p>12 information on a continual basis?</p> <p>13 A. Yes.</p> <p>14 Q. They're not -- they don't only do it,</p> <p>15 you know, once a year or twice a year or</p> <p>16 something like that?</p> <p>17 A. That's correct.</p> <p>18 Q. Okay. And am I correct that this</p> <p>19 letter is sent by the relevant county board of</p> <p>20 elections in the voter's home county?</p> <p>21 A. That is correct.</p> <p>22 Q. Is this letter, though, a standard</p> <p>23 template that's used by all counties?</p> <p>24 A. Yes, we do have a standard template</p> <p>25 letter.</p>
<p style="text-align: right;">Page 35</p> <p>1 Objection.</p> <p>2 A. I was going to say. I mean, what do</p> <p>3 you mean by "shortly after"?</p> <p>4 Q. Sure. Roughly how long after a</p> <p>5 conviction takes place is this letter sent?</p> <p>6 A. Can you zoom in? Or, actually, I'd</p> <p>7 like to look at my procedures to give you the</p> <p>8 exact number of days.</p> <p>9 Q. That would be fine.</p> <p>10 A. I don't believe this page that you have</p> <p>11 displayed indicates the number of days as we</p> <p>12 process voter registration reforms -- or not</p> <p>13 reforms -- forms. I'm sorry.</p> <p>14 Q. Well, let me --</p> <p>15 A. So it's untimely. It's not...</p> <p>16 Q. Am I correct, Ms. Bell, that this</p> <p>17 letter is sent to people who are already</p> <p>18 registered to vote who have been matched up to</p> <p>19 a voter registration record in SEIMS? Is that</p> <p>20 correct?</p> <p>21 A. That is correct. Yes. Sorry. I did</p> <p>22 not state that quite right.</p> <p>23 Q. Sure. So, just ballpark, is it fair to</p> <p>24 say that this letter will be sent to voters</p> <p>25 within six months of their conviction?</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. And is it the State Board of Elections</p> <p>2 that develops that standard template letter?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And I think we touched on this a</p> <p>5 moment ago, but do counties rely on what was</p> <p>6 the second database that we talked about on the</p> <p>7 previous slide, which was called the Felon</p> <p>8 State Matching List, to identify persons whose</p> <p>9 names should be removed from the list of</p> <p>10 registered voters and sent this letter?</p> <p>11 A. That is data available to the counties</p> <p>12 and that is a method that they use.</p> <p>13 Q. Is there any other method that they use</p> <p>14 to identify people who were registered to vote</p> <p>15 who should be removed because of felony</p> <p>16 conviction other than that database -- or that</p> <p>17 list, I should say?</p> <p>18 A. I believe what you were showing on that</p> <p>19 previous slide were all the lists available to</p> <p>20 the counties for them to use in processing.</p> <p>21 But that -- yes, that is the primary way that a</p> <p>22 county would process for this -- for this</p> <p>23 notice.</p> <p>24 Q. Sure. You say it's the primary way,</p> <p>25 and I guess what I'm just trying to clarify is,</p>

<p style="text-align: right;">Page 38</p> <p>1 is there -- well, I'll go back to that other 2 slide, just to be -- just so we can make sure 3 we're on the same page. 4 So I'm referring to the Felon State 5 Matching List that matches up people who are on 6 active felony status (inaudible) -- 7 THE REPORTER: Excuse me. I can't hear 8 you. You're cutting out. 9 MR. JACOBSON: I'm sorry. Can you hear 10 me? 11 THE REPORTER: Yes. Please repeat. 12 MR. JACOBSON: Okay. 13 BY MR. JACOBSON: 14 Q. The second list here that we talked 15 about before, the Felon State Matching List, 16 that shows the current list of people who are 17 on active felony status who are also matched up 18 to an existing voter registration record; is 19 that right? 20 A. That is right. 21 Q. And so what I'm asking is: Other than 22 relying on this list, is there something 23 else -- some other source that counties rely on 24 to remove people who are already on the rolls, 25 from the rolls, because of a felony conviction?</p>	<p style="text-align: right;">Page 40</p> <p>1 they're ineligible to register to vote because 2 of a felony conviction? 3 A. This is the template, at the time, of 4 the denial of registration letter, yes. 5 Q. So this is for people who tried to 6 register to vote; is that right? 7 A. That's right. 8 Q. Okay. And like the prior letter, is 9 this letter sent by the relevant county board 10 of elections? 11 A. Yes. 12 Q. And like the prior letter, is it based 13 on a template that's developed by the State 14 Board? 15 A. Yes. 16 Q. And going back now to slide 286. 17 For purposes of that Denial Notice we 18 just looked at, am I correct that the counties 19 rely on this first list, the Felon County List, 20 to identify people who should be sent that 21 letter? 22 A. Yes. 23 Q. So, Ms. Bell, we've just looked at two 24 separate notices that election officials send 25 to voters after their felony convictions, or</p>
<p style="text-align: right;">Page 39</p> <p>1 A. There are two other items on this 2 particular slide that indicate other resources 3 that the counties have. The one that you 4 noted, the Felon State Matching List, is the 5 primary, but they do still have access to the 6 Felon County List that we've reviewed. And the 7 one that you did not review is the DOC Felon 8 Search. If they needed to clarify or review, 9 those would be available to them as well. 10 Q. And is it your understanding that 11 counties, in fact, do rely on those two other 12 lists when identifying -- to identify people 13 who should be removed from the registration 14 rolls? 15 A. They are available to them, but they 16 would rely primarily on the Felon State 17 Matching List that you've asked about. 18 Q. Okay. I'll turn now to page 283. 19 And, Ms. Bell, do you see that this 20 is -- this slide is titled "Denial Notice"? 21 A. I do. 22 Q. And does this slide -- does this letter 23 on this slide represent a letter sent to people 24 who were not already registered to vote, or 25 tried to register to vote, notifying them that</p>	<p style="text-align: right;">Page 41</p> <p>1 that may send to voters after their felony 2 convictions, advising them that they cannot 3 vote; is that right? 4 A. Yes. 5 Q. Okay. Ms. Bell, I didn't see any 6 similar letter in this document advising voters 7 after their sentence is completed that they're 8 once again eligible to vote. 9 Is it correct that neither the State 10 Board of Elections nor a county board of 11 elections send voters such a notification once 12 they've become reeligible to vote? 13 MR. COX: Objection. Confusing. 14 A. Would you state your question again, 15 please? 16 Q. Sure. So after a person finishes their 17 felony sentence, does either the State Board of 18 Elections or a county board of elections send 19 voters a notification telling them that they're 20 now once again eligible to vote? 21 A. We do not send a letter -- 22 Q. Okay. And -- 23 A. -- of that nature. Sorry. 24 Q. And we talked earlier here about the 25 third and fourth bullet points -- or lists --</p>

<p style="text-align: right;">Page 42</p> <p>1 Felon Completed List and Felon Completed State 2 Matching List? 3 A. Yes. 4 Q. Those lists provide details of people 5 who finished their felony sentences and are 6 once again eligible to vote; is that right? 7 A. Correct. They are no longer active -- 8 considered active felons. 9 Q. And am I correct that those databases 10 contain contact information like name and last 11 known address? 12 A. I'm sorry. You cut out. 13 Q. I'm sorry. The perils of remote 14 depositions. 15 Am I correct that those databases 16 contain contact information for people such as 17 their name and last known address? 18 A. It still trails off at the end of your 19 question. I'm sorry. 20 Q. That's okay. Can you hear me better? 21 A. I can. Yes. 22 Q. Okay. I'll try my best to be heard. 23 Am I correct that those two databases 24 contain contact information such as name and 25 last known address?</p>	<p style="text-align: right;">Page 44</p> <p>1 can you tell me what you mean by that? 2 A. We do not have -- the instruction in 3 our law is not -- it does not instruct that it 4 will be the county board of elections who would 5 make that contact -- 6 Q. Okay. Is there -- 7 A. -- based upon these lists. 8 Q. Is there anything in the law, based on 9 your understanding, that prohibits the county 10 boards of elections from contacting individuals 11 to tell them that they're once again eligible 12 to vote? 13 MR. COX: Objection. Calls for a legal 14 conclusion. 15 A. As I've mentioned, I'm not an attorney. 16 So I would need to confirm with counsel before 17 I would make that decision. 18 Q. Okay. But sitting here today, you're 19 not aware of any law that would prohibit the 20 counties from contacting people to tell them 21 that they're once again eligible to vote, are 22 you? 23 A. Restate your question, please. 24 Q. Sure. Just sitting here today, as we 25 talk to each other, you're not aware of any law</p>
<p style="text-align: right;">Page 43</p> <p>1 A. I believe that is correct. Yes. 2 Q. And you could -- the State Board could 3 use that contact information to contact people 4 and tell them that they're now eligible to 5 vote, right? 6 MR. COX: Objection. Calls for 7 speculation. 8 A. We could use -- I don't -- that is not 9 a procedure that we have. I mean, is that a 10 contact list? Could anyone send a letter? 11 Yes, anyone could send a letter. 12 Q. Right. And the county boards could use 13 that contact information to send a letter to 14 people telling them that they're once again 15 eligible to vote; is that right? 16 A. Your question is "could," and that 17 would imply: Do they have the ability or the 18 capability? "Could" is -- an answer to "could" 19 is "yes." 20 Q. Okay. But they don't do that, do they? 21 A. That is not what is -- that is not our 22 procedure or law. 23 Q. Okay. 24 A. So they do not keep that. 25 Q. When you say that it's not their law,</p>	<p style="text-align: right;">Page 45</p> <p>1 that would prevent the county boards of 2 elections from contacting people on these lists 3 and telling them that they're once again 4 eligible to vote? 5 A. The way that I best know to answer that 6 is to say that we administer the law as it is 7 written. We -- it is not -- so if there's 8 not -- if that's not within the law, then -- 9 you know, we have to be careful in our 10 administration that we do not exceed what the 11 law states either. 12 Q. Okay. But you're not aware of any law 13 that prohibits it, are you? 14 A. To the best of my knowledge, no. 15 Q. Okay. So from the standpoint of a 16 person convicted of a felony in North Carolina, 17 even after their sentence is finished, the last 18 communication they will have received from 19 election officials is something telling them 20 that they're not eligible to vote; is that 21 right? 22 MR. COX: Objection. Calls for 23 speculation. Vague. 24 A. And I actually was going to ask you to 25 restate your question, please.</p>

<p style="text-align: right;">Page 46</p> <p>1 Q. Sure. Yes. I understand. That was a 2 bad question. 3 So we talked before that when somebody 4 is convicted of a felony, they receive a 5 notice -- a letter from the county board of 6 elections telling them that they're not 7 eligible to vote, correct? 8 A. If they are a registered voter and are 9 convicted of a felony, and we removed them, 10 then they receive a notice. Your question was, 11 if someone is convicted of a felony, that they 12 receive a letter from the State Board -- or 13 from the Board of Elections -- and that would 14 not be correct for all individuals. 15 Q. Okay. So somebody who was a registered 16 voter, after they're convicted, they receive a 17 letter from the county board of elections 18 telling them they're not eligible to vote; is 19 that right? 20 A. That is correct. 21 Q. And that same person, after they finish 22 their sentence, does not receive a letter from 23 the county board of elections telling them that 24 they're once again eligible to vote, right? 25 MR. COX: Objection. Asked and</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. Okay. And would you agree, though, 2 that at a minimum, a person in the situation we 3 just talked about, with the last communication 4 they received directly from a state election 5 official -- I'll rephrase the question. 6 Would you agree, at a minimum, that a 7 person in a situation we just talked about, 8 could be confused about their eligibility to 9 vote? 10 MR. COX: Objection. Calls for 11 speculation. 12 A. I don't think I can speak to another's 13 state of mind. 14 Q. Okay. If somebody -- if the last 15 communication they received from an election 16 official is something telling them they're not 17 eligible to vote, could you understand how that 18 person could then be confused about their 19 eligibility to vote even after they've finished 20 their sentence? 21 MR. COX: Objection. Assumes facts not 22 in evidence. 23 A. The letter actually might be the 24 clarification that they need not to create 25 confusion.</p>
<p style="text-align: right;">Page 47</p> <p>1 answered. 2 A. They do not receive a letter from the 3 State Board of Elections or county board of 4 elections. 5 Q. Okay. So for such a person, the last 6 communication they will receive from either the 7 State Board of Elections or the county board of 8 elections will have been that letter telling 9 them they're not eligible to vote, right? 10 MR. COX: Objection. Calls for 11 speculation. 12 A. Actually, I could say that we work with 13 the probation and parole and DPS and provide 14 them with brochures that are provided to 15 someone who has completed their sentence. 16 Therefore, that is a communication from the 17 State Board of Elections or county board of 18 elections. It's just not in the form of a 19 letter. 20 Q. But the State Board of Elections and 21 the county board of elections, they don't send 22 that themselves, right, to people who have 23 finished their sentences? 24 A. No, it is provided to DPS and the court 25 system to provide to those individuals.</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. I'm sorry. Can you explain to me what 2 you mean by that? 3 A. Your assertion is that by receiving the 4 letter, it confuses someone about their state 5 of registration. But the fact that they 6 receive a letter stating that they're not 7 registered might actually be not confusing but 8 rather provide clarity to them of their status 9 of registration. 10 Q. Ms. Bell, you mentioned before that -- 11 I think I heard you say the Department of 12 Public Safety is tasked with handing people 13 some information after they finish their 14 sentence about their voting rights. Is that 15 correct? 16 A. That's correct. 17 Q. Does the State Board have any 18 procedures for ensuring that the Department of 19 Public Safety actually distributes that 20 information? 21 MR. COX: Objection. Vague. 22 A. Sorry. What do you mean by 23 "procedures"? 24 Q. Does the State Board do anything to 25 ensure that the DPS, the Department of Public</p>

<p style="text-align: right;">Page 50</p> <p>1 Safety, distributes that information about the</p> <p>2 restoration of voting rights to individuals</p> <p>3 after they've completed their sentence?</p> <p>4 A. We have worked with that agency and</p> <p>5 have been in communication with them to provide</p> <p>6 them with materials. And they have a checklist</p> <p>7 that they review that indicates -- and one of</p> <p>8 the items on their checklist is to review that</p> <p>9 with someone when they've completed their</p> <p>10 sentence.</p> <p>11 Q. Other than providing DPS with those</p> <p>12 materials, does the State Board take any</p> <p>13 measures to ensure that DPS actually</p> <p>14 distributes those materials?</p> <p>15 A. I think the best answer I can give you</p> <p>16 is that we are in a routine and set schedule,</p> <p>17 but we are in -- we are -- we have</p> <p>18 communication that is ongoing with that agency.</p> <p>19 So there is assurance there. Does that -- I</p> <p>20 don't know if I'm answering your question.</p> <p>21 Q. Sure. So maybe you can explain it to</p> <p>22 me. How does that -- how do those</p> <p>23 communications provide an assurance that DPS is</p> <p>24 actually distributing these materials that</p> <p>25 we're talking about?</p>	<p style="text-align: right;">Page 52</p> <p>1 think it might be a good time.</p> <p>2 MR. JACOBSON: Sure.</p> <p>3 (Recess from 9:55 to 10:02 a.m.)</p> <p>4 (Plaintiff's B premarked.)</p> <p>5 BY MR. JACOBSON:</p> <p>6 Q. Ms. Bell, as I mentioned a moment ago,</p> <p>7 I would like to now turn to people convicted of</p> <p>8 federal felony crimes.</p> <p>9 And I've pulled up what's been marked</p> <p>10 as Exhibit B. And this is a title "Biennial</p> <p>11 List Maintenance," and in parentheses it says,</p> <p>12 "(No-Contact Process)."</p> <p>13 Have you seen this document before,</p> <p>14 Ms. Bell?</p> <p>15 A. I believe so, yes. I'm not seeing a</p> <p>16 whole lot of it right now, so...</p> <p>17 Q. I'm going to zoom out a bit.</p> <p>18 A. Okay.</p> <p>19 Q. And I'm happy to scroll over.</p> <p>20 You believe you've seen this document</p> <p>21 before?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And can you confirm, to the best</p> <p>24 of your ability, that this is a true and</p> <p>25 accurate copy of a document produced by the</p>
<p style="text-align: right;">Page 51</p> <p>1 A. I don't know that I have an answer for</p> <p>2 you.</p> <p>3 Q. Okay. Do you know the volume -- beyond</p> <p>4 just materials relating to voting rights, do</p> <p>5 you know how many materials DPS distributes to</p> <p>6 an individual after they complete their felony</p> <p>7 sentence?</p> <p>8 A. I do not know.</p> <p>9 Q. So you don't know if they might hand</p> <p>10 out a hundred different documents?</p> <p>11 A. I don't work in that agency, and I'm</p> <p>12 not a probation or parole officer, so I would</p> <p>13 not know.</p> <p>14 Q. Okay. Ms. Bell, to this point,</p> <p>15 everything we've been discussing has been about</p> <p>16 convictions in the North Carolina state court.</p> <p>17 I would like to now discuss individuals</p> <p>18 convicted of felony crimes.</p> <p>19 And for that I'll pull up what's been</p> <p>20 marked as Plaintiffs' Exhibit 2 -- or</p> <p>21 Exhibit --</p> <p>22 THE WITNESS: Would this be a good time</p> <p>23 for a break?</p> <p>24 MR. JACOBSON: Sure.</p> <p>25 THE WITNESS: You're shifting gears. I</p>	<p style="text-align: right;">Page 53</p> <p>1 State Board of Elections as part of discovery</p> <p>2 in this case?</p> <p>3 A. You cut out a little bit. I'm sorry.</p> <p>4 Q. Can you confirm, to the best of your</p> <p>5 ability, that this is a true and accurate copy</p> <p>6 of a document produced by the State Board in</p> <p>7 this case?</p> <p>8 A. Yes, I believe it is.</p> <p>9 Q. Okay. I'm going to turn now to what's</p> <p>10 been marked as Bates stamped page 333.</p> <p>11 Ms. Bell, do you see this top paragraph</p> <p>12 here? And you can take a moment to read it.</p> <p>13 But do you see it says that the State Board</p> <p>14 receives quarterly reports from the federal</p> <p>15 US Attorney's Office about people who have been</p> <p>16 convicted of a felony crime in the federal</p> <p>17 court?</p> <p>18 A. Yes, I do see that.</p> <p>19 Q. And then do you see in the second</p> <p>20 paragraph here -- and, again, you can take a</p> <p>21 moment to read it -- it says that county boards</p> <p>22 of elections should cancel the registrations on</p> <p>23 anyone listed on those lists received from the</p> <p>24 federal US Attorney's Offices?</p> <p>25 MR. COX: Objection. Misstates the</p>

<p style="text-align: right;">Page 54</p> <p>1 evidence.</p> <p>2 A. Would you restate your question? And</p> <p>3 then I'll read the paragraph.</p> <p>4 Q. Sure. Do you see that it says in the</p> <p>5 second paragraph that county boards of</p> <p>6 elections should initiate steps to cancel a</p> <p>7 voter's registration if they're on that list</p> <p>8 received from the federal US Attorney's</p> <p>9 Offices?</p> <p>10 A. It does state that, yes.</p> <p>11 Q. Okay. And do county boards of</p> <p>12 elections send letters, like the ones we looked</p> <p>13 at earlier, the removal notice and the denial</p> <p>14 notice, to individuals convicted of federal</p> <p>15 felony crimes?</p> <p>16 A. They do send those notices, yes.</p> <p>17 Q. And similar to those notices before, or</p> <p>18 maybe the same as those notices before, do</p> <p>19 those advise voters that either their names are</p> <p>20 being removed from the list of registered</p> <p>21 voters or that their application to register to</p> <p>22 vote has been denied?</p> <p>23 A. That is the intent of those letters,</p> <p>24 yes.</p> <p>25 Q. And is it the exact same letter that we</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Thank you.</p> <p>2 If the North Carolina Board of</p> <p>3 Elections and the county boards of elections</p> <p>4 don't receive information from federal</p> <p>5 officials about when people have finished their</p> <p>6 felony sentences, won't the state boards</p> <p>7 databases or lists continue to assume that such</p> <p>8 a person isn't eligible to vote even though</p> <p>9 they've finished their federal sentence?</p> <p>10 A. So I'm not trying to be smart here, but</p> <p>11 a database can't assume anything.</p> <p>12 Q. Sure. So the Board, we just discussed</p> <p>13 on the top of this page, you receive lists of</p> <p>14 people who have been convicted of federal</p> <p>15 felonies, right?</p> <p>16 A. Yes.</p> <p>17 Q. And from those lists, the State Board</p> <p>18 and the county board uses those lists to deny</p> <p>19 people registration or to remove their</p> <p>20 registrations, right?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. And the State Board continues to</p> <p>23 maintain those lists, right, on an ongoing</p> <p>24 basis?</p> <p>25 A. As we receive the reports, yes.</p>
<p style="text-align: right;">Page 55</p> <p>1 looked at before that is sent to people with</p> <p>2 felony convictions in federal court?</p> <p>3 A. I do believe so, yes.</p> <p>4 Q. We discussed earlier how the Board</p> <p>5 receives information from the North Carolina</p> <p>6 Department of Public Safety about when a person</p> <p>7 convicted of a state crime has completed his or</p> <p>8 her sentence. Do you recall that?</p> <p>9 A. Yes.</p> <p>10 Q. I couldn't find anything in this</p> <p>11 document or any of the other documents produced</p> <p>12 by the Board saying that the Board receives</p> <p>13 information from federal officials about when</p> <p>14 an individual has completed his or her federal</p> <p>15 sentence.</p> <p>16 Does the Board receive information from</p> <p>17 the federal government about when people</p> <p>18 convicted of federal crimes have completed</p> <p>19 their sentences?</p> <p>20 A. One moment. Let me double-check</p> <p>21 something. (Reviewing.)</p> <p>22 I felt like I knew the answer, but I</p> <p>23 wanted to double-check. So I do not show</p> <p>24 correspondence from a federal authority on</p> <p>25 that.</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. Okay. So if a person, who has finished</p> <p>2 their federal felony sentence -- right? --</p> <p>3 let's say it's finished, tries to register to</p> <p>4 vote, won't their registration be denied</p> <p>5 because the current information that the Board</p> <p>6 has is just from that list we talked about,</p> <p>7 that they've committed a crime, a federal</p> <p>8 crime?</p> <p>9 A. Is your question if a former federal</p> <p>10 felon comes into the North Carolina Board of</p> <p>11 Elections, and submits a voter registration</p> <p>12 form, would we deny, because in our system it</p> <p>13 shows them as having been convicted of a</p> <p>14 felony?</p> <p>15 Q. Correct.</p> <p>16 A. No, we would not deny them because of</p> <p>17 that.</p> <p>18 Q. My understanding from before is that</p> <p>19 you rely on these lists to deny people voter</p> <p>20 registrations, right, the list provided by the</p> <p>21 US Attorney's Office?</p> <p>22 A. We receive these lists of felony</p> <p>23 convictions. And if you read further, it does</p> <p>24 say that we use this to cancel the person's</p> <p>25 registration if they have been convicted of a</p>

<p style="text-align: right;">Page 58</p> <p>1 felony.</p> <p>2 Q. Sure. But I believe you said a few</p> <p>3 minutes ago that you also use this list to deny</p> <p>4 registrations to people who try to register for</p> <p>5 the first time. Isn't that what you stated?</p> <p>6 A. I may have misunderstood your question,</p> <p>7 then.</p> <p>8 Q. Okay. So if somebody is convicted of a</p> <p>9 federal crime, and you receive their name on a</p> <p>10 list from the US Attorney's Office, and then a</p> <p>11 week later tries to register to vote -- so</p> <p>12 they're still on their federal sentence -- are</p> <p>13 they going to be allowed to register to vote?</p> <p>14 A. Let me make sure that I'm clear on the</p> <p>15 steps you're outlining.</p> <p>16 Q. Sure.</p> <p>17 A. If we received notice that John Doe is</p> <p>18 convicted of a felony, and he then attempts to</p> <p>19 register to vote?</p> <p>20 Q. Correct.</p> <p>21 A. Are you saying that he's already in our</p> <p>22 database as a registered voter and we've</p> <p>23 removed him because now he's updating his</p> <p>24 registration?</p> <p>25 Q. No. So John Doe has never registered</p>	<p style="text-align: right;">Page 60</p> <p>1 A. Any individual who completes a voter</p> <p>2 registration form and attests to their</p> <p>3 qualifications to register, if they attest to</p> <p>4 that, we will process the voter registration</p> <p>5 form. If we find a match with these reports,</p> <p>6 then they would be denied registration and</p> <p>7 removed from the registration list.</p> <p>8 Q. Okay. So in our hypothetical, John Doe</p> <p>9 tries to register to vote, or he fills it out,</p> <p>10 and he attests that he's eligible. But then</p> <p>11 you would get a match -- right? -- saying he's</p> <p>12 on this US attorney's report, just like you</p> <p>13 just said, and he would be sent a denial</p> <p>14 notice. Is that right?</p> <p>15 A. I believe we're saying the same thing.</p> <p>16 Yes.</p> <p>17 Q. Okay. So now I'm going to just change</p> <p>18 the hypothetical slightly.</p> <p>19 John Doe finishes his federal</p> <p>20 sentence -- so he's done with his federal</p> <p>21 sentence -- and then he tries to register to</p> <p>22 vote for the first time.</p> <p>23 Okay? Are you with me on that</p> <p>24 hypothetical?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 59</p> <p>1 to vote before in North Carolina. Okay?</p> <p>2 That's the -- are you with me on my hypo so</p> <p>3 far?</p> <p>4 A. Yes.</p> <p>5 Q. He's then convicted of a federal crime.</p> <p>6 Okay?</p> <p>7 A. Okay.</p> <p>8 Q. And then you receive his name on one of</p> <p>9 these quarterly reports from the US Attorney's</p> <p>10 Office. Okay?</p> <p>11 A. After he's registered to vote.</p> <p>12 Q. No, he hasn't tried to register to</p> <p>13 vote.</p> <p>14 A. Okay.</p> <p>15 Q. After you receive his name from the</p> <p>16 US Attorney's Office -- from one of these</p> <p>17 quarterly reports -- he tries to register to</p> <p>18 vote. He's still serving his federal sentence,</p> <p>19 though. Will he be allowed --</p> <p>20 A. Did he --</p> <p>21 Q. Go ahead.</p> <p>22 A. Did he attest on his voter registration</p> <p>23 form that he is not a felon?</p> <p>24 Q. Sure. Will he be allowed to register</p> <p>25 to vote?</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. Won't his name still come up as a match</p> <p>2 to this quarterly report that you receive from</p> <p>3 the US Attorney's Office after his conviction?</p> <p>4 A. Did he attest to having completed his</p> <p>5 felony sentence, that he is no -- that he is</p> <p>6 not a felon?</p> <p>7 Q. He attested it to the same way he did</p> <p>8 in the prior hypothetical, where he was not</p> <p>9 telling the truth, but this time he is.</p> <p>10 A. I believe if you'll scroll down on your</p> <p>11 document, you'll find the answer to your</p> <p>12 question.</p> <p>13 Q. What page am I looking for on the</p> <p>14 document?</p> <p>15 A. Let's stop right here. And if you look</p> <p>16 at the very first question, it says:</p> <p>17 "If a county does not update the</p> <p>18 removal reason to Felony Sentence Completed</p> <p>19 for a previously removed voter, will the</p> <p>20 SEIMS prevent the new voter's registration</p> <p>21 from being processed?"</p> <p>22 "No. SEIMS will not prevent the</p> <p>23 processing of a registration of a</p> <p>24 previously removed voter whose citizenship</p> <p>25 rights have been restored even if the</p>

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<p>1 removal reason still indicates FELONY</p> <p>2 CONVICTION."</p> <p>3 BY MR. JACOBSON:</p> <p>4 Q. Ms. Bell, how does the State Board or</p> <p>5 the county board know that this person is</p> <p>6 eligible to vote if they don't receive any</p> <p>7 information from the federal officials that the</p> <p>8 person has finished their sentence?</p> <p>9 A. The voter attested to it.</p> <p>10 Q. Ms. Bell, am I correct that in the</p> <p>11 context of a state court conviction, that we</p> <p>12 talked about earlier, you maintain databases</p> <p>13 called Felon Completed List -- I can go back</p> <p>14 just to make sure I'm getting the names exactly</p> <p>15 right -- Felon Completed List and Felon</p> <p>16 Completed State Matching List, based on data</p> <p>17 you receive from the North Carolina Department</p> <p>18 of Public Safety, right?</p> <p>19 A. Yes.</p> <p>20 Q. And we talked about before that that's</p> <p>21 information that shows you who has finished</p> <p>22 their state federal sentence, which now shows</p> <p>23 you who is once again eligible to vote. Right?</p> <p>24 A. Yes.</p> <p>25 Q. You don't -- the State Board does not</p>	<p>1 convicted of a crime in North Carolina state</p> <p>2 court, the Board of Elections maintains</p> <p>3 databases called the Felon Completed List and</p> <p>4 the Felon Completed Matching List. And I'm</p> <p>5 using the word "databases," but I don't mean</p> <p>6 that in a technical sense. It maintains lists</p> <p>7 showing people who have finished their</p> <p>8 sentences in order to inform election officials</p> <p>9 about who is, once again, eligible to vote,</p> <p>10 right?</p> <p>11 A. Right.</p> <p>12 Q. It does not maintain a comparable list</p> <p>13 for people who have finished their federal</p> <p>14 felony sentences?</p> <p>15 A. I do not know of us being provided with</p> <p>16 a federal list. Correct.</p> <p>17 Q. Okay. We spoke earlier, Ms. Bell,</p> <p>18 about how, when people finish their state court</p> <p>19 sentences, the Department of Public Safety is</p> <p>20 supposed to hand them information about</p> <p>21 restoration of their rights; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. The Department of Public Safety, to the</p> <p>24 best of your knowledge, they don't hand</p> <p>25 information to people who finish their federal</p>
Page 63	Page 65
<p>1 possess any analogous list for people who have</p> <p>2 finished their federal sentences, right?</p> <p>3 A. We do not get a list of -- a federal</p> <p>4 list of who has completed their sentence. It's</p> <p>5 based on the information I've just reviewed.</p> <p>6 Q. Okay.</p> <p>7 A. And what we discussed.</p> <p>8 Q. And in the context of a state court</p> <p>9 conviction, you don't rely solely on an</p> <p>10 individual's attesting that they've finished</p> <p>11 their sentence, right? You rely on these Felon</p> <p>12 Completed Lists; is that right?</p> <p>13 MR. COX: Objection. Vague.</p> <p>14 A. I'm going to review a procedure for</p> <p>15 just a moment, and then I'm going to ask you to</p> <p>16 restate your question.</p> <p>17 Q. Sure.</p> <p>18 A. (Reviewing.)</p> <p>19 Q. Actually, Ms. Bell, in the interest of</p> <p>20 time, I'm happy to move on, unless there's</p> <p>21 something more you want to say on this subject.</p> <p>22 A. I would like you to state your question</p> <p>23 again, because I think it's the same answer.</p> <p>24 But I would like to hear your question again.</p> <p>25 Q. Sure. In the context of individuals</p>	<p>1 sentences; is that correct?</p> <p>2 MR. COX: Objection. Calls for</p> <p>3 speculation.</p> <p>4 A. Actually, I don't know that I'm</p> <p>5 knowledgeable of how federal felons or former</p> <p>6 federal felons are processed upon their</p> <p>7 completion.</p> <p>8 Q. Is it your understanding that the</p> <p>9 North Carolina Department of Public Safety</p> <p>10 supervises people who have been convicted of</p> <p>11 federal crimes but not state crimes?</p> <p>12 A. I actually -- I actually do not know</p> <p>13 the answer to that. I don't know how a federal</p> <p>14 felon is processed.</p> <p>15 Q. Okay. I'm going to represent to you</p> <p>16 for the purposes of my next question that</p> <p>17 people convicted of felony crimes are</p> <p>18 supervised by federal probation officers.</p> <p>19 Will you accept that representation</p> <p>20 just for purposes of my next question? If I'm</p> <p>21 wrong, that's my fault, but will you accept it</p> <p>22 for purposes of my next question?</p> <p>23 A. I will accept that.</p> <p>24 Q. Okay. Do you know if federal probation</p> <p>25 officers hand any information to individuals</p>

<p style="text-align: right;">Page 66</p> <p>1 after they've finished their sentences about 2 the restoration of their voting rights? 3 A. I do not know that. 4 Q. Okay. So to the best of your 5 knowledge, you're not aware if anybody provides 6 information to individuals who finish their 7 federal sentences about the restoration of 8 their voting rights? 9 A. I do not know if they do or do not. 10 Q. Okay. I'd like to now turn to 11 individuals who are convicted of crimes in 12 another state's courts; for instance, in a 13 South Carolina state court. 14 A. Okay. 15 Q. Ms. Bell, do you understand that 16 individuals convicted of crimes in another 17 state's courts, if they're serving their 18 community supervision while living in 19 North Carolina, they're not eligible to vote? 20 Correct? If it's a federal offense? I'm 21 sorry. I'm going to start that over. 22 If an individual is convicted of a 23 felony in another state's courts, but is 24 serving their community supervision in 25 North Carolina, while living in North Carolina,</p>	<p style="text-align: right;">Page 68</p> <p>1 done by the Department of Public Instruction, 2 since that's how we receive information as the 3 State and county board of elections. We do 4 not -- 5 Q. Let me try to clarify that just to make 6 sure we're on the same page. 7 So let's say an individual is convicted 8 of a crime in South Carolina -- right over the 9 border, let's say -- but they live in 10 North Carolina, and they're serving their 11 probation in North Carolina, while they live in 12 North Carolina. 13 Do the county boards of elections in 14 North Carolina send that person a notice 15 saying, "You're not eligible to vote in 16 North Carolina elections"? 17 A. We do not notify someone in another 18 state that they are ineligible to vote in 19 North Carolina. No. 20 Q. So just to clarify, the person in my 21 hypothetical lives in North Carolina. 22 A. Correct. 23 Q. They were convicted of a crime in 24 South Carolina, but they live in North 25 Carolina. They're serving their probation from</p>
<p style="text-align: right;">Page 67</p> <p>1 is it your understanding that they're 2 ineligible to vote in North Carolina elections? 3 A. That would be correct. 4 Q. Okay. Does the State Board receive 5 information about such individuals from any 6 source? 7 A. Because we do not have a national 8 network, we would be reliant upon other states 9 to notify us. 10 Q. And to the best of your knowledge, do 11 any other states notify you of that? 12 A. I do not know one way or the other. 13 Q. Okay. To the best of your knowledge, 14 does the State Board of Elections or the county 15 boards of elections notify such individuals 16 that they are ineligible to vote in 17 North Carolina elections? 18 A. I do not know. 19 Q. Okay. To the best of your knowledge -- 20 A. Actually, let me ask you to state that 21 question again. Because I believe you asked if 22 the State Board of Elections or county board of 23 elections would give notice of a felony to 24 someone else in another state. That would not 25 be our role. Reporting a felon is, obviously,</p>	<p style="text-align: right;">Page 69</p> <p>1 their South Carolina conviction while they live 2 in North Carolina. Okay? 3 A. Correct. Okay. 4 Q. And let's say they're a North Carolina 5 registered voter. Okay? 6 A. Uh-huh. 7 Q. Does the county board of elections send 8 that person any notification that they're not 9 eligible to vote? 10 A. If we received a notice, which I can't 11 say whether we would or would not -- if we 12 received a notice from a court or from, you 13 know, South Carolina's system, then that would 14 be -- we could send notice. But the -- the 15 source of information that our county boards of 16 elections receive, and that we receive at the 17 State Board of Elections, is from the 18 North Carolina court system. 19 Q. Okay. So to the best of your 20 knowledge, you're not aware that county boards 21 of elections would send such a person a notice? 22 MR. COX: Objection. Asked and 23 answered. 24 THE WITNESS: I'm sorry. What was 25 that, Paul?</p>

<p style="text-align: right;">Page 70</p> <p>1 MR. COX: Objection. Asked and 2 answered. 3 A. Yes. Correct. 4 Q. Okay. Does the State Board of 5 Elections or county board of elections receive 6 information when such a person has completed 7 their sentence? 8 A. In another state? 9 Q. The exact same person we were just 10 talking about, who is convicted in 11 South Carolina, but they're living in 12 North Carolina, while they're serving their 13 probation? 14 A. We do not have a systematic process for 15 that. 16 Q. Okay. And so for such people, when 17 they've finished their sentence, am I correct 18 that neither the State Board of Elections nor 19 the county board of elections sends such person 20 a notification telling them that they're once 21 again eligible to vote? 22 A. No, we would not send a letter to 23 someone who has completed their sentence in 24 another state. 25 (Plaintiffs' C premarked.)</p>	<p style="text-align: right;">Page 72</p> <p>1 document is that after the 2016 election the 2 State Board conducted an audit to identify 3 persons who voted in the 2016 general election 4 but were ineligible due to a felony conviction. 5 Is that right? 6 A. That's correct. 7 Q. Does the State Board still conduct 8 audits after elections? 9 A. We have not done one. This is the only 10 time this audit was completed. 11 Q. Is the State Board planning to do a 12 similar audit after the 2020 election? 13 A. The State Board, as a board, has not 14 directed for that, and I have not, as executive 15 director, so no. 16 Q. Okay. But it's possible you'll conduct 17 future audits again after future elections? 18 A. In my role as executive director, I do 19 not have plans to request this audit, and I 20 have not had that expressed by this board, and 21 I can't speak for current boards. 22 Q. Okay. Fair enough. I'm going to now 23 scroll to page 3 of this document, which is 24 Bates stamped page 409. 25 Can you see what's on my screen,</p>
<p style="text-align: right;">Page 71</p> <p>1 BY MR. JACOBSON: 2 Q. Okay. Ms. Bell, I'm going to turn now 3 to what's been marked as Exhibit C. 4 A. Okay. 5 Q. I'm going to share my screen if I can 6 figure out how. 7 Okay. Ms. Bell, do you see that this 8 is a document titled Post-Selection Audit 9 Report. 10 A. I do. 11 Q. Have you seen this document before? 12 A. I have. 13 Q. And can you confirm, to the best of 14 your knowledge, that this is a true and 15 accurate copy of a document produced by the 16 State Board in discovery in this case? 17 A. It does appear to be. 18 Q. Okay. And, then, Ms. Bell, is this an 19 audit report written by the State Board of 20 Elections after the 2016 general election? 21 A. It is. That is the title. 22 Q. And it's dated April 21, 2017; is that 23 correct? 24 A. That's correct. 25 Q. Ms. Bell, my understanding from this</p>	<p style="text-align: right;">Page 73</p> <p>1 Ms. Bell? 2 A. I can. 3 Q. And this -- we're looking now at the 4 section that's titled "FELONS," in all 5 capitals. And the second sentence reads: 6 "NCSBE" -- and I should clarify. That was the 7 prior name for the State Board of Elections; is 8 that right? 9 A. Actually, that -- that would -- we'll 10 have several iterations. We also have 11 abbreviated it in numerous ways. This is, 12 actually, an abbreviation that we currently 13 use, that stands for North Carolina State Board 14 of Elections. Yes, that actually is the 15 current -- 16 Q. Got it. I will admit I lose track of 17 all the names that your agency has had over the 18 last few years. 19 A. And there's different perspectives on 20 which ones should be used. So we'll... 21 Q. I understand. I'll try to avoid that 22 land mine. 23 So the second sentence here reads: 24 "NCSBE initiates investigations into possible 25 cases of felons voting through a system of data</p>

<p style="text-align: right;">Page 74</p> <p>1 audits followed by investigator review."</p> <p>2 Do you see that?</p> <p>3 A. I do.</p> <p>4 Q. Okay. And where this refers to "a</p> <p>5 system of data audits," is that using the</p> <p>6 database, the DPS database -- or I'm sorry, the</p> <p>7 DPS list -- we discussed previously that has a</p> <p>8 list of registered voters -- I'm sorry -- that</p> <p>9 has a list of active felons who are ineligible</p> <p>10 to vote?</p> <p>11 A. I believe that may -- that that was a</p> <p>12 source within this audit.</p> <p>13 Q. And we discussed earlier how -- for</p> <p>14 that second database we discussed earlier -- so</p> <p>15 putting this aside -- DPS, on a continual</p> <p>16 basis, matches the list of people convicted of</p> <p>17 felony crimes to people -- to registered voters</p> <p>18 in the SEIMS database to determine who should</p> <p>19 have their registrations canceled. Is that</p> <p>20 right?</p> <p>21 A. That's correct.</p> <p>22 Q. Okay. And is the system that was used</p> <p>23 here to match people who actually voted in an</p> <p>24 election to the DPS database, is that a similar</p> <p>25 matching process to the one that's used for</p>	<p style="text-align: right;">Page 76</p> <p>1 active sentences, but to people who actually</p> <p>2 voted in the election?</p> <p>3 A. I can try to determine from this</p> <p>4 document what the audit may have been, if it's</p> <p>5 stated, but I did not perform the audit, nor</p> <p>6 was I the executive director when the audit was</p> <p>7 performed. So I can only attest to what it</p> <p>8 states that audits were performed.</p> <p>9 Q. Okay. It's fair to say that they use</p> <p>10 some sort of matching criteria to match the</p> <p>11 list of people who are serving felony sentences</p> <p>12 to the list of people who voted to come up with</p> <p>13 this list? Is that fair?</p> <p>14 A. I think that's fair.</p> <p>15 Q. Okay. So I'm going to go back now to</p> <p>16 page 408, Bates stamp page 408 of this</p> <p>17 document. And can I ask you to take a moment</p> <p>18 to just read this first bullet point here that</p> <p>19 starts with, "441 open cases."</p> <p>20 A. Read it for myself or read it aloud?</p> <p>21 Q. You can just read it to yourself.</p> <p>22 A. Okay. And just the first bullet point?</p> <p>23 Q. Correct.</p> <p>24 A. Okay. (Reviewing.) Okay.</p> <p>25 Q. Does that first bullet point indicate</p>
<p style="text-align: right;">Page 75</p> <p>1 purposes of that list we discussed earlier?</p> <p>2 MR. COX: Objection. Vague.</p> <p>3 A. Yeah. State your question again.</p> <p>4 Q. Sure. That was a terrible question, I</p> <p>5 will admit.</p> <p>6 A. I'm not judging.</p> <p>7 Q. I'll judge myself here.</p> <p>8 Previously we discussed how, on a</p> <p>9 continual basis, the State Board of Elections</p> <p>10 is using some sort of matching system to match</p> <p>11 the list of people who are serving an active</p> <p>12 felony sentence to the list of names in your</p> <p>13 SEIMS database, right?</p> <p>14 A. Yes.</p> <p>15 Q. And there's some sort of matching</p> <p>16 criteria that are used, right?</p> <p>17 A. That's correct.</p> <p>18 Q. And here it describes a "system of data</p> <p>19 audits" that was used for purposes of this</p> <p>20 audit, right?</p> <p>21 A. Yes.</p> <p>22 Q. And so what I'm asking is: Was that</p> <p>23 system of data audits using a similar matching</p> <p>24 process of matching the SEIMS database -- I'm</p> <p>25 sorry -- matching the list of felons serving</p>	<p style="text-align: right;">Page 77</p> <p>1 that through the data matching process we just</p> <p>2 discussed, the State Board initially identified</p> <p>3 541 people who may have illegally voted due to</p> <p>4 a felony conviction, with the 541 being the 441</p> <p>5 people listed in that first sentence plus the</p> <p>6 hundred people who further investigation ruled</p> <p>7 out?</p> <p>8 A. Okay. I do really need you to state</p> <p>9 that question again --</p> <p>10 Q. Sure.</p> <p>11 A. -- because I got hung up on the</p> <p>12 numbers, so...</p> <p>13 Q. Sure. Does this first bullet indicate</p> <p>14 that through the data matching process we just</p> <p>15 discussed, the State Board initially identified</p> <p>16 541 people who may have illegally voted due to</p> <p>17 a felony conviction?</p> <p>18 A. It does indicate that they were able to</p> <p>19 rule out more than 100 voters initially</p> <p>20 flagged. So 100 to the 441 open cases is 541.</p> <p>21 So it does state "more than," so there could</p> <p>22 potentially be more than a hundred that were</p> <p>23 ruled out.</p> <p>24 Q. Okay. Sure. But let's -- I'll just</p> <p>25 assume -- I'll just use the number 100 for</p>

<p style="text-align: right;">Page 78</p> <p>1 purposes of my next question.</p> <p>2 So just based on this data in this</p> <p>3 bullet, the false positive rate that resulted</p> <p>4 from the data matching was nearly 20 percent,</p> <p>5 right? 100 out of 541?</p> <p>6 MR. COX: Objection. Vague.</p> <p>7 A. It would require you to use math</p> <p>8 skills, but I believe that's fairly correct.</p> <p>9 Q. Okay. And that error rate was so</p> <p>10 significant that the State Board wrote here</p> <p>11 that, "it further supported the need for</p> <p>12 investigative review of data audits." Is that</p> <p>13 right?</p> <p>14 A. It does state that, yes.</p> <p>15 Q. Okay. Ms. Bell, we talked earlier</p> <p>16 about -- I'm sorry. Give me one second.</p> <p>17 Ms. Bell, we talked in the context</p> <p>18 of -- sorry. Bear with me a second.</p> <p>19 A. You're fine.</p> <p>20 Q. Ms. Bell, so, in the context we talked</p> <p>21 about earlier, where the State Board is on a</p> <p>22 continual basis taking in a list of people</p> <p>23 serving active felony sentences and comparing</p> <p>24 it to the SEIMS database, in that context, the</p> <p>25 State Board doesn't conduct any further</p>	<p style="text-align: right;">Page 80</p> <p>1 investigators showed that roughly 20 percent of</p> <p>2 the people who are identified as illegally</p> <p>3 voting through the data matching turned out to</p> <p>4 be false positives, right?</p> <p>5 A. In this particular report or audit,</p> <p>6 yes.</p> <p>7 Q. So doesn't that suggest to you that</p> <p>8 roughly 20 percent of the people whose</p> <p>9 registrations are canceled because they're</p> <p>10 matched to that SEIMS database, that they are</p> <p>11 erroneously identified as false positives?</p> <p>12 MR. COX: Objection. Speculation.</p> <p>13 A. I don't think I can make that as a</p> <p>14 blanket statement. I think that's what this</p> <p>15 particular audit produced.</p> <p>16 Q. Sitting here today, do you have any</p> <p>17 reason to assert that the data matching that's</p> <p>18 done on a continual basis to remove</p> <p>19 registrations produces fewer false positives</p> <p>20 than the process that was used to identify</p> <p>21 people who voted illegally in the 2016 election</p> <p>22 as shown in this audit?</p> <p>23 A. Since we have not conducted another</p> <p>24 audit, I don't know that I have and can answer</p> <p>25 affirmatively or negatively.</p>
<p style="text-align: right;">Page 79</p> <p>1 investigation into the circumstances of each</p> <p>2 person before it initiates the cancellation</p> <p>3 process, right?</p> <p>4 A. There's a -- there's a criteria -- a</p> <p>5 matching criteria, and that's the audits</p> <p>6 performed or the process that's performed.</p> <p>7 Q. Right. So if the matching criteria</p> <p>8 pops up and it's a hit, then that person will</p> <p>9 be sent a letter telling them that their</p> <p>10 registration can be canceled right?</p> <p>11 A. In the nutshell, yes. I mean, there's</p> <p>12 some steps in between there, but yes.</p> <p>13 Q. Okay. And the State Board doesn't have</p> <p>14 investigators do a person-by-person</p> <p>15 investigation into each person who matches up</p> <p>16 on the list to, you know, confirm that, in</p> <p>17 fact, they are -- they were convicted of a</p> <p>18 felony and should be removed from the rolls,</p> <p>19 right?</p> <p>20 A. There is not an investigation done on</p> <p>21 each of those individuals. That is correct.</p> <p>22 We do not have that large of an investigations</p> <p>23 division, for starters.</p> <p>24 Q. And we just talked about that, in the</p> <p>25 context of this audit, further investigation by</p>	<p style="text-align: right;">Page 81</p> <p>1 Q. So sitting here today, you don't have</p> <p>2 any information to suggest that the false</p> <p>3 positive rate or the current ongoing</p> <p>4 identification of people whose registration</p> <p>5 should be matched -- or should be canceled --</p> <p>6 is lower than it was in these audits?</p> <p>7 MR. COX: Objection. Asked and</p> <p>8 answered.</p> <p>9 A. We have not conducted further audits.</p> <p>10 So I do not have an analysis to support one way</p> <p>11 or the other.</p> <p>12 Q. And assuming -- just assuming for the</p> <p>13 purposes of this question -- that the false</p> <p>14 positive rates for your continual process of</p> <p>15 matching people to the registration records is</p> <p>16 the same as the false positive rating from the</p> <p>17 matching process that happened after the 2016</p> <p>18 election, that would mean that roughly</p> <p>19 20 percent of the people whose registrations</p> <p>20 are canceled are false positives; is that</p> <p>21 right?</p> <p>22 A. You're asking me to speculate that</p> <p>23 current matching would be -- the false</p> <p>24 positives would be equal to what was found in</p> <p>25 this particular audit.</p>

<p style="text-align: right;">Page 82</p> <p>1 Q. I'm asking you just to assume that. So</p> <p>2 assume for the sake of my question that the</p> <p>3 false positive rate is the same. Doesn't that</p> <p>4 mean that roughly 20 percent of people whose</p> <p>5 registrations are canceled, based on the</p> <p>6 ongoing matching process, had their</p> <p>7 registration erroneously canceled as false</p> <p>8 positives?</p> <p>9 MR. COX: Objection. Incomplete</p> <p>10 hypothetical.</p> <p>11 A. I think the best I can say is that if</p> <p>12 this is the measure, then that is possible, but</p> <p>13 there could be other audits that would prove</p> <p>14 differently if we were to conduct those audits.</p> <p>15 Q. Okay. I'd like to now switch gears a</p> <p>16 bit and talk about some of the -- the forms</p> <p>17 that voters actually have to fill out that were</p> <p>18 produced in discovery. And I'm going to pull</p> <p>19 up now what's been marked as Exhibit E.</p> <p>20 (Plaintiffs' E premarked.)</p> <p>21 BY MR. JACOBSON:</p> <p>22 Q. Ms. Bell, this is a -- do you recognize</p> <p>23 this document?</p> <p>24 A. I do.</p> <p>25 Q. And can you confirm that this appears</p>	<p style="text-align: right;">Page 84</p> <p>1 North Carolina General Assembly passed a law</p> <p>2 that essentially eliminated, quote, parole?</p> <p>3 A. I know that there have been changes in</p> <p>4 parole, but I do not know, as a person</p> <p>5 working -- I don't know beyond that. I don't</p> <p>6 work in that division.</p> <p>7 Q. Sure. So, Ms. Bell, did you not know</p> <p>8 that, quote, parole essentially does not exist</p> <p>9 in North Carolina today?</p> <p>10 MR. COX: Objection. States facts not</p> <p>11 in evidence. Calls for a legal conclusion.</p> <p>12 A. I think I -- I think I would have to</p> <p>13 have you -- I would have to have more</p> <p>14 knowledge.</p> <p>15 Q. Okay. Ms. Bell, did you know that in</p> <p>16 the 1994 law that I mentioned a moment ago, the</p> <p>17 Structured Sentencing Act, North Carolina</p> <p>18 replaced parole with something called</p> <p>19 "post-release supervision" for people who are</p> <p>20 released from incarceration but still subject</p> <p>21 to supervision?</p> <p>22 MR. COX: Objection. Misstates the</p> <p>23 law.</p> <p>24 A. I am familiar -- I am not familiar with</p> <p>25 the precise law. I am familiar with a</p>
<p style="text-align: right;">Page 83</p> <p>1 to be a true and accurate copy of a document</p> <p>2 produced by the State Board in discovery in</p> <p>3 this case?</p> <p>4 A. It does appear to be so, yes.</p> <p>5 Q. And, Ms. Bell, is this the voter</p> <p>6 registration form that the State Board</p> <p>7 currently makes available for people to</p> <p>8 register to vote?</p> <p>9 A. It is.</p> <p>10 Q. And now turn to the second page, which</p> <p>11 is Bates stamped page 352. And I'm going to</p> <p>12 direct your attention, Ms. Bell, to instruction</p> <p>13 1 in subpart 5 here.</p> <p>14 Do you see where it says: "If</p> <p>15 previously convicted of a felony, you must have</p> <p>16 fully completed your sentence, including</p> <p>17 probation and/or parole"?</p> <p>18 A. Yes, that is what it states.</p> <p>19 Q. Ms. Bell, are you familiar with the</p> <p>20 Structured Sentencing Act of 1994?</p> <p>21 MR. COX: Objection. Vague.</p> <p>22 A. Actually, I don't know -- I don't know</p> <p>23 it by that -- I don't know that one way or the</p> <p>24 other. I don't know, by that time.</p> <p>25 Q. Are you aware that in 1994, the</p>	<p style="text-align: right;">Page 85</p> <p>1 change -- that there has been a change in what</p> <p>2 I would say is terminology, though, I do</p> <p>3 know -- I do know parole would still be a</p> <p>4 common term.</p> <p>5 Q. Okay. Are you familiar with the term</p> <p>6 post-release supervision?</p> <p>7 A. I have been -- I actually did not know</p> <p>8 of that term until I became executive director.</p> <p>9 Q. But you're familiar with that term</p> <p>10 today?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And what is that term? What do</p> <p>13 you understand that term to mean?</p> <p>14 A. The way that I came to understand it is</p> <p>15 that it is a -- it is the term used in lieu of</p> <p>16 the term "parole" now. As far as I know, they</p> <p>17 are the same processes or the same entity with</p> <p>18 a different term.</p> <p>19 Q. Ms. Bell, is it your understanding that</p> <p>20 North Carolina's felony disenfranchisement laws</p> <p>21 apply to people who are on post-release</p> <p>22 supervision, meaning that they're not allowed</p> <p>23 to vote until their post-release supervision is</p> <p>24 completed?</p> <p>25 A. That is my understanding.</p>

<p style="text-align: right;">Page 86</p> <p>1 Q. Okay. Ms. Bell, I would like you to</p> <p>2 put yourself in the shoes of someone who is on</p> <p>3 post-release supervision and who reads this</p> <p>4 form saying, "You must have completed your</p> <p>5 sentence, including and/or parole," without</p> <p>6 mentioning post-release supervision.</p> <p>7 Could such a person think they're</p> <p>8 eligible to vote because post-release</p> <p>9 supervision isn't mentioned here?</p> <p>10 MR. COX: Objection. Outside the scope</p> <p>11 of the deposition notice.</p> <p>12 Objection. Speculative.</p> <p>13 THE WITNESS: Should I proceed on that,</p> <p>14 Paul?</p> <p>15 MR. COX: You can answer it if you have</p> <p>16 personal knowledge that would allow you to</p> <p>17 answer it.</p> <p>18 THE WITNESS: Okay.</p> <p>19 A. And I'm sorry. Could you state your</p> <p>20 question again?</p> <p>21 Q. Sure. Put yourself in the shoes of</p> <p>22 somebody who is on post-release supervision,</p> <p>23 who reads this instruction 1, number 5, where</p> <p>24 it says you can't vote if you -- or it says,</p> <p>25 "You must have fully completed your sentence,</p>	<p style="text-align: right;">Page 88</p> <p>1 this is me speaking personally -- as an engaged</p> <p>2 citizen, someone who works in the governmental</p> <p>3 entity, and yet, until recently, I did not know</p> <p>4 that that terminology had been changed, it is</p> <p>5 perhaps, actually, easier for someone to</p> <p>6 understand what parole is than post-licensing</p> <p>7 supervision. So I don't want to speculate one</p> <p>8 way or the other. Because of how terminology</p> <p>9 has changed because of the law, we interchange</p> <p>10 terminology quite frequently in other -- there</p> <p>11 are other instances where we do that.</p> <p>12 Q. So, Ms. Bell, I'm not asking you to put</p> <p>13 yourself in the shoes of another person. I'm</p> <p>14 just saying in your own shoes. Hypothetically,</p> <p>15 if somebody who is on post-release supervision</p> <p>16 reads this sentence, and then you happen to be</p> <p>17 standing right next to them while they're</p> <p>18 reading it, and they said, "Ms. Bell, I think I</p> <p>19 might be eligible to vote because this doesn't</p> <p>20 mention post-release supervision," can you</p> <p>21 understand why that person would think that?</p> <p>22 A. I can -- what I can state is that when</p> <p>23 someone questions whether they're eligible to</p> <p>24 vote or not, in particular, with an individual</p> <p>25 who is a felon or has completed their felony</p>
<p style="text-align: right;">Page 87</p> <p>1 including probation and/or parole," but does</p> <p>2 not mention post-release supervision. Could</p> <p>3 such a person think that they're eligible to</p> <p>4 vote because post-release supervision is not</p> <p>5 mentioned here?</p> <p>6 MR. COX: Objection. Outside the scope</p> <p>7 of the deposition notice.</p> <p>8 Objection. Calls for speculation.</p> <p>9 If you have knowledge and the ability</p> <p>10 to answer it, you can answer it.</p> <p>11 A. I don't think I have -- you've asked me</p> <p>12 to put myself in someone else's shoes. I don't</p> <p>13 know whether that makes it clear or unclear for</p> <p>14 them.</p> <p>15 Q. Okay. I'll give you this as a</p> <p>16 hypothetical. Let's say somebody on</p> <p>17 post-release supervision reads this form and</p> <p>18 says -- comes up to you -- you just happen to</p> <p>19 be standing there -- and they say, "I think I</p> <p>20 might be eligible to vote because this doesn't</p> <p>21 mention post-release supervision." Could you</p> <p>22 understand why that person would think that?</p> <p>23 A. The best answer I can give you is that</p> <p>24 I don't know if I can put myself in someone</p> <p>25 else's shoes. And by the fact that as -- and</p>	<p style="text-align: right;">Page 89</p> <p>1 sentence, and they're not certain, we aren't</p> <p>2 probation officers, we aren't officers of the</p> <p>3 court; therefore, we say that it's best for</p> <p>4 them to speak with that officer if they need</p> <p>5 clarification.</p> <p>6 Q. So just to make sure I understand that</p> <p>7 answer. You're saying that the State Board of</p> <p>8 Elections does not provide clarification to</p> <p>9 individuals about their eligibility to vote?</p> <p>10 A. We give them clarification as defined</p> <p>11 here as best as to our knowledge, but if they</p> <p>12 still don't -- if they don't know the</p> <p>13 distinction between parole or post-licensing,</p> <p>14 as you mentioned, or if they don't know what</p> <p>15 probation is, then the best thing I can do as</p> <p>16 an election official is to say, "That's outside</p> <p>17 of the scope of elections, and you should speak</p> <p>18 with your officer as to whether you have</p> <p>19 completed your sentence or not."</p> <p>20 Q. Sure. So I'm just going to ask one</p> <p>21 more time, though. My question was simply that</p> <p>22 hypothetical person, and they say to you, "I</p> <p>23 think I might be eligible to vote, because this</p> <p>24 doesn't mention post-release supervision,"</p> <p>25 could you, at least, understand why they would</p>

<p style="text-align: right;">Page 90</p> <p>1 think that?</p> <p>2 A. Are you asking me as Karen Brinson</p> <p>3 Bell, or are you asking -- I --</p> <p>4 Q. I'm asking you as the representative</p> <p>5 here for the State Board of Elections.</p> <p>6 A. I think that -- I've expressed before,</p> <p>7 I think it's difficult for me to assert what</p> <p>8 someone would have as confusion or not</p> <p>9 confusion.</p> <p>10 Q. But can you at least understand why</p> <p>11 they would say that?</p> <p>12 MR. COX: Objection. Asked and</p> <p>13 answered.</p> <p>14 A. I don't think I can answer a question</p> <p>15 about understanding as a representative of an</p> <p>16 organization versus -- understanding is about</p> <p>17 my individual understanding, not the</p> <p>18 understanding of an organization.</p> <p>19 Q. Could you understand why such a person</p> <p>20 might be uncertain or confused if they're</p> <p>21 eligible to vote if they read this when they're</p> <p>22 on post-release supervision?</p> <p>23 A. I don't believe I can answer your</p> <p>24 question. I'm sorry.</p> <p>25 Q. Okay. I'm going to turn back now to</p>	<p style="text-align: right;">Page 92</p> <p>1 supervision. Am I characterizing that</p> <p>2 correctly?</p> <p>3 A. Yes. I think that's accurate.</p> <p>4 Correct.</p> <p>5 Q. Okay. So do you see number 4 here</p> <p>6 says: "I have not been convicted of a felony,</p> <p>7 or if I have been convicted of a felony, I have</p> <p>8 completed my sentence, including any</p> <p>9 probation"?</p> <p>10 A. I do.</p> <p>11 Q. And so that doesn't even mention</p> <p>12 parole, does it, Ms. Bell?</p> <p>13 A. It does not.</p> <p>14 Q. And it does not mention post-release</p> <p>15 supervision?</p> <p>16 A. Correct.</p> <p>17 Q. So, again, I'll ask, if you put</p> <p>18 yourself -- well, if you put yourself in the</p> <p>19 shoes of somebody who is on post-release</p> <p>20 supervision who reads this, could you</p> <p>21 understand why such a person would think</p> <p>22 they're eligible to vote, because neither</p> <p>23 parole nor post-release supervision is</p> <p>24 mentioned here?</p> <p>25 MR. COX: Objection. Outside the scope</p>
<p style="text-align: right;">Page 91</p> <p>1 the prior page, which is page 351.</p> <p>2 Ms. Bell, do you see in Section 10</p> <p>3 here, which is the section that -- and I don't</p> <p>4 know what the right word is -- the affirmation</p> <p>5 that a voter must sign, number 4 says: "I have</p> <p>6 not been convicted of a felony, or if I have</p> <p>7 been convicted of a felony" -- (inaudible).</p> <p>8 THE REPORTER: We're not hearing you.</p> <p>9 BY MR. JACOBSON:</p> <p>10 Q. Do you not hear me?</p> <p>11 A. No. I was about to say, "Did you say</p> <p>12 something more?"</p> <p>13 Q. I could see everyone making gestures.</p> <p>14 A. I was reading the note, looked up, and</p> <p>15 I was, like, I think you're talking, but I</p> <p>16 don't hear your voice.</p> <p>17 Q. Yeah. I was, like, did I just say</p> <p>18 something super offensive? Everyone is</p> <p>19 starting to gesture.</p> <p>20 Can you hear me?</p> <p>21 A. Yes. All I heard was "number 4," so...</p> <p>22 Q. Okay. So, Ms. Bell, do you see on</p> <p>23 number 4 here it says -- so let me ask you</p> <p>24 this: You said a moment ago that in your mind</p> <p>25 parole might be synonymous with post-release</p>	<p style="text-align: right;">Page 93</p> <p>1 of the notice of deposition.</p> <p>2 Objection. Calls for speculation.</p> <p>3 If you are able to answer based upon</p> <p>4 your personal knowledge, you can.</p> <p>5 A. I can't -- I can't determine what</p> <p>6 someone would be able to understand or not</p> <p>7 understand.</p> <p>8 Q. Ms. Bell, as the executive director of</p> <p>9 the State Board of Elections, you have</p> <p>10 authority over the contents of these forms,</p> <p>11 right?</p> <p>12 A. Yes.</p> <p>13 Q. Do you think it would be advisable for</p> <p>14 the State Board of Elections to clarify on here</p> <p>15 that it applies to people on post-release</p> <p>16 supervision?</p> <p>17 MR. COX: Objection. Vague.</p> <p>18 A. Do I think it would be advisable for</p> <p>19 the form to be altered? Is that what you're</p> <p>20 asking?</p> <p>21 Q. Correct.</p> <p>22 A. I don't -- if it's advisable, who is</p> <p>23 providing the advice?</p> <p>24 Q. Well, you're in charge of the State</p> <p>25 Board of Elections, right?</p>

<p style="text-align: right;">Page 94</p> <p>1 A. Yes.</p> <p>2 Q. As the executive director of the State</p> <p>3 Board of Elections, do you think this form</p> <p>4 should be altered to include post-release</p> <p>5 supervision?</p> <p>6 A. Before we change any forms, I actually</p> <p>7 prefer to consult with our general counsel to</p> <p>8 ensure that we're in compliance with the laws.</p> <p>9 And we are also in the process of updating many</p> <p>10 of our forms to be more user-friendly. But</p> <p>11 that -- that extends beyond the question that</p> <p>12 you're asking me.</p> <p>13 Q. Okay. I'll move on.</p> <p>14 I'm going to pull up now what's been</p> <p>15 marked as Exhibit F.</p> <p>16 (Plaintiffs' F premarked.)</p> <p>17 BY MR. JACOBSON:</p> <p>18 Q. Ms. Bell, do you recognize this</p> <p>19 document?</p> <p>20 A. I do.</p> <p>21 Q. And I should have said, this is a</p> <p>22 document that's titled Absentee Application and</p> <p>23 Certificate; is that right?</p> <p>24 A. That's correct.</p> <p>25 Q. Can you confirm, to the best of your</p>	<p style="text-align: right;">Page 96</p> <p>1 of people to apply for absentee ballots in this</p> <p>2 year's November elections?</p> <p>3 A. Yes. That's correct.</p> <p>4 Q. Potentially, millions of people?</p> <p>5 A. I would have to do the math on that.</p> <p>6 Q. Okay.</p> <p>7 A. I hope it's not that much.</p> <p>8 Q. We can agree --</p> <p>9 A. Well, I shouldn't say I hope. We're --</p> <p>10 yeah, we're expecting a 30 to 40 percent</p> <p>11 possible participation.</p> <p>12 Q. It's going to be a lot of people,</p> <p>13 correct?</p> <p>14 A. Yes. Exactly.</p> <p>15 Q. Okay. I'm going to direct your</p> <p>16 attention to the "Voter's Certification"</p> <p>17 section on the left side of this form. Do you</p> <p>18 see that?</p> <p>19 A. I do.</p> <p>20 Q. And do you see that it says right here</p> <p>21 in the final sentence of that first paragraph:</p> <p>22 "I have not been convicted of a felony, or if I</p> <p>23 have been convicted of a felony, I have</p> <p>24 completed my sentence, including any probation</p> <p>25 or parole"?</p>
<p style="text-align: right;">Page 95</p> <p>1 knowledge, that this is a true and accurate</p> <p>2 copy of a document that the State Board</p> <p>3 produced this discovery?</p> <p>4 MR. COX: Objection. Assumes facts not</p> <p>5 in evidence.</p> <p>6 A. I can't see an indication -- there we</p> <p>7 go. I do see a notation at the bottom that</p> <p>8 does appear to have been provided.</p> <p>9 Q. And, Ms. Bell, is this the State Board</p> <p>10 of Elections form for voters to apply for an</p> <p>11 absentee ballot?</p> <p>12 A. This is a prior iteration of the form.</p> <p>13 Q. When was the form updated since then?</p> <p>14 A. We are currently updating due to a</p> <p>15 change in the law and the number of witnesses</p> <p>16 because of coronavirus.</p> <p>17 Q. Okay. And is that the only change that</p> <p>18 you expect to make to this form currently?</p> <p>19 A. We have actually redesigned it to make</p> <p>20 it -- it's one of the forms I was meaning when</p> <p>21 I said we were trying to develop a more</p> <p>22 user-friendly format.</p> <p>23 Q. Okay. Understood.</p> <p>24 Ms. Bell, is it fair to say that you</p> <p>25 would expect, at least, hundreds of thousands</p>	<p style="text-align: right;">Page 97</p> <p>1 A. I do see that.</p> <p>2 Q. Again, that does not mention</p> <p>3 post-release supervision, correct?</p> <p>4 A. That's correct.</p> <p>5 Q. And to the best -- as you sit here</p> <p>6 today, the Board currently does not intend to</p> <p>7 change this language on this form, does it?</p> <p>8 A. Actually, I don't recall whether that's</p> <p>9 been changed.</p> <p>10 Q. You're not aware of any intent to</p> <p>11 change this form currently to include</p> <p>12 post-release supervision, are you?</p> <p>13 MR. COX: Objection. Asked and</p> <p>14 answered.</p> <p>15 A. I would have to look at the new proof</p> <p>16 to determine whether the language has been</p> <p>17 changed or not. I don't know off the top of my</p> <p>18 head.</p> <p>19 Q. Okay. I'm going to skip ahead now and</p> <p>20 pull up what's been marked as Exhibit H.</p> <p>21 (Plaintiffs' H premarked.)</p> <p>22 MR. COX: And, Dan, one thing that</p> <p>23 could be helpful to me is if you list the</p> <p>24 Bates stamp number as we're going through</p> <p>25 this.</p>

<p style="text-align: right;">Page 98</p> <p>1 MR. JACOBSON: Sure.</p> <p>2 BY MR. JACOBSON:</p> <p>3 Q. Exhibit H is a document that starts on</p> <p>4 Bates stamp 537.</p> <p>5 Do you see that, Ms. Bell?</p> <p>6 A. Actually, I don't see the number, but I</p> <p>7 do see the -- I would have to move everything</p> <p>8 off of zoom.</p> <p>9 Q. Okay. Don't worry.</p> <p>10 A. Okay. Thank you.</p> <p>11 Q. I'll just state for the record, it</p> <p>12 starts on page 537.</p> <p>13 A. Thank you.</p> <p>14 Q. And I'll try to make sure to do that</p> <p>15 for future ones, but if I don't, just remind</p> <p>16 me.</p> <p>17 A. Okay.</p> <p>18 Q. Ms. Bell, this is a document titled</p> <p>19 "Voting Site Station Guide"; is that right?</p> <p>20 A. That's correct.</p> <p>21 Q. And have you seen this document before?</p> <p>22 A. Yes.</p> <p>23 Q. And can you confirm, to the best of</p> <p>24 your knowledge, that this is a true and</p> <p>25 accurate copy of a document that the State</p>	<p style="text-align: right;">Page 100</p> <p>1 A. It is stated as that, yes.</p> <p>2 Q. Okay. I'm going to turn now to two</p> <p>3 pages later. So Bates stamp page 558. And</p> <p>4 I'll give you a moment to read this, Ms. Bell.</p> <p>5 A. (Reviewing.)</p> <p>6 Q. Do you see here that it says that a</p> <p>7 poll worker must review certain eligibility</p> <p>8 statements with the voter, with the final one</p> <p>9 being: "Have not been convicted of a felony,</p> <p>10 or if they have been convicted of a felony,</p> <p>11 they have completed their sentence, including</p> <p>12 any probation or parole"?</p> <p>13 A. I do see that.</p> <p>14 Q. And, again, it just says probation or</p> <p>15 parole without mentioning post-release</p> <p>16 supervision, right?</p> <p>17 A. Correct.</p> <p>18 Q. Would you concede that this may confuse</p> <p>19 a poll worker as to whether a person is on</p> <p>20 post-release supervision or eligible to vote?</p> <p>21 MR. COX: Objection. Calls for</p> <p>22 speculation.</p> <p>23 A. As I've stated, I don't think I can</p> <p>24 attest to someone's confusion or clarity.</p> <p>25 Q. Let's say, hypothetically, a person who</p>
<p style="text-align: right;">Page 99</p> <p>1 Board produced in discovery in this case?</p> <p>2 A. It does appear to be, yes.</p> <p>3 Q. Okay. And, Ms. Bell, is this a guide</p> <p>4 that's developed by the State Board that's</p> <p>5 given to poll workers in every polling place in</p> <p>6 North Carolina?</p> <p>7 A. That's correct.</p> <p>8 Q. It indicates here on the cover page</p> <p>9 that it was last updated in 2020, right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. I'm going to turn now to what's</p> <p>12 been marked as -- or not what's been marked --</p> <p>13 to Bates stamp page 557. I can't see my own...</p> <p>14 A. You're having the same problem I was.</p> <p>15 Q. Yeah. It's on the right side of the</p> <p>16 screen.</p> <p>17 A. Yeah, underneath everyone's video.</p> <p>18 Q. One more page. Okay.</p> <p>19 Ms. Bell, do you see that this page --</p> <p>20 this slide is titled "Step 6: Determination of</p> <p>21 Voter Eligibility and Voting Authorization"?</p> <p>22 A. Yes.</p> <p>23 Q. Is this the final step for a poll</p> <p>24 worker to determine whether a voter who shows</p> <p>25 up at a polling place is eligible to vote?</p>	<p style="text-align: right;">Page 101</p> <p>1 is on post-release supervision shows up to the</p> <p>2 polls and asks the poll worker, "I've finished</p> <p>3 serving my prison sentence, but I'm on</p> <p>4 post-release supervision. Can I vote?" The</p> <p>5 poll worker might consult this document and say</p> <p>6 "Yes," right?</p> <p>7 MR. COX: Objection. Calls for</p> <p>8 speculation.</p> <p>9 A. The poll worker could consult this</p> <p>10 document. That's correct.</p> <p>11 Q. And the poll worker might say, "Yes,</p> <p>12 you're eligible to vote," because it doesn't</p> <p>13 mention anything about post-release</p> <p>14 supervision, right?</p> <p>15 MR. COX: Objection. Calls for</p> <p>16 speculation.</p> <p>17 A. They may say yes or they may say no.</p> <p>18 Q. Okay. I'm going to pull up now what's</p> <p>19 been marked as Exhibit I.</p> <p>20 (Plaintiffs' I premarked.)</p> <p>21 MR. JACOBSON: And, Paul, and others,</p> <p>22 this is one where the file is so large, I</p> <p>23 think that it might be that Daryl is not</p> <p>24 able to send it to you. But I'll try</p> <p>25 sending it, after the deposition, to</p>

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<p>1 everyone. And if we don't get it, we could</p> <p>2 use our FTP file transfer or something like</p> <p>3 that. Is that okay?</p> <p>4 MR. COX: Okay. Is it a document</p> <p>5 produced in discovery?</p> <p>6 MR. JACOBSON: Correct.</p> <p>7 MR. COX: Okay.</p> <p>8 MR. JACOBSON: And I should say, along</p> <p>9 those lines, that this document starts at</p> <p>10 Bates stamp number 132.</p> <p>11 BY MR. JACOBSON:</p> <p>12 Q. Ms. Bell, this document doesn't have a</p> <p>13 title to it, but do you recognize this</p> <p>14 document?</p> <p>15 A. I believe I do. Yes.</p> <p>16 Q. And can you confirm, to the best of</p> <p>17 your ability, that this is a true and accurate</p> <p>18 copy of a document produced by the State Board</p> <p>19 in discovery in this case?</p> <p>20 A. I believe so, yes.</p> <p>21 Q. And am I correct that this is a --</p> <p>22 pardon me -- this is a manual that's given to</p> <p>23 local election officials and poll workers? Is</p> <p>24 that right?</p> <p>25 A. It is made available to the county</p>	<p>1 Q. Ms. Bell, if somebody is currently on</p> <p>2 post-release supervision, and they're asked</p> <p>3 this question, they would truthfully answer</p> <p>4 "no," right?</p> <p>5 MR. COX: Objection. Calls for</p> <p>6 speculation.</p> <p>7 A. I do not know.</p> <p>8 Q. If I represent to you or if I ask you</p> <p>9 to assume for purposes of this question that</p> <p>10 post-release supervision is different from</p> <p>11 probation and different from parole, wouldn't</p> <p>12 the truthful answer to this question for</p> <p>13 somebody who is on post-release supervision be</p> <p>14 "no"?</p> <p>15 MR. COX: Objection. Calls for</p> <p>16 speculation.</p> <p>17 A. I think we determined earlier, I have</p> <p>18 an association of parole as being</p> <p>19 post-sentencing supervision. I don't know if</p> <p>20 that would be the case for an individual</p> <p>21 answering this question. They may have the</p> <p>22 same understanding or assumption.</p> <p>23 Q. Okay. So it sounds like we agree,</p> <p>24 though, that it's possible a person on</p> <p>25 post-release supervision could answer this</p>
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<p>1 board of elections to provide, yes.</p> <p>2 Q. And this is developed by the State</p> <p>3 Board of Elections?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. I'm going to go now to Bates</p> <p>6 stamp page 256.</p> <p>7 Ms. Bell, my understanding is that this</p> <p>8 page shows the script that a poll worker is</p> <p>9 supposed to read from if a voter's eligibility</p> <p>10 to vote is challenged at the polling place. Is</p> <p>11 that right?</p> <p>12 A. Would you scroll just a little bit so I</p> <p>13 can see what's above the --</p> <p>14 Q. Sure. Do you want me to go on to the</p> <p>15 prior page?</p> <p>16 A. Thank you. Yes. That does help.</p> <p>17 Okay. Then, yes, this is the script</p> <p>18 for a challenge.</p> <p>19 Q. Okay. And if we look at the fourth</p> <p>20 bullet here, it says that the poll worker is</p> <p>21 supposed to ask the voter: "Are you currently</p> <p>22 on probation or parole for a felony</p> <p>23 conviction?"</p> <p>24 Do you see that?</p> <p>25 A. I do see that.</p>	<p>1 question "no"?</p> <p>2 MR. COX: Objection. Misstates the</p> <p>3 testimony.</p> <p>4 A. A person could answer "yes" or "no."</p> <p>5 Q. But it would be reasonable for a person</p> <p>6 to answer "no" who is on post-release</p> <p>7 supervision?</p> <p>8 MR. COX: Objection. Calls for</p> <p>9 speculation. Vague.</p> <p>10 A. They can answer "yes" or "no" depending</p> <p>11 on their understanding.</p> <p>12 Q. Okay. If somebody who is on</p> <p>13 post-release supervision did answer this</p> <p>14 question "no," they would be allowed to vote,</p> <p>15 right, by the poll worker?</p> <p>16 MR. COX: Objection. Incomplete</p> <p>17 hypothetical.</p> <p>18 A. If an individual -- if any individual</p> <p>19 answers "no" to this question, then they would</p> <p>20 be allowed to vote.</p> <p>21 Q. So if a person who is on post-release</p> <p>22 supervision answered "no," they would be</p> <p>23 allowed to vote?</p> <p>24 A. That is correct.</p> <p>25 Q. And that person could then be</p>

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<p>1 prosecuted for the crime of illegally voting, 2 right? 3 A. If someone who has not completed their 4 felony, votes, then they could be prosecuted, 5 correct. 6 Q. Okay. 7 MR. COX: Dan, do you want to take a 8 quick break? 9 THE WITNESS: I was about to ask. If 10 you think we're wrapping up on some of this 11 soon, then I can keep going. But if not, 12 I'd like to take a break. 13 MR. JACOBSON: Paul, I've got maybe, I 14 would say, about two more minutes of 15 questions on this module. Can we get 16 through that and then take a break? 17 MR. COX: Sure. Sure. 18 MR. JACOBSON: Okay. 19 THE WITNESS: My Apple watch is telling 20 me to stand. 21 BY MR. JACOBSON: 22 Q. I'll skip ahead one exhibit to 23 Exhibit K. And this is a document that starts 24 with Bates stamp number 303. 25 (Plaintiffs' K premarked.)</p>	<p>1 restitution, you do not have to do anything to 2 have your citizenship right restored"? 3 A. That is how it reads, yes. 4 Q. Okay. And so, once again, this says 5 "including probation or parole." It doesn't 6 mention post-release supervision, correct? 7 A. That's correct. 8 Q. And this one, unlike the other ones we 9 looked at, also mentions restitution, right? 10 A. It does. 11 Q. None of the other documents we looked 12 at before mention restitution? 13 MR. COX: Objection. 14 A. Not that I recall. 15 Q. Ms. Bell, are you aware that 16 individuals convicted of felonies in 17 North Carolina are often required to pay fees 18 for court costs that are different from 19 restitution? 20 MR. COX: Okay. Calls for a legal 21 conclusion. 22 Objection. Speculation. 23 A. Could you state your question again, 24 please? 25 Q. Sure. Are you aware that individuals</p>
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<p>1 BY MR. JACOBSON: 2 Q. Ms. Bell, do you recognize this 3 document? 4 A. I do. 5 Q. And to the best of your knowledge, is 6 this a document produced by the State Board in 7 discovery in this case? 8 A. I believe it is. Yes. 9 Q. And this is a document that's produced 10 by the State Board of Elections, right, looking 11 at the top right corner here? 12 A. It was -- yes, it has been produced at 13 a point in time by the State Board, yes. 14 Q. And am I correct that this is a 15 document that's made specifically for 16 individuals convicted of felonies to inform 17 them about their voting rights? 18 A. That's correct. 19 Q. Okay. I'm going to turn your attention 20 now to the second page of this document and the 21 top right column, the part that's been 22 highlighted. 23 Do you see the sentence that reads: 24 "However, after completing all terms of your 25 sentence, including parole, probation, and</p>	<p>1 convicted of felonies in North Carolina are 2 often required to pay fees for court costs that 3 are different from restitution? 4 MR. COX: Objection. Calls for a legal 5 conclusion. Calls for speculation. 6 A. I actually -- I'm not -- I'm not clear 7 on that matter. I actually personally 8 associate restitution and fees and so forth as 9 being of the same language. I don't know the 10 distinction there. 11 Q. Okay. So a person who has paid back 12 their restitution, but still owes other fees 13 from their court case, who reads this, they 14 might think they're eligible to vote, right, 15 because it only mentions restitution? 16 MR. COX: Objection. Calls for 17 speculation and outside the scope of the 18 notice. 19 A. I don't know what someone else's 20 understanding would be. Obviously, I don't 21 have a clear understanding. 22 MR. JACOBSON: Okay. Should we take a 23 break? 24 THE WITNESS: That sounds good. 25 MR. JACOBSON: Do you want to do five</p>

<p style="text-align: right;">Page 110</p> <p>1 or ten minutes?</p> <p>2 THE WITNESS: Can we do ten minutes?</p> <p>3 MR. JACOBSON: Sure. So we'll come</p> <p>4 back at 11:26.</p> <p>5 THE WITNESS: Sounds fine. Thank you.</p> <p>6 (Recess from 11:16 to 11:28 a.m.)</p> <p>7 MR. JACOBSON: Okay. So, Ms. Bell, are</p> <p>8 you ready to go back on the record?</p> <p>9 THE WITNESS: I am.</p> <p>10 MR. JACOBSON: Court reporter, are you</p> <p>11 all set?</p> <p>12 THE REPORTER: Yes, sir. Thank you.</p> <p>13 MR. JACOBSON: Okay. All right.</p> <p>14 THE WITNESS: Dan, before we go back</p> <p>15 into questions, can we just amend the</p> <p>16 record, or whatever the right phrase would</p> <p>17 be?</p> <p>18 I did confirm during the break that we</p> <p>19 took that we have amended or requested to</p> <p>20 be amended, in the new versions of our</p> <p>21 absentee by mail envelope and voter</p> <p>22 registration form, to include -- it does</p> <p>23 say probation, parole, and</p> <p>24 post-sentencing --</p> <p>25 MR. JACOBSON: Post-release</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. I'll go back now to what's been marked</p> <p>2 as Exhibit G. And this is a document that</p> <p>3 starts at Bates stamp number 405.</p> <p>4 Ms. Bell, do you recognize this</p> <p>5 document?</p> <p>6 A. I do.</p> <p>7 Q. And is -- to the best of your</p> <p>8 knowledge, is this a document produced by the</p> <p>9 State Board in discovery?</p> <p>10 A. I believe so, yes.</p> <p>11 Q. And is this One Stop Application that</p> <p>12 voters fill out when they want to vote -- what</p> <p>13 I think of as early voting?</p> <p>14 A. Yes, it is part of our One Stop early</p> <p>15 voting. It serves as the poll book document</p> <p>16 for that.</p> <p>17 Q. And in section A here, the final thing</p> <p>18 that voters have to certify, it says: "I have</p> <p>19 not been convicted of a felony, or if I have</p> <p>20 been convicted of a felony, I have completed my</p> <p>21 sentence, including any probation or parole."</p> <p>22 Is that right?</p> <p>23 A. That is what it states. Yes.</p> <p>24 Q. And are you aware of any present</p> <p>25 efforts to update this form to include</p>
<p style="text-align: right;">Page 111</p> <p>1 supervision?</p> <p>2 THE WITNESS: Thank you. Sorry. I am</p> <p>3 stumbling over that, because I have -- in</p> <p>4 real estate, it's post-licensing. So all</p> <p>5 of these things begin to run together.</p> <p>6 But, yes, post -- what is the phrase? I'm</p> <p>7 sorry.</p> <p>8 MR. JACOBSON: Post-release</p> <p>9 supervision.</p> <p>10 THE WITNESS: Post-release, yeah,</p> <p>11 supervision. Thank you.</p> <p>12 BY MR. JACOBSON:</p> <p>13 Q. Okay. So let me clarify that. Which</p> <p>14 forms did you say are being amended?</p> <p>15 A. The new iterations of our voter</p> <p>16 registration forms. And you showed the old</p> <p>17 version of our absentee by mail envelope that I</p> <p>18 indicated we had a new version. That's in the</p> <p>19 process now, and that's been updated with that</p> <p>20 phrase.</p> <p>21 Q. Okay. Is the One Stop form being</p> <p>22 updated as well; do you know?</p> <p>23 I'll just show you.</p> <p>24 (Plaintiffs' G premarked.)</p> <p>25 BY MR. JACOBSON:</p>	<p style="text-align: right;">Page 113</p> <p>1 post-release supervision?</p> <p>2 A. I do not know whether this is -- I</p> <p>3 don't know if this one is being revised, but I</p> <p>4 can check and correct the record if need be.</p> <p>5 Q. Okay. And we spoke earlier about -- I</p> <p>6 can't remember the exact name, but a voting</p> <p>7 guide that's provided to coworkers. Is that</p> <p>8 right?</p> <p>9 A. Yes.</p> <p>10 Q. And that voting guide did not mention</p> <p>11 post-release supervision, right?</p> <p>12 A. I believe that's correct. Yes.</p> <p>13 Q. And are you aware of any current</p> <p>14 modifications being made to that guide to</p> <p>15 include post-release supervision?</p> <p>16 A. We are not scheduled to do revisions to</p> <p>17 that, but that does not mean that we would not.</p> <p>18 Q. Okay.</p> <p>19 A. These other things had to be sent to</p> <p>20 printers and so forth, so they are first in the</p> <p>21 order.</p> <p>22 Q. And we looked at this document a moment</p> <p>23 ago titled -- you know, a document that's put</p> <p>24 out or has been put out by the State Board of</p> <p>25 Elections, you know, to inform individuals</p>

<p style="text-align: right;">Page 114</p> <p>1 convicted of felonies of (inaudible)?</p> <p>2 A. I should state that this is actually an</p> <p>3 older brochure. We have a flyer that we have</p> <p>4 been working to substitute. I do know that</p> <p>5 there are actually more current versions of</p> <p>6 this -- even this brochure, because this does</p> <p>7 not have our correct website address, and there</p> <p>8 are versions that do have the correct website</p> <p>9 address.</p> <p>10 Q. I will pull up what's been marked as</p> <p>11 Exhibit J, which I think might be the current</p> <p>12 version. It's one of the documents</p> <p>13 (inaudible).</p> <p>14 MR. COX: Sorry, Dan. You trailed off</p> <p>15 there.</p> <p>16 MR. JACOBSON: All right. I'm pulling</p> <p>17 up what's been marked as Exhibit J, which</p> <p>18 is one of the documents I skipped earlier.</p> <p>19 (Plaintiffs' J premarked.)</p> <p>20 BY MR. JACOBSON:</p> <p>21 Q. Ms. Bell, do you recognize this</p> <p>22 document?</p> <p>23 A. Could you make more of the page</p> <p>24 visible? Reduce?</p> <p>25 Q. Sure.</p>	<p style="text-align: right;">Page 116</p> <p>1 very first sentence of this document says:</p> <p>2 "When you are convicted of a felony in North</p> <p>3 Carolina, you cannot register" -- sorry -- "you</p> <p>4 cannot vote or register to vote until you have</p> <p>5 completed all the terms of your felony</p> <p>6 sentence, including any probation or parole."</p> <p>7 Do you see that?</p> <p>8 A. I do.</p> <p>9 Q. And that does not mention post-release</p> <p>10 supervision, right?</p> <p>11 A. It does not.</p> <p>12 Q. Okay. And if we scroll down to the</p> <p>13 fourth row here titled "Am I eligible to vote."</p> <p>14 Do you see that row?</p> <p>15 A. I do. Yes.</p> <p>16 Q. And do you see that it says: "You must</p> <p>17 not be serving an active felony sentence,</p> <p>18 including any probation or parole"?</p> <p>19 A. That's correct. That is what it</p> <p>20 states.</p> <p>21 Q. And it does not mention post-release</p> <p>22 supervision?</p> <p>23 A. It does not.</p> <p>24 Q. And I think you said a moment ago,</p> <p>25 you're planning on putting this document into</p>
<p style="text-align: right;">Page 115</p> <p>1 A. Thank you.</p> <p>2 Yes, that is the flyer that was</p> <p>3 designed and is being substituted for that</p> <p>4 brochure.</p> <p>5 Q. And to the best of your knowledge, is</p> <p>6 this a document that was produced -- a true and</p> <p>7 accurate copy of a document produced by the</p> <p>8 State Board in discovery?</p> <p>9 A. Yes, I believe so.</p> <p>10 Q. And I think you just said this, but is</p> <p>11 this the more current version of the document</p> <p>12 that the State Board makes available to</p> <p>13 individuals convicted of felonies to notify</p> <p>14 them of their voting rights?</p> <p>15 A. Yes, it is intended that this would be</p> <p>16 introduced into the system over the brochure.</p> <p>17 Q. Okay. And if we go -- and so this</p> <p>18 document is intended specifically for people</p> <p>19 convicted of felonies as sort of an educational</p> <p>20 document? Do I have that right?</p> <p>21 A. It would serve for someone convicted of</p> <p>22 a felony. Or if someone is not, and is serving</p> <p>23 a misdemeanor, it would clarify for them as</p> <p>24 well.</p> <p>25 Q. Okay. Fair enough. So do you see the</p>	<p style="text-align: right;">Page 117</p> <p>1 circulation or you've sort of started that</p> <p>2 process?</p> <p>3 A. It has been introduced.</p> <p>4 Q. Okay.</p> <p>5 A. It's just a matter of getting</p> <p>6 everything updated.</p> <p>7 Q. And you're not aware of any current</p> <p>8 intentions to modify this document, are you?</p> <p>9 A. It is not scheduled, to my knowledge,</p> <p>10 no.</p> <p>11 Q. Okay. So I'll switch gears now.</p> <p>12 Ms. Bell, beyond the documents that we</p> <p>13 just looked at, just now and before the break,</p> <p>14 beyond those documents, isn't it the case that</p> <p>15 the information provided to felons about their</p> <p>16 voting rights is not standard and often</p> <p>17 excludes references to loss of voting rights?</p> <p>18 MR. COX: Objection. Assume facts not</p> <p>19 in evidence. Calls for speculation.</p> <p>20 A. Actually, would you restate your</p> <p>21 question or ask it again, please?</p> <p>22 Q. Sure. Isn't it the case that the</p> <p>23 information provided to felons about their</p> <p>24 voting rights is not standard and often</p> <p>25 excludes references to the loss of voting</p>

<p style="text-align: right;">Page 118</p> <p>1 rights?</p> <p>2 MR. COX: Objection. Calls for</p> <p>3 speculation.</p> <p>4 A. Actually, I do think that's a rather</p> <p>5 broad statement. I can only indicate what is</p> <p>6 done in elections.</p> <p>7 Q. So do you disagree with that statement?</p> <p>8 A. I neither agree or disagree. I</p> <p>9 don't -- I can't speak for what other entities</p> <p>10 might provide to felons.</p> <p>11 Q. Okay. Isn't it the case that when</p> <p>12 registered to vote, or actually voting, not all</p> <p>13 voters read the language that we looked at</p> <p>14 earlier requiring them to affirm that they are</p> <p>15 not serving a felony sentence?</p> <p>16 A. We provide the information to any</p> <p>17 voter, and it is up to that individual whether</p> <p>18 they read all the material or not.</p> <p>19 Q. So I'll just ask it one more time.</p> <p>20 Isn't it the case that when registering</p> <p>21 to vote or actually voting, not all voters read</p> <p>22 the language requiring them to affirm that they</p> <p>23 are not serving a felony sentence?</p> <p>24 A. I can't determine if an individual or</p> <p>25 all individuals read all of the information.</p>	<p style="text-align: right;">Page 120</p> <p>1 A. Uh-huh.</p> <p>2 Q. -- and the director of the</p> <p>3 Administrative Office of the Courts?</p> <p>4 A. I believe you asked if it was from</p> <p>5 Kim Westbrook Strach to Secretary Hooks and</p> <p>6 Administrative Officer Warren? You cut out, so</p> <p>7 I was just clarifying.</p> <p>8 Q. Yes. Is that what this is?</p> <p>9 A. Yes, it is.</p> <p>10 Q. And Kim Strach is your predecessor as</p> <p>11 executive director of the State Board of</p> <p>12 Elections; is that right?</p> <p>13 A. You cut out again, but I believe you</p> <p>14 asked if she was my predecessor. Yes, she is</p> <p>15 my predecessor.</p> <p>16 Q. Okay. She was the previous executive</p> <p>17 director of the State Board of Elections?</p> <p>18 A. That's correct.</p> <p>19 Q. Are you able to hear me? Is this</p> <p>20 better?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. For the record, I -- last -- a</p> <p>23 couple days ago, I went to four different</p> <p>24 stores in DC to try to buy a microphone to fix</p> <p>25 these issues, and they were all sold out</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. Okay. I'm going to pull up now what's</p> <p>2 been marked as Exhibit Q.</p> <p>3 (Plaintiffs' Q premarked.)</p> <p>4 BY MR. JACOBSON:</p> <p>5 Q. And this is not a document produced in</p> <p>6 discovery, but it's a document of the State</p> <p>7 Board of Elections that's just available from</p> <p>8 other sources. And I'll zoom out to try to let</p> <p>9 you see it, Ms. Bell.</p> <p>10 MR. COX: Dan, just for the record, I</p> <p>11 believe that document was provided in</p> <p>12 discovery. It's an attachment to the audit</p> <p>13 report for 2017.</p> <p>14 MR. JACOBSON: Okay. Fair enough. We</p> <p>15 will -- fair enough.</p> <p>16 THE WITNESS: It's appendix 7 of that</p> <p>17 document.</p> <p>18 MR. JACOBSON: Okay.</p> <p>19 BY MR. JACOBSON:</p> <p>20 Q. So, Ms. Bell, have you seen this</p> <p>21 document before?</p> <p>22 A. I have.</p> <p>23 Q. And is this a letter from Kim Westbrook</p> <p>24 Strach to the secretary of the Department of</p> <p>25 Public Safety --</p>	<p style="text-align: right;">Page 121</p> <p>1 because, apparently, everyone in the world is</p> <p>2 trying to buy microphones for their computer.</p> <p>3 So just for the record, efforts were made to</p> <p>4 address the situation.</p> <p>5 A. Understood.</p> <p>6 Q. But I apologize.</p> <p>7 So the subject line of this letter is</p> <p>8 "Uniform notice to felons regarding voting</p> <p>9 rights in North Carolina." Correct?</p> <p>10 A. Correct.</p> <p>11 Q. Ms. Bell, can I ask you to read the</p> <p>12 second paragraph of this letter, the one that</p> <p>13 starts with the word "Beyond," into the record?</p> <p>14 A. Read aloud or read it --</p> <p>15 Q. Read it aloud, please.</p> <p>16 A. Okay. The paragraph that begins with</p> <p>17 "Beyond"?</p> <p>18 Q. Correct.</p> <p>19 A. Okay. "Beyond the promising future in</p> <p>20 our data-sharing relationship, I want to make</p> <p>21 sure you are aware that the State Board's</p> <p>22 in-house investigations staff have become aware</p> <p>23 that the information provided to felons serving</p> <p>24 active sentences does not appear to be standard</p> <p>25 and often excludes references to the loss of</p>

<p style="text-align: right;">Page 122</p> <p>1 voting rights. This issue arises at the</p> <p>2 referral phase of our investigations, when some</p> <p>3 district attorneys express understandable</p> <p>4 concern that a felon who has voted may not have</p> <p>5 been aware of the unlawfulness of his actions.</p> <p>6 Although individuals are required to affirm</p> <p>7 that they are not serving an active felony</p> <p>8 sentence, both when registering and presenting</p> <p>9 to vote, we have received feedback that not all</p> <p>10 voters read this language prior to signing.</p> <p>11 Establishing that the subject of an</p> <p>12 investigation may have knowingly and willingly</p> <p>13 violated North Carolina election laws</p> <p>14 prohibiting felons from voting will support</p> <p>15 successful prosecutions."</p> <p>16 Q. And this letter, Ms. Bell, is from</p> <p>17 2017; is that right?</p> <p>18 A. That's correct.</p> <p>19 Q. So based on what you just read, isn't</p> <p>20 it the case that the State Board of Elections</p> <p>21 has long known that the information provided to</p> <p>22 felons serving active sentences does not appear</p> <p>23 to be standard and often excludes references to</p> <p>24 loss of voting rights?</p> <p>25 MR. COX: You trailed out, Dan.</p>	<p style="text-align: right;">Page 124</p> <p>1 Q. Okay. Can you tell me how that's</p> <p>2 wrong?</p> <p>3 A. This -- a letter written in 2017 cannot</p> <p>4 assert what the status is from '17 until 2020.</p> <p>5 Q. Okay. So as of 2017, at least, the</p> <p>6 State Board of Elections was of the opinion</p> <p>7 that the information provided to voters -- to</p> <p>8 felons serving active sentences does not appear</p> <p>9 to be standard and often excludes references to</p> <p>10 the loss of voting rights?</p> <p>11 A. That is what this states. Correct.</p> <p>12 Q. Okay. And as of 2017, the State Board</p> <p>13 of Elections determined that although</p> <p>14 individuals are required to affirm that they</p> <p>15 are not serving an active felony sentence, both</p> <p>16 when registering to vote and presenting to</p> <p>17 vote, not all voters read this language prior</p> <p>18 to signing?</p> <p>19 A. That is the feedback they had received</p> <p>20 at that time, yes.</p> <p>21 Q. Okay. And does the State Board,</p> <p>22 sitting here today, in 2020, have any</p> <p>23 information to change the conclusion reached in</p> <p>24 that sentence I just read?</p> <p>25 MR. COX: Objection. Vague.</p>
<p style="text-align: right;">Page 123</p> <p>1 THE WITNESS: Yeah.</p> <p>2 BY MR. JACOBSON:</p> <p>3 Q. Isn't it the case, Ms. Bell, that the</p> <p>4 State Board of Elections has long known that</p> <p>5 the information provided to felons serving</p> <p>6 active sentences does not appear to be standard</p> <p>7 and often excludes references to the loss of</p> <p>8 voting rights?</p> <p>9 MR. COX: Objection. Misstates the</p> <p>10 evidence.</p> <p>11 A. I don't think that this paragraph says</p> <p>12 that it's long known or shortly known.</p> <p>13 Q. Okay. So this letter was written in</p> <p>14 2017?</p> <p>15 A. That's correct.</p> <p>16 Q. So since, at least, 2017, the State</p> <p>17 Board of Elections has known that the</p> <p>18 information provided to felons serving active</p> <p>19 sentences does not appear to be standard and</p> <p>20 often excludes references to the loss of voting</p> <p>21 rights; is that right?</p> <p>22 MR. COX: Objection. Misstates the</p> <p>23 evidence.</p> <p>24 A. Yeah. I don't think that that's what</p> <p>25 this states at all.</p>	<p style="text-align: right;">Page 125</p> <p>1 Sorry, Dan. I just wanted to -- do you</p> <p>2 mind if I ask you to clarify which sentence</p> <p>3 you're talking about.</p> <p>4 THE WITNESS: Yeah. I was about to ask</p> <p>5 that. Which part were you talking about?</p> <p>6 BY MR. JACOBSON:</p> <p>7 Q. The sentence that read: "Although</p> <p>8 individual voters are required to affirm," dah,</p> <p>9 dah, dah, dah, "we have received feedback that</p> <p>10 not all voters read this language prior to</p> <p>11 signing."</p> <p>12 That was the sentence written by the</p> <p>13 State Board in 2017, right?</p> <p>14 A. Correct.</p> <p>15 Q. Does the State Board, sitting here</p> <p>16 today in 2020, have any new information that</p> <p>17 would alter this conclusion?</p> <p>18 A. The conclusion that not all voters read</p> <p>19 this language prior to signing?</p> <p>20 Q. Correct.</p> <p>21 A. I don't believe we have any new</p> <p>22 information to that effect or against that.</p> <p>23 Q. And how about the prior sentence, that</p> <p>24 the State Board has become aware of</p> <p>25 information -- sorry -- the State Board has</p>

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<p>1 become aware that the information provided to</p> <p>2 felons serving active sentences does not appear</p> <p>3 to be standard and often excludes references to</p> <p>4 the loss of voting rights?</p> <p>5 That was what they wrote as of 2017,</p> <p>6 right?</p> <p>7 A. Correct.</p> <p>8 Q. Sitting here today in 2020, does the</p> <p>9 State Board have any new information that would</p> <p>10 alter this conclusion?</p> <p>11 A. I believe we have information that</p> <p>12 would say that there do appear to be standards</p> <p>13 that have been implemented since this time.</p> <p>14 Q. And we just discussed, Ms. Bell, that</p> <p>15 some of your forms are being updated to include</p> <p>16 the reference to post-release supervision, but</p> <p>17 some are not; is that correct?</p> <p>18 A. That's correct.</p> <p>19 Q. So, at least, as to that issue, the</p> <p>20 information provided is not standard?</p> <p>21 MR. COX: Objection. Argumentative.</p> <p>22 A. I don't believe that the question of</p> <p>23 standard, given that this is being written to</p> <p>24 Secretary Hooks and Judge Warren, I don't</p> <p>25 believe that the State Board is questioning the</p>	<p>1 A. You faded out.</p> <p>2 Q. This document starts at Bates stamp</p> <p>3 page 406?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And I'm going to turn now to</p> <p>6 409. Do you see here the sentence I'm hovering</p> <p>7 over that says: "Under state law, felon voting</p> <p>8 is a strict liability offense, and thus a felon</p> <p>9 may be convicted of a crime even if he or she</p> <p>10 does not know that voting while serving an</p> <p>11 active sentence is wrong"? Do you see that?</p> <p>12 A. I do.</p> <p>13 Q. And so you understand that to mean that</p> <p>14 a person can be convicted of this crime even if</p> <p>15 he or she did not know that they were</p> <p>16 ineligible to vote when they voted?</p> <p>17 A. I do see that. I did not recall when</p> <p>18 you asked the previous question.</p> <p>19 Q. Sure. But that's -- you understand</p> <p>20 that that's what the current law provides?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And this same paragraph says</p> <p>23 that the State Board refers suspected cases of</p> <p>24 voting by persons who are serving felony</p> <p>25 sentences to local district attorneys for</p>
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<p>1 uniformity of State Board documents. I think</p> <p>2 they're questioning the uniformity of documents</p> <p>3 that would be DPS and AOC.</p> <p>4 Q. Okay. Ms. Bell, do you understand that</p> <p>5 under the current law, if a person votes while</p> <p>6 on felony probation or post-release</p> <p>7 supervision, that's a crime for which a person</p> <p>8 can face up to two years in prison?</p> <p>9 A. That is my understanding, yes.</p> <p>10 Q. And do you understand this is what's</p> <p>11 known as a strict liability crime, meaning that</p> <p>12 it does not matter whether or not the person</p> <p>13 knew he was ineligible to vote to be convicted?</p> <p>14 A. Actually, I don't know it by that</p> <p>15 terminology.</p> <p>16 Q. Okay. And I'm going to go back now to</p> <p>17 what was Exhibit C, which was the Post Election</p> <p>18 Audit.</p> <p>19 And I'm going to -- well, I should say,</p> <p>20 at the top, Ms. Bell, this is one of the</p> <p>21 documents we looked at earlier titled</p> <p>22 "Post-Election Audit Report"; is that right?</p> <p>23 A. It is, yes.</p> <p>24 Q. Okay. And this is a document that</p> <p>25 starts at Bates stamp page 406?</p>	<p>1 potential prosecution; is that right?</p> <p>2 A. That's correct.</p> <p>3 Q. And is that something the State Board</p> <p>4 still does, refer people who are suspected of</p> <p>5 illegally voting with felony sentences to the</p> <p>6 local prosecutors?</p> <p>7 A. That would be the process, yes.</p> <p>8 Q. Okay. And does the State Board refer</p> <p>9 everyone who it believes may have voted</p> <p>10 illegally while serving a felony sentence to</p> <p>11 local prosecutors, or does it use any sort of</p> <p>12 discretion in deciding who to refer?</p> <p>13 A. We actually have developed a policy</p> <p>14 about our priority areas and how we determine</p> <p>15 investigations.</p> <p>16 Q. Okay. And how does the State Board --</p> <p>17 scratch that.</p> <p>18 Ms. Bell, are you aware that local</p> <p>19 prosecutors have, in fact, prosecuted people in</p> <p>20 recent years for voting while on probation or</p> <p>21 post-release supervision?</p> <p>22 A. Yes, I am aware that such prosecutions</p> <p>23 have taken place.</p> <p>24 Q. Are you familiar with the so-called</p> <p>25 Alamance 12?</p>

<p style="text-align: right;">Page 130</p> <p>1 A. I am.</p> <p>2 Q. And so that you're aware that 12 people</p> <p>3 in Alamance County were criminally prosecuted</p> <p>4 for voting in the 2016 general election while</p> <p>5 they were serving probation or post-release</p> <p>6 supervision?</p> <p>7 A. That is my understanding of the case --</p> <p>8 or the -- the reference.</p> <p>9 Q. Are you aware that 9 of those 12 people</p> <p>10 are African American?</p> <p>11 A. I believe I have some knowledge of</p> <p>12 that, yes.</p> <p>13 Q. And are you aware that most or maybe</p> <p>14 even all of those 12 people said that they did</p> <p>15 not know that they were ineligible to vote?</p> <p>16 A. That is my recollection from these</p> <p>17 articles, yes.</p> <p>18 Q. Okay. And are you aware that the</p> <p>19 district attorney in Hoke County has prosecuted</p> <p>20 four people referred by the State Board of</p> <p>21 Elections for allegedly voting before their</p> <p>22 rights were restored?</p> <p>23 A. I am familiar with that, yes.</p> <p>24 Q. Are you aware that all four persons</p> <p>25 indicted in Hoke County are African American?</p>	<p style="text-align: right;">Page 132</p> <p>1 the Huffington Post.</p> <p>2 (Plaintiffs' D premarked.)</p> <p>3 BY MR. JACOBSON:</p> <p>4 Q. Do you see this on the screen?</p> <p>5 A. I do. I don't -- it's -- you can zoom</p> <p>6 out some, because I don't see "Huffington" or</p> <p>7 anything to identify that. But, yes.</p> <p>8 Q. Sure. Do you see here in the top right</p> <p>9 corner it says "HuffPost"?</p> <p>10 A. Yes, I do.</p> <p>11 Q. And so this is an article written by a</p> <p>12 journalist named Sam Levine dated August 13,</p> <p>13 2018, titled "They Didn't Know They Were</p> <p>14 Ineligible to Vote. A Prosecutor Went After</p> <p>15 Them Anyway." Do you see that?</p> <p>16 A. I do.</p> <p>17 Q. Okay. I'm going to scroll down now to</p> <p>18 the bottom five paragraphs of this article.</p> <p>19 And so starting with the paragraph that says:</p> <p>20 "The cases of the 12 voters." Do you see that?</p> <p>21 A. I do.</p> <p>22 Q. So I'm going to give you a moment to</p> <p>23 read from there to the end of the story. And</p> <p>24 just let me know whenever you're ready.</p> <p>25 A. (Reviewing.) Okay.</p>
<p style="text-align: right;">Page 131</p> <p>1 A. I do believe I had that understanding,</p> <p>2 yes.</p> <p>3 Q. You would agree that those prosecutions</p> <p>4 in Alamance and Hoke County were very high</p> <p>5 profile? Received a lot of media attention?</p> <p>6 A. I won't determine whether they're high</p> <p>7 profile, but they did receive media attention,</p> <p>8 yes.</p> <p>9 Q. Okay. They were "in the news," as we</p> <p>10 say?</p> <p>11 A. There was news coverage, yes.</p> <p>12 Q. Okay. Can you understand how, given</p> <p>13 those prosecutions that received news coverage,</p> <p>14 someone who was previously convicted of a</p> <p>15 felony, who is not 100 percent certain of their</p> <p>16 voting rights, might be afraid to vote?</p> <p>17 MR. COX: Objection. Outside the scope</p> <p>18 of the deposition notice and calls for</p> <p>19 speculation.</p> <p>20 Karen, if you have knowledge and are</p> <p>21 able to answer it, you can.</p> <p>22 A. I don't know if I have knowledge of</p> <p>23 what would cause fear for someone.</p> <p>24 Q. Okay. I'm going to pull up what's been</p> <p>25 marked as Exhibit D, which is an article from</p>	<p style="text-align: right;">Page 133</p> <p>1 Q. So, Ms. Bell, you see in those</p> <p>2 paragraphs there's quotes reflecting that</p> <p>3 individuals with felony convictions said they</p> <p>4 wouldn't vote again because they were afraid of</p> <p>5 being prosecuted? Do you see that?</p> <p>6 A. I do.</p> <p>7 Q. And wouldn't you agree that that's a</p> <p>8 reasonable fear given the potential of going to</p> <p>9 prison if you're prosecuted for mistakenly</p> <p>10 voting while ineligible?</p> <p>11 MR. COX: Objection. Outside the scope</p> <p>12 of this deposition. Calls for speculation.</p> <p>13 A. I don't think I can determine</p> <p>14 reasonable fear when I know that there are</p> <p>15 people who have continued to register who are</p> <p>16 former felons.</p> <p>17 Q. Could you understand the fear?</p> <p>18 MR. COX: Same objection.</p> <p>19 A. Personally, I can't say one way or the</p> <p>20 other. I am not a former felon, so I don't</p> <p>21 know what that fear would be.</p> <p>22 Q. Okay. In your capacity as the</p> <p>23 executive director of the State Board of</p> <p>24 Elections, if one of these individuals came to</p> <p>25 you and told you that they were afraid of</p>

<p style="text-align: right;">Page 134</p> <p>1 voting, for the reasons set forth in this</p> <p>2 article, would you tell that person that</p> <p>3 they're being irrational?</p> <p>4 A. I would not tell any voter that they're</p> <p>5 being irrational.</p> <p>6 Q. Would you tell that voter that you</p> <p>7 think that their fears are unreasonable?</p> <p>8 A. Again, that's not how I would work with</p> <p>9 any voter.</p> <p>10 Q. Would you agree with me, Ms. Bell, that</p> <p>11 if individuals are uncertain or confused about</p> <p>12 their eligibility to vote with a felony</p> <p>13 conviction, that could be a deterrent to them</p> <p>14 voting?</p> <p>15 MR. COX: Objection. Vague. Calls for</p> <p>16 speculation.</p> <p>17 A. Would you restate your question or</p> <p>18 state it again?</p> <p>19 Q. Sure. Would you agree that if an</p> <p>20 individual who has a felony conviction is</p> <p>21 uncertain or confused about whether they're</p> <p>22 eligible to vote, that may deter them from</p> <p>23 voting?</p> <p>24 A. I think the best answer I can give you</p> <p>25 is to not state one way or the other except to</p>	<p style="text-align: right;">Page 136</p> <p>1 the executive director of the State Board of</p> <p>2 Elections, do you have a general familiarity</p> <p>3 with the reasons why voters may or may not</p> <p>4 vote?</p> <p>5 A. Are you -- is this a general question</p> <p>6 to any -- to all voters or voters in general</p> <p>7 that may or may not vote?</p> <p>8 Q. Yeah.</p> <p>9 A. Yes, I think that falls within our</p> <p>10 capacity.</p> <p>11 Q. And you have -- just, generally</p> <p>12 speaking, you have familiarity with the reasons</p> <p>13 why an individual may or may not register to</p> <p>14 vote?</p> <p>15 A. Yes, we have a general familiarity with</p> <p>16 that.</p> <p>17 Q. And as a matter of -- based on that</p> <p>18 familiarity, in your role as the executive</p> <p>19 director, wouldn't you agree that if a person</p> <p>20 is unsure about whether they're lawfully</p> <p>21 allowed to vote, that may deter them from</p> <p>22 voting?</p> <p>23 A. Yeah, I think the way that I have to</p> <p>24 answer that question is that we -- we</p> <p>25 facilitate voter registration as the State</p>
<p style="text-align: right;">Page 135</p> <p>1 express my own personal experience as an</p> <p>2 elections director.</p> <p>3 I vividly recall -- from time to</p> <p>4 time -- one of the greatest experiences of my</p> <p>5 life as an elections administrator was the</p> <p>6 trust that a gentleman instilled in me when he</p> <p>7 finished his felony conviction, came into our</p> <p>8 board of elections, was of the minority race in</p> <p>9 the county where I worked, and yet trusted that</p> <p>10 I would help him in his application to</p> <p>11 reregister to vote. And even learned that he</p> <p>12 was still illiterate, and yet trusted that I</p> <p>13 would help him through that process, and I did.</p> <p>14 That's the best answer that I can give you to</p> <p>15 these questions, is that there have certainly</p> <p>16 been individuals who have entrusted in me to</p> <p>17 ensure that they became a registered individual</p> <p>18 after completing their felony.</p> <p>19 Q. As the executive director of the State</p> <p>20 Board of Elections, you're familiar with --</p> <p>21 give me a moment. Let me make sure I can ask</p> <p>22 this question in a way that, hopefully, will</p> <p>23 not prompt your counsel to object. But I might</p> <p>24 be wrong about that no matter what.</p> <p>25 In your capacity as the director, as</p>	<p style="text-align: right;">Page 137</p> <p>1 Board of Elections and the county boards of</p> <p>2 elections. And we do so in a manner that we</p> <p>3 continue to see individuals register to vote.</p> <p>4 We try to make that opportunity available in as</p> <p>5 many ways as possible, and we continue to have</p> <p>6 registration. So it is not deterring people</p> <p>7 from registering to vote.</p> <p>8 Q. And is it your goal as the executive</p> <p>9 director of the Board of Elections to educate</p> <p>10 as many people as possible about their</p> <p>11 eligibility to vote?</p> <p>12 A. Yes, that is one of the goals I have</p> <p>13 set as executive director of the State Board of</p> <p>14 Elections.</p> <p>15 Q. And is one of the reasons you do that</p> <p>16 is because you want to make sure, as much as</p> <p>17 possible, that everyone who is eligible to vote</p> <p>18 does vote, and everyone who is not eligible to</p> <p>19 vote doesn't mistakenly vote? Fair?</p> <p>20 A. Even in the mission statement that was</p> <p>21 in the county where I was a county director, we</p> <p>22 had within that, and I still hold, that it is</p> <p>23 our job as an election administrator to ensure</p> <p>24 everyone's fundamental right to vote.</p> <p>25 Q. And is one of the reasons why you try</p>

<p style="text-align: right;">Page 138</p> <p>1 to educate everybody, as many people as</p> <p>2 possible, about their eligibility to vote is</p> <p>3 because eliminating confusion promotes more</p> <p>4 voting?</p> <p>5 MR. COX: Objection. Confusing.</p> <p>6 Q. Would you agree with me that the less</p> <p>7 confused people are about their eligibility to</p> <p>8 vote, the more likely they are to vote?</p> <p>9 A. I don't know that there's a direct</p> <p>10 correlation there. We inform people about</p> <p>11 voting, about the voter registration processes.</p> <p>12 There can be other influences that keep someone</p> <p>13 from voting, including -- I mean, they may not</p> <p>14 like any of the candidates, quite frankly.</p> <p>15 Q. Yeah. Okay. I'll move on, Ms. Bell.</p> <p>16 Are you aware of the relief that</p> <p>17 plaintiffs are seeking in this case?</p> <p>18 MR. COX: Objection. Vague.</p> <p>19 A. I have read some of the court</p> <p>20 documents. It might be best if you state to me</p> <p>21 what the relief is that plaintiffs seek.</p> <p>22 Q. Sure. So are you aware that plaintiffs</p> <p>23 are seeking -- that plaintiffs are asking that</p> <p>24 people who are not incarcerated, but are on</p> <p>25 some form of community supervision, be allowed</p>	<p style="text-align: right;">Page 140</p> <p>1 Q. Are you aware that many states have</p> <p>2 such a regime?</p> <p>3 A. I'm aware that there are states with</p> <p>4 such a regime.</p> <p>5 Q. And election officials in those states</p> <p>6 implement those systems, right?</p> <p>7 A. Just as we do as election</p> <p>8 administrators, they administer as their law is</p> <p>9 written.</p> <p>10 Q. I'm going to show you now a few</p> <p>11 examples of the forms that election officials</p> <p>12 in those states use to implement the type of</p> <p>13 regime that plaintiffs are seeking.</p> <p>14 A. Okay.</p> <p>15 (Plaintiffs' M premarked.)</p> <p>16 BY MR. JACOBSON:</p> <p>17 Q. I'm going to call up now what's been</p> <p>18 marked as Exhibit M.</p> <p>19 Ms. Bell, this is a voter registration</p> <p>20 form used in Michigan. Do you see that?</p> <p>21 A. I do see that, and the title implies</p> <p>22 that, yes.</p> <p>23 Q. I'll represent to you that to the best</p> <p>24 of my knowledge this is Michigan's current</p> <p>25 version of their voter registration</p>
<p style="text-align: right;">Page 139</p> <p>1 to vote?</p> <p>2 A. That is my understanding.</p> <p>3 Q. Okay. I'm going to refer, for the</p> <p>4 remainder of this deposition, to what I just</p> <p>5 described as the regime that plaintiffs seek in</p> <p>6 this case. Is that fair?</p> <p>7 A. That's fine.</p> <p>8 Q. I'll use that as shorthand just so I</p> <p>9 don't have to repeat that whole thing every</p> <p>10 time for all of my questions.</p> <p>11 A. Understandable.</p> <p>12 Q. Okay.</p> <p>13 MR. COX: Dan, could I ask a</p> <p>14 clarification question? Did you say the</p> <p>15 "regime" that plaintiffs seek?</p> <p>16 MR. JACOBSON: Correct.</p> <p>17 MR. COX: Okay.</p> <p>18 BY MR. JACOBSON:</p> <p>19 Q. Are you aware that at least 17 states,</p> <p>20 plus the District of Columbia, have a regime</p> <p>21 like the one plaintiffs are seeking where</p> <p>22 you're eligible to vote if you're not in</p> <p>23 prison?</p> <p>24 A. I have not researched to determine</p> <p>25 exact number.</p>	<p style="text-align: right;">Page 141</p> <p>1 application.</p> <p>2 A. Okay.</p> <p>3 Q. I'm going to point you to the left side</p> <p>4 of this page, which says -- which is titled</p> <p>5 "Criminal convictions and registering to vote."</p> <p>6 Do you see that?</p> <p>7 A. I do.</p> <p>8 Q. And do you see that it says: "If you</p> <p>9 have a past criminal conviction and are no</p> <p>10 longer in jail or prison, you can register and</p> <p>11 vote. You also can register and vote if you</p> <p>12 are in jail and awaiting trial and sentencing.</p> <p>13 If you are currently serving a sentence in jail</p> <p>14 or prison you can't register to vote."</p> <p>15 Do you see that?</p> <p>16 A. I do.</p> <p>17 Q. Ms. Bell, if the Court ruled for</p> <p>18 plaintiffs in this case, your office could</p> <p>19 change its form to say something like this,</p> <p>20 right?</p> <p>21 MR. COX: Objection. Calls for</p> <p>22 speculation.</p> <p>23 A. I think the best way for me to answer</p> <p>24 is that when laws are changed, we do change the</p> <p>25 laws to reflect what the law allows for, and</p>

<p style="text-align: right;">Page 142</p> <p>1 the same would be true if there were a court 2 decision. 3 Q. Okay. Would you agree with me that the 4 three short sentences I just read are 5 language -- is language that is used by 6 election officials in a state that had a regime 7 like the one plaintiffs are seeking? 8 MR. COX: Objection. Calls for 9 speculation. 10 A. I will agree that you've indicated to 11 me that the state of Michigan allows that this 12 is the regime that they allow for and, 13 therefore, they have provided this information 14 on their voter registration form. 15 Q. Okay. Fair enough. I'm going to pull 16 up now Exhibit N. 17 (Plaintiffs' N premarked.) 18 BY MR. JACOBSON: 19 Q. And I will represent to you, Ms. Bell, 20 that this is a voter -- the most recent copy of 21 the voter registration form used in the 22 District of Columbia, where I live. Do you see 23 that? 24 A. I do. 25 Q. And I will also represent to you that,</p>	<p style="text-align: right;">Page 144</p> <p>1 on a felony conviction"? 2 A. I do. 3 Q. Would you agree that's pretty 4 straightforward and clear? 5 A. It is clear to me. I don't know 6 whether it's clear to everyone. 7 Q. Okay. And then the last one I'll show 8 you here, I'm going to pull up, is Exhibit O. 9 (Plaintiffs' O premarked.) 10 BY MR. JACOBSON: 11 Q. And this is a voter application -- or 12 voter registration form for New Jersey. Do you 13 see that? 14 A. I do. 15 Q. And I'll represent to you that, to the 16 best of my knowledge, this is the current 17 version of New Jersey's voter registration 18 application. Okay? 19 A. Okay. 20 Q. Ms. Bell, are you aware that New Jersey 21 changed its laws in December of 2019 -- so last 22 year -- from a system that was like the one 23 that North Carolina currently uses to one 24 that's like plaintiffs seek in this case? 25 A. I actually did not recall that</p>
<p style="text-align: right;">Page 143</p> <p>1 at least as of last week -- I think they 2 actually just voted to change it this week -- 3 the District of Columbia has had a system like 4 the one plaintiffs -- a regime like the one 5 plaintiffs seek in this case. 6 Will you accept that representation? 7 A. I will. 8 Q. And I think they -- just, 9 incidentally -- I think they actually just 10 voted to allow people in prison to vote. But 11 that is not -- 12 A. Okay. That's what I was going to ask 13 is, what was the change? But, okay. 14 Q. Yeah. If that -- 15 A. So it is beyond the regime that 16 you're -- you're seeking. 17 Q. Exactly. Exactly. But that's -- I'll 18 represent to you that that is not yet reflected 19 on this form. Okay? 20 A. Okay. 21 Q. Do you see here -- I'm going to point 22 you to section 13 here. Do you see that? 23 A. I do. 24 Q. And do you see that there's a box for 25 voters to check that says: "I am not in jail</p>	<p style="text-align: right;">Page 145</p> <p>1 New Jersey had done that. 2 Q. Okay. So you're not aware and you've 3 not heard of any problems that New Jersey 4 election officials have had in transitioning to 5 such a regime, are you? 6 A. That has not been discussed with me. 7 Q. Okay. 8 A. Nor have I read anything to that 9 effect, one way or the other. 10 Q. And so I'm going to point your 11 attention to section 14 here of this 12 application. 13 And do you see here in the 14 "Declaration" section, in the middle, there's a 15 bullet that says: "I am not serving a sentence 16 of incarceration as the result of a conviction 17 of any indictable offense under the laws of 18 this or another state or of the United States"? 19 A. I see that bullet point, yes. 20 Q. So, Ms. Bell, we've now looked at three 21 different examples of how states implement a 22 regime like the one plaintiffs are seeking. 23 Isn't it fair to say that the Board 24 would have a number of ways to implement such a 25 regime on its forms if the Court did rule for</p>

<p style="text-align: right;">Page 146</p> <p>1 plaintiffs in this case?</p> <p>2 MR. COX: Objection. Calls for</p> <p>3 speculation.</p> <p>4 A. The method by which we change forms in</p> <p>5 North Carolina is based upon the law or the</p> <p>6 decision of the Court. And we would alter or</p> <p>7 change our forms based upon the wording of the</p> <p>8 law or the decision of the Court in</p> <p>9 North Carolina and not based upon another</p> <p>10 state.</p> <p>11 Q. Sure. But if the Court -- just using</p> <p>12 these as examples -- if the Court said, "Yes</p> <p>13 we're going to implement the regime that</p> <p>14 plaintiffs seek in this case," just from an</p> <p>15 administrative perspective, you would be able</p> <p>16 to administer that on your forms, correct?</p> <p>17 A. I would like you to state your question</p> <p>18 again. I'm sorry.</p> <p>19 Q. Sure. So, currently, your forms</p> <p>20 implements North Carolina's current law with</p> <p>21 respect to when felons are allowed to vote,</p> <p>22 right?</p> <p>23 A. Correct.</p> <p>24 Q. If the Court ruled for plaintiffs in</p> <p>25 this case and said North Carolina has to</p>	<p style="text-align: right;">Page 148</p> <p>1 Q. Okay. Sitting here today, however, you</p> <p>2 can't give me a reason why the State Board of</p> <p>3 Elections wouldn't be able to change and</p> <p>4 implement a change to its forms if the Court</p> <p>5 said you had to implement a regime like the one</p> <p>6 plaintiffs seek, right?</p> <p>7 A. Actually, depending on when that</p> <p>8 occurred, I might be able to give you reasons</p> <p>9 why that could be difficult to implement or</p> <p>10 change, or feasible. There is nothing about</p> <p>11 this discussion that is in a vacuum or in a</p> <p>12 bubble.</p> <p>13 Q. Okay.</p> <p>14 A. There are other court cases. There are</p> <p>15 other deadlines. There are other variables</p> <p>16 that can impact our ability to implement</p> <p>17 anything in elections administration.</p> <p>18 Q. Okay. We talked earlier about how</p> <p>19 you -- and by "you," I mean the State Board of</p> <p>20 Elections -- receives data on an ongoing basis</p> <p>21 from the Department of Public Safety; is that</p> <p>22 right?</p> <p>23 A. That's correct.</p> <p>24 Q. Ms. Bell, are you aware that people who</p> <p>25 are sentenced to probation in North Carolina do</p>
<p style="text-align: right;">Page 147</p> <p>1 implement a regime like the one plaintiffs seek</p> <p>2 in this case, it wouldn't be very difficult for</p> <p>3 you to make that change on your forms, right?</p> <p>4 A. I actually need to give some, I guess,</p> <p>5 clarity to the word "difficult."</p> <p>6 Altering a form may be as simple as</p> <p>7 changing it in a word-processing program.</p> <p>8 Printing it and making it available, the level</p> <p>9 of difficulty can vary.</p> <p>10 Q. Okay.</p> <p>11 A. I can give you an example, that even</p> <p>12 trying to update the current forms, the printer</p> <p>13 has difficulty because of COVID-19 and the</p> <p>14 ability for their workers to be available. So</p> <p>15 what could cause difficulty or not cause</p> <p>16 difficulty could vary at a given time.</p> <p>17 Q. Is it fair to say it would be feasible,</p> <p>18 though?</p> <p>19 MR. COX: Objection. Asked and</p> <p>20 answered.</p> <p>21 A. I think feasibility is, as well,</p> <p>22 about -- the feasibility to change a form is</p> <p>23 very different than implementing a form. So</p> <p>24 there could be variables that could impact the</p> <p>25 ability to immediately pivot and do that.</p>	<p style="text-align: right;">Page 149</p> <p>1 not receive a term of incarceration before</p> <p>2 their probation begins?</p> <p>3 A. Again, I don't work in the probation --</p> <p>4 I don't work in the court system. I don't --</p> <p>5 that's -- that's out of my knowledge.</p> <p>6 Q. Okay. Fair enough. I'll just</p> <p>7 represent to you -- and, again, I'll just ask</p> <p>8 you to accept my representation. And if I'm</p> <p>9 wrong about this, then it's on me, and my</p> <p>10 questions are worthless.</p> <p>11 A. Okay.</p> <p>12 Q. But I'll represent to you that people</p> <p>13 in North Carolina who are sentenced to</p> <p>14 probation do not receive a term of</p> <p>15 incarceration in prison before their probation</p> <p>16 begins.</p> <p>17 Will you accept that representation?</p> <p>18 A. Fair enough.</p> <p>19 Q. Okay. So under the regime that</p> <p>20 plaintiffs seek in this case, such people</p> <p>21 wouldn't be ineligible to vote for any period</p> <p>22 of time, right, because they've never been</p> <p>23 incarcerated?</p> <p>24 A. I believe that's what you've described.</p> <p>25 Right.</p>

<p style="text-align: right;">Page 150</p> <p>1 Q. And for such people, then, if we're</p> <p>2 living in a world where it's the regime that</p> <p>3 plaintiffs seek, the Department of Public</p> <p>4 Safety wouldn't need to send you any data about</p> <p>5 those people at all, right, because they would</p> <p>6 never be subject to the period of</p> <p>7 disenfranchisement?</p> <p>8 A. I think I would need to know more</p> <p>9 information and work with those agencies to</p> <p>10 ensure that we're properly -- I don't know that</p> <p>11 process well enough to say that we would not</p> <p>12 need to receive information.</p> <p>13 Q. Okay. Am I correct that under the</p> <p>14 current system, you only receive information</p> <p>15 from the Department of Public Safety about</p> <p>16 people who are ineligible to vote because of</p> <p>17 their convictions? Right?</p> <p>18 MR. COX: Objection. Misstates the</p> <p>19 evidence.</p> <p>20 A. Actually, what I think we've</p> <p>21 established is that they provide us a list of</p> <p>22 who are active felons, and then we determine</p> <p>23 their eligibility.</p> <p>24 Q. Sure. You don't receive a list of</p> <p>25 people convicted of misdemeanors in</p>	<p style="text-align: right;">Page 152</p> <p>1 A. And they -- and your regime is -- it</p> <p>2 moves forward.</p> <p>3 Q. Right. Plaintiffs' dream comes true</p> <p>4 and our regime is implemented. That means</p> <p>5 everyone who is on probation is allowed to</p> <p>6 vote.</p> <p>7 Will you accept that for my</p> <p>8 hypothetical?</p> <p>9 A. Yes.</p> <p>10 Q. So in that world, you wouldn't need to</p> <p>11 receive information from the Department of</p> <p>12 Public Safety about people on probation, right?</p> <p>13 A. That seems logical. Correct.</p> <p>14 Q. Okay. So I'm going to also represent</p> <p>15 to you -- again, I'll just ask you to accept</p> <p>16 this representation -- that about half the</p> <p>17 people convicted of felonies in North Carolina</p> <p>18 are sentenced to probation and no terms of</p> <p>19 incarceration.</p> <p>20 Will you accept that representation?</p> <p>21 A. Sure.</p> <p>22 Q. Roughly half, I'll say.</p> <p>23 A. I don't know any different.</p> <p>24 Q. Sure. We talked earlier about how the</p> <p>25 State Board has a list of all the people who</p>
<p style="text-align: right;">Page 151</p> <p>1 North Carolina, right?</p> <p>2 A. That's correct.</p> <p>3 Q. And is the reason you don't receive a</p> <p>4 list of people convicted of misdemeanors</p> <p>5 because such people are still allowed to vote,</p> <p>6 so you don't need to know their information?</p> <p>7 A. That sounds correct, yes.</p> <p>8 Q. So if somebody convicted of probation</p> <p>9 never becomes ineligible to vote, then like the</p> <p>10 people convicted of misdemeanors, you would</p> <p>11 never need to receive their information from</p> <p>12 DPS, right?</p> <p>13 A. I think the answer to your question is</p> <p>14 that seems reasonable. What we have</p> <p>15 established that there are other factors that</p> <p>16 I'm not aware of in probation that would make</p> <p>17 them ineligible to vote.</p> <p>18 Q. And let's say, hypothetically, that</p> <p>19 under the regime plaintiffs seek, everyone who</p> <p>20 is on probation is allowed to vote. So there's</p> <p>21 no other factors that might prevent them as it</p> <p>22 relates to their conviction. Okay?</p> <p>23 A. Okay. Meaning there's no fees or</p> <p>24 anything associated with that?</p> <p>25 Q. Right.</p>	<p style="text-align: right;">Page 153</p> <p>1 are serving an active felony sentence and are</p> <p>2 ineligible to vote; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. So under the regime that plaintiffs</p> <p>5 seek, there would be about half as many people</p> <p>6 who the Board would need to put on that list,</p> <p>7 right?</p> <p>8 MR. COX: Objection. Calls for</p> <p>9 speculation.</p> <p>10 A. I'll answer yes based upon what you</p> <p>11 represented.</p> <p>12 Q. Okay. And we talked earlier about how</p> <p>13 the county boards of elections take that list</p> <p>14 that we just mentioned, and then they notify</p> <p>15 people that their registration is canceled, or</p> <p>16 has been denied if they're trying to register</p> <p>17 for the first time; is that right?</p> <p>18 A. I would answer to your -- the way you</p> <p>19 stated it, yes.</p> <p>20 Q. So under the regime that the plaintiffs</p> <p>21 seek, the county boards of elections would only</p> <p>22 need to send such notifications to about half</p> <p>23 the people that they currently do, right?</p> <p>24 MR. COX: Objection. Calls for</p> <p>25 speculation.</p>

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<p>1 A. The county boards of elections would</p> <p>2 send notice to those who are being removed or</p> <p>3 denied, no matter whether that's 50 percent</p> <p>4 or --</p> <p>5 Q. Right.</p> <p>6 A. -- or 80 percent.</p> <p>7 Q. And just as a logical matter, as you</p> <p>8 put it before, if only about half the people</p> <p>9 become ineligible to vote from what is the case</p> <p>10 currently, then the county boards of elections</p> <p>11 would only need to send about half the number</p> <p>12 of notification letters, right?</p> <p>13 A. I mean, you are in a hypothetical, but</p> <p>14 if it's -- I mean, like, whatever the list is</p> <p>15 is what they're going to -- to mail.</p> <p>16 Q. Okay. So I'm going to transition now</p> <p>17 from people who are on probation and talk about</p> <p>18 people who did receive a term of incarceration.</p> <p>19 And as we talked before, people in</p> <p>20 North Carolina, currently, who are released</p> <p>21 from incarceration are released on something</p> <p>22 called "post-release supervision." I'm sure</p> <p>23 you recall that discussion?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And are you aware that the</p>	<p>1 that?</p> <p>2 A. I do.</p> <p>3 Q. Under the regime that plaintiffs seek,</p> <p>4 instead of adding people to that list when they</p> <p>5 finish their post-release supervision, you</p> <p>6 could just add them to that list when they</p> <p>7 finish their term of incarceration, right?</p> <p>8 A. I think -- it's not -- well, I would</p> <p>9 rely on DPS to provide the correct status to --</p> <p>10 in order for us to receive that data on that</p> <p>11 list.</p> <p>12 Q. Sitting here today, you're not aware of</p> <p>13 any reason that, instead of using the date that</p> <p>14 somebody finishes their post-release</p> <p>15 supervision, you couldn't use the date that</p> <p>16 they finished their term of incarceration; is</p> <p>17 that right?</p> <p>18 A. Provided that -- again, I think I would</p> <p>19 need to have more information of what the</p> <p>20 decision by the Court or the law allowed for</p> <p>21 and whether there are any other conditions in</p> <p>22 that.</p> <p>23 Q. Okay.</p> <p>24 A. But provided that that's the, you know,</p> <p>25 the criteria, and that's -- but that status</p>
Page 155	Page 157
<p>1 Department of Public Safety maintains data on</p> <p>2 when such people are released from prison under</p> <p>3 post-release supervision?</p> <p>4 A. Well, actually, I'm not aware of what</p> <p>5 they maintain. I know what we receive.</p> <p>6 Q. Sure. You have no reason to doubt,</p> <p>7 though, that the Department of Public Safety</p> <p>8 keeps data of when people are let out of</p> <p>9 prison, right?</p> <p>10 A. That seems logical.</p> <p>11 Q. Okay. And so if, in fact, the</p> <p>12 Department of Safety has that data, that's</p> <p>13 information that the Board could receive from</p> <p>14 the Department of Safety if it needed to,</p> <p>15 right?</p> <p>16 A. To the best of my knowledge, yes. I</p> <p>17 don't know if there's any restrictions on us</p> <p>18 receiving that data or anything that might</p> <p>19 prohibit it.</p> <p>20 Q. Fair enough. We talked earlier about</p> <p>21 the, quote, Felon Completed List, I believe it</p> <p>22 was called, that the State Board maintains</p> <p>23 about people who had been ineligible to vote</p> <p>24 but have since completed their felony sentences</p> <p>25 and are now reeligible to vote. Do you recall</p>	<p>1 conveys that criteria, then we could receive it</p> <p>2 and process.</p> <p>3 Q. Ms. Bell, sitting here today, you have</p> <p>4 no basis to believe that the State Board</p> <p>5 couldn't implement the regime that plaintiffs</p> <p>6 seek in this case, right?</p> <p>7 MR. COX: Objection. Vague.</p> <p>8 A. Actually, I think I stated that there</p> <p>9 probably is information that we would need to</p> <p>10 learn in order to know whether we could</p> <p>11 implement. I think -- I think that -- but to</p> <p>12 do the caliber of job that I would want to do,</p> <p>13 I would want to have other conversation to make</p> <p>14 sure that we all understand the definitions and</p> <p>15 what that status means. I would not want to</p> <p>16 say that we could just immediately implement.</p> <p>17 I think there's additional steps in there.</p> <p>18 Q. But sitting here today, you can't cite</p> <p>19 for me any information that you wouldn't be</p> <p>20 able to obtain that would make it impossible</p> <p>21 for you to implement that regime, right?</p> <p>22 A. I have no knowledge, but I would want</p> <p>23 to assert that there's nothing.</p> <p>24 Q. Okay. There's nothing specific you can</p> <p>25 cite for me today that would prevent you from</p>

<p style="text-align: right;">Page 158</p> <p>1 implementing that regime?</p> <p>2 MR. COX: Objection. Asked and</p> <p>3 answered.</p> <p>4 A. As I said, there's -- there's -- I do</p> <p>5 not have knowledge of that, no.</p> <p>6 Q. Okay. Thank you.</p> <p>7 MR. COX: Dan, what were you thinking</p> <p>8 in terms of timing? This might be a good</p> <p>9 time for a break.</p> <p>10 MR. JACOBSON: Yeah. I was about to</p> <p>11 say. I suspect I have somewhere in the</p> <p>12 area of a half hour left.</p> <p>13 MR. COX: Okay.</p> <p>14 MR. JACOBSON: Although, I hate giving</p> <p>15 quotes, because I might be wrong, but</p> <p>16 that's what I would suspect.</p> <p>17 MR. COX: Well, let me ask Karen, then.</p> <p>18 Karen, do you want to take a break and</p> <p>19 come back, if it's going to be half an</p> <p>20 hour, plus or minus? Do you want to take a</p> <p>21 break for lunch and come back?</p> <p>22 THE WITNESS: Is it within reason to</p> <p>23 ask Brian if he -- the amount of time that</p> <p>24 he would need?</p> <p>25 THE REPORTER: Would you like to stay</p>	<p style="text-align: right;">Page 160</p> <p>1 of this interrogatory asks the State Board to:</p> <p>2 "State with specificity the purported</p> <p>3 governmental interests in denying</p> <p>4 disenfranchised persons the right to vote?"</p> <p>5 Do you see that?</p> <p>6 A. I do.</p> <p>7 Q. Can you hear me?</p> <p>8 A. I can.</p> <p>9 Q. Okay. And, Ms. Bell, I'll represent to</p> <p>10 you that in the actual interrogatories</p> <p>11 themselves, which is not part of this document,</p> <p>12 the definition section at least, the term</p> <p>13 "Disenfranchised Persons," with a capital D and</p> <p>14 a capital P, that was defined as persons on</p> <p>15 probation, parole, or post-release supervision</p> <p>16 who are not eligible to vote in North Carolina.</p> <p>17 Will you accept that representation?</p> <p>18 A. I will.</p> <p>19 Q. Okay. So this interrogatory asks the</p> <p>20 State Board to identify the governmental</p> <p>21 interest in denying the right to vote to</p> <p>22 persons on probation, parole, or post-release</p> <p>23 supervision for a felony conviction; is that</p> <p>24 right?</p> <p>25 A. That is what it states, yes.</p>
<p style="text-align: right;">Page 159</p> <p>1 on the record here?</p> <p>2 MR. JACOBSON: We can go off the</p> <p>3 record.</p> <p>4 (Brief discussion off the record.)</p> <p>5 (Recess from 12:24 to 12:32 p.m.)</p> <p>6 MR. JACOBSON: Everybody ready to go</p> <p>7 back on the record?</p> <p>8 THE REPORTER: Yes, sir.</p> <p>9 THE WITNESS: Good to go.</p> <p>10 BY MR. JACOBSON:</p> <p>11 Q. Okay. Ms. Bell, this will be the final</p> <p>12 exhibit I show you today, I promise.</p> <p>13 (Plaintiffs' P premarked.)</p> <p>14 BY MR. JACOBSON:</p> <p>15 Q. So this exhibit has been marked as</p> <p>16 Exhibit P. And it is the State Board's Amended</p> <p>17 Response to Interrogatory Number 7 of the</p> <p>18 Plaintiff's First Set of Interrogatories.</p> <p>19 Do you see that, Ms. Bell?</p> <p>20 A. I do.</p> <p>21 Q. Have you seen this document before?</p> <p>22 A. I believe I have, yes.</p> <p>23 Q. Okay. I'm going to scroll down now to</p> <p>24 Interrogatory Number 7.</p> <p>25 And do you see that the first sentence</p>	<p style="text-align: right;">Page 161</p> <p>1 Q. Okay. And then the interrogatory --</p> <p>2 I'm going to scroll down here to page 4. I</p> <p>3 think this is page 4.</p> <p>4 And right above where the bullet point</p> <p>5 starts, do you see that it says, for the</p> <p>6 record: "The State Board" -- I'm sorry -- "The</p> <p>7 State Board responds that the State may have a</p> <p>8 number of legitimate governmental interests in</p> <p>9 enacting and enforcing the citizenship</p> <p>10 restoration statute in question." And it then</p> <p>11 lists nine such governmental interests. Do you</p> <p>12 see that?</p> <p>13 A. I do. I see three of them, yes.</p> <p>14 Q. Okay. There's four and then there's</p> <p>15 the other five. Do you see that?</p> <p>16 A. Yes, I see that.</p> <p>17 Q. Did you contribute to putting together</p> <p>18 this list of --</p> <p>19 (Interruption.)</p> <p>20 A. I'm sorry. I didn't hear your</p> <p>21 question.</p> <p>22 Q. Ms. Bell, did you contribute to putting</p> <p>23 together this list of purported governmental</p> <p>24 interests?</p> <p>25 A. No, I did not.</p>

<p style="text-align: right;">Page 162</p> <p>1 Q. Okay. Other than your attorneys from 2 the Attorney General's Office, who else was 3 involved in putting this list together? 4 A. I'm not aware of who outside of the 5 Attorney General's Office. 6 Q. Was anyone at the State Board of 7 Elections involved in putting this list 8 together? 9 MR. COX: Objection. Asked and 10 answered. 11 A. I would have to ask the counsel from 12 the Attorney General's Office who they worked 13 with. I don't... 14 Q. Okay. Is it fair to say that to the 15 best of your knowledge sitting here today, 16 nobody from the Attorney General's Office -- 17 sorry. To the best of your knowledge sitting 18 here today, nobody from the State Board of 19 Elections was involved in putting this list 20 together? 21 MR. COX: Objection. Asked and 22 answered. 23 A. I don't know one way or the other. 24 Q. So you're not affirmatively aware of 25 anyone from the State Board in particular who</p>	<p style="text-align: right;">Page 164</p> <p>1 Elections reviewed this list before it was 2 provided to plaintiffs? 3 MR. COX: Objection. Asked and 4 answered. 5 A. I don't know. I do not know. 6 Q. Okay. I'm going to, for the purposes 7 of my next questions, I'm going to exclude what 8 you see here as the first and the third 9 bullets. Do you want to just take a second to 10 read those bullets? 11 A. So you want me to read the first and 12 the third bullets? 13 Q. Just to yourself, so you know what I'm 14 talking about. 15 A. But just those two, is what you're 16 saying? 17 Q. Correct. Correct. 18 A. Okay. (Reviewing.) Okay. 19 Q. Okay. So my next questions are going 20 to relate to only the other seven bullets -- 21 interests listed in the other seven bullets, 22 but not those two. Okay? 23 A. Okay. So you just asked me to read two 24 that you don't want me to refer to? 25 Q. How about this? Do you want me to --</p>
<p style="text-align: right;">Page 163</p> <p>1 was involved? 2 A. Again, I would have to -- I would want 3 to ask counsel from the Attorney General's 4 Office who they worked with. 5 Q. Did you review this list before -- even 6 though you weren't involved in putting it 7 together, did you review this list before it 8 was sent to the plaintiffs as part of this 9 interrogatory response? 10 MR. COX: Objection. Asked and 11 answered. 12 A. I don't recall reviewing this list, and 13 it's in a draft form. 14 Q. To the best of your knowledge, did 15 anyone from the State Board of Elections review 16 this list before it was sent to plaintiffs? 17 MR. COX: Objection. Asked and 18 answered. 19 A. I do not know if that would have been 20 a -- if the -- who the AG's office would have 21 worked with from our agency on that matter -- 22 on this matter, sorry. 23 Q. But sitting here today, you can't tell 24 me that you affirmatively know that any 25 individual person from the State Board of</p>	<p style="text-align: right;">Page 165</p> <p>1 do you want to just take a second to read all 2 nine bullets so we make sure we're on the same 3 page? 4 A. I think that's the better method, if 5 you don't mind. If I'm going to answer 6 questions, I'd like to know what I'm answering 7 the questions about. So, yes, I'd like to read 8 the others. 9 Q. Okay. Just tell me when you want me to 10 scroll to the next page. 11 A. Okay. (Reviewing.) 12 You can scroll to the next page. 13 Q. (Scrolling.) 14 A. (Reviewing.) Okay. 15 MR. COX: And, Dan, just for 16 clarification, are you going to be asking 17 questions about the last bullet as well? 18 MR. JACOBSON: This bullet? 19 MR. COX: Yeah. 20 MR. JACOBSON: I believe that's -- 21 yeah, the seven of -- the seven of the 22 nine. 23 MR. COX: So the Court's order said you 24 can ask questions about A through F, and 25 that's number G in your notice of</p>

<p style="text-align: right;">Page 166</p> <p>1 deposition.</p> <p>2 MR. JACOBSON: Okay. I hadn't picked</p> <p>3 up on that. But how about this? I'll</p> <p>4 exclude those three, then. So include the</p> <p>5 first, the third, and the last bullet.</p> <p>6 Okay?</p> <p>7 MR. COX: Exclude those three, right?</p> <p>8 MR. JACOBSON: Exclude those three. So</p> <p>9 I'm only asking about the other six. Okay?</p> <p>10 THE WITNESS: Okay.</p> <p>11 BY MR. JACOBSON:</p> <p>12 Q. Okay. Ms. Bell, putting aside any</p> <p>13 research that was done by your lawyers at the</p> <p>14 Attorney General's Office, did the State Board</p> <p>15 of Elections do any factual research or</p> <p>16 investigation into the interests served by the</p> <p>17 current disenfranchisement scheme -- today, in</p> <p>18 present day -- in order to generate this list</p> <p>19 of six bullets?</p> <p>20 MR. COX: Objection.</p> <p>21 Karen, if answering this question might</p> <p>22 require you to divulge any communication</p> <p>23 between the State Board and its outside</p> <p>24 counsel in creating this document, then</p> <p>25 don't answer that. If you have knowledge</p>	<p style="text-align: right;">Page 168</p> <p>1 Dan, can I ask a clarifying question?</p> <p>2 THE WITNESS: Yeah, I was going to say,</p> <p>3 I need you to clarify that.</p> <p>4 But go ahead, Paul.</p> <p>5 MR. COX: Well, Dan, do you mind if I</p> <p>6 ask you to clarify?</p> <p>7 MR. JACOBSON: Yeah. Go ahead. Go</p> <p>8 ahead.</p> <p>9 MR. COX: When you said the State</p> <p>10 Board, are you referring to the Board as</p> <p>11 the board, or the Board as a whole agency</p> <p>12 or what? Because --</p> <p>13 MR. JACOBSON: Sure.</p> <p>14 MR. COX: Do you understand the</p> <p>15 difference?</p> <p>16 MR. JACOBSON: Yeah. So I'm</p> <p>17 referring -- when I say the State Board,</p> <p>18 I'm referring to the entire agency that you</p> <p>19 oversee.</p> <p>20 THE WITNESS: Okay. And now will you</p> <p>21 state your question?</p> <p>22 MR. JACOBSON: Sure.</p> <p>23 THE WITNESS: I might need you to</p> <p>24 clarify something that you're asking me.</p> <p>25 MR. JACOBSON: Sure.</p>
<p style="text-align: right;">Page 167</p> <p>1 otherwise, you can answer it.</p> <p>2 A. Dan, if you'll state your question</p> <p>3 again.</p> <p>4 Q. Yeah.</p> <p>5 A. I don't know if I can say "yes" or "no"</p> <p>6 to it, but...</p> <p>7 Q. Okay. Subject to Mr. Cox's</p> <p>8 qualification, and putting aside any research</p> <p>9 that was done by your lawyers at the Attorney</p> <p>10 General's Office, did the State Board of</p> <p>11 Elections itself conduct any factual research</p> <p>12 or investigation into the interests served by</p> <p>13 the current disenfranchisement scheme, in</p> <p>14 present day, in order to generate this list of</p> <p>15 six government interests listed in those six</p> <p>16 bullets?</p> <p>17 A. I do not know.</p> <p>18 Q. Okay. Putting aside any discussions</p> <p>19 with your lawyers at the Attorney General's</p> <p>20 Office, did the State Board engage in any</p> <p>21 discussions about the interests that the</p> <p>22 current disenfranchisement scheme actually</p> <p>23 serves in practice today before providing this</p> <p>24 list?</p> <p>25 MR. COX: Objection. Vague.</p>	<p style="text-align: right;">Page 169</p> <p>1 THE WITNESS: Go ahead.</p> <p>2 BY MR. JACOBSON:</p> <p>3 Q. Putting aside any discussions with your</p> <p>4 lawyers at the Attorney General's Office, did</p> <p>5 the State Board engage in any discussions about</p> <p>6 the interests that the current</p> <p>7 disenfranchisement scheme actually serves in</p> <p>8 practice today before providing this list?</p> <p>9 A. I don't know what the right process for</p> <p>10 me to do here is, but that -- you're -- you're</p> <p>11 asking a question in a very legal format, but I</p> <p>12 don't know if I need clarification from my</p> <p>13 counsel to understand or if I need you to</p> <p>14 clarify more.</p> <p>15 Q. How about I try to ask it a little bit</p> <p>16 differently?</p> <p>17 A. Thank you.</p> <p>18 Q. Are you aware of any discussions,</p> <p>19 internal discussions within the State Board of</p> <p>20 Elections, about the interests -- that occurred</p> <p>21 about the interests that the current</p> <p>22 disenfranchisement scheme serves in practice</p> <p>23 today before this list was provided?</p> <p>24 MR. COX: Objection. Vague.</p> <p>25 A. Yeah. I mean, what do you mean by the</p>

<p style="text-align: right;">Page 170</p> <p>1 practices?</p> <p>2 Q. We talked about a moment ago that the</p> <p>3 interrogatory asks about the governmental</p> <p>4 interests that support the current</p> <p>5 disenfranchisement scheme, right?</p> <p>6 A. That we administer the law as it's</p> <p>7 written.</p> <p>8 Q. Right. But the interrogatory that we</p> <p>9 talked about up here asks for to state with</p> <p>10 specificity the purported government interests</p> <p>11 in denying disenfranchisement, right?</p> <p>12 A. Correct.</p> <p>13 Q. And so my question is: Are you aware</p> <p>14 of any discussions within the State Board of</p> <p>15 Elections about what are the current -- the</p> <p>16 purported government interests in denying</p> <p>17 disenfranchised persons the right to vote today</p> <p>18 before this list was provided?</p> <p>19 MR. COX: Same objection. Vague.</p> <p>20 A. The only way I know -- the best answer</p> <p>21 I can give you is no. The reason I asked about</p> <p>22 practices is because -- so we've established</p> <p>23 that we are updating some of our forms. So</p> <p>24 that would indicate discussion, but I don't</p> <p>25 believe it's to -- I don't think it is to the</p>	<p style="text-align: right;">Page 172</p> <p>1 MR. COX: Objection. Vague.</p> <p>2 A. In this case do you mean the agency or</p> <p>3 the Board?</p> <p>4 Q. The agency.</p> <p>5 A. Then I do not know of such, no.</p> <p>6 Q. Okay. I'm now going to turn to each of</p> <p>7 the interests, the six interests that we're</p> <p>8 talking about.</p> <p>9 Can you hear me?</p> <p>10 A. Now we can.</p> <p>11 Q. Okay. I have a mumbling problem that I</p> <p>12 try to fight as much as I can.</p> <p>13 So do you see these interests listed</p> <p>14 here on the bottom of page 4, onto page 5, that</p> <p>15 says: "Regulating, streamlining, and promoting</p> <p>16 voter registration and electoral participation</p> <p>17 among North Carolinians convicted of felonies</p> <p>18 who have been reformed"?</p> <p>19 A. I see that bullet point, yes.</p> <p>20 Q. The State Board of Elections is the</p> <p>21 primary agency in North Carolina that oversees</p> <p>22 voter registration, right?</p> <p>23 A. That's correct, along with the county</p> <p>24 boards of elections.</p> <p>25 Q. And the State Board is an agency that</p>
<p style="text-align: right;">Page 171</p> <p>1 legal framework that you're presenting.</p> <p>2 Q. Okay. Did the State Board undertake</p> <p>3 any research or investigation into whether the</p> <p>4 regime that plaintiffs seek would better serve</p> <p>5 the interests listed in those six bullets that</p> <p>6 we're talking about in the current</p> <p>7 disenfranchisement scheme?</p> <p>8 MR. COX: Objection.</p> <p>9 Karen, in answering this, if you have</p> <p>10 knowledge about any research that was done</p> <p>11 in connection with representation in this</p> <p>12 case, then don't answer that question. If</p> <p>13 you have information independent of that,</p> <p>14 that you can provide, you can answer that</p> <p>15 question.</p> <p>16 A. Actually, I do not have knowledge of</p> <p>17 such.</p> <p>18 Q. Okay. Putting aside any discussions</p> <p>19 you had with your counsel at the Attorney</p> <p>20 General's Office, has the State Board engaged</p> <p>21 in any deliberations about whether the regime</p> <p>22 that plaintiffs seek in this case would better</p> <p>23 serve the interests listed in those six bullets</p> <p>24 than the current disenfranchisement scheme?</p> <p>25 A. And in this case --</p>	<p style="text-align: right;">Page 173</p> <p>1 is knowledgeable about, quote, electoral</p> <p>2 participation of North Carolinians?</p> <p>3 MR. COX: Objection. Vague.</p> <p>4 A. I was going to ask: What do you define</p> <p>5 "electoral participation"? Does that mean the</p> <p>6 percentage of turnout, or do you have another</p> <p>7 definition?</p> <p>8 Q. Well, so this -- this -- you understand</p> <p>9 this bullet point was written by the State</p> <p>10 Board of Elections, right?</p> <p>11 MR. COX: Objection. Vague and calls</p> <p>12 for a legal conclusion.</p> <p>13 A. Actually, my assumption is that it was</p> <p>14 written by the Attorney General's Office and</p> <p>15 not by the State Board of Elections.</p> <p>16 Q. What was meant in this bullet point by</p> <p>17 the words "electoral participation"?</p> <p>18 MR. COX: Objection. Calls for</p> <p>19 speculation.</p> <p>20 A. Any explanation of electoral</p> <p>21 participation would be voter turnout and</p> <p>22 participation in an election, what percentage</p> <p>23 of participation.</p> <p>24 Q. Okay. So is the State Board of</p> <p>25 Elections asserting that, as a factual matter</p>

<p style="text-align: right;">Page 174</p> <p>1 in present day, that disenfranchisement of</p> <p>2 persons on probation, parole, or post-release</p> <p>3 supervision regulates, streamlines, and</p> <p>4 promotes voter registration and electoral</p> <p>5 participation among North Carolinians convicted</p> <p>6 of felonies?</p> <p>7 MR. COX: Objection. Compound. Vague.</p> <p>8 A. Actually, I would like to take a</p> <p>9 moment. I would like to speak with counsel to</p> <p>10 make sure that I'm understanding what I'm</p> <p>11 representing here. Not to your question, but</p> <p>12 to this line of questioning.</p> <p>13 MR. COX: Karen, do you need to talk to</p> <p>14 make sure that you're not revealing any</p> <p>15 attorney-client information?</p> <p>16 THE WITNESS: That's right.</p> <p>17 MR. COX: All right.</p> <p>18 MR. JACOBSON: Paul, my understanding</p> <p>19 is that communications during depositions</p> <p>20 are not privileged. So I want to find that</p> <p>21 out.</p> <p>22 MR. COX: Well, if that's your -- if</p> <p>23 that's what you're -- if that's the</p> <p>24 position you're going to take, then I won't</p> <p>25 have a conversation with my client, but I</p>	<p style="text-align: right;">Page 176</p> <p>1 THE WITNESS: Or may I request a break</p> <p>2 to speak with my general counsel and not</p> <p>3 with Mr. Cox?</p> <p>4 MR. JACOBSON: Paul, I will agree to</p> <p>5 that, that you can talk with her and I</p> <p>6 won't seek that information.</p> <p>7 MR. COX: Okay.</p> <p>8 MR. JACOBSON: Okay?</p> <p>9 THE WITNESS: Thank you.</p> <p>10 (Recess from 12:51 to 12:55 p.m.)</p> <p>11 THE WITNESS: I'm back. I apologize.</p> <p>12 MR. JACOBSON: That's okay.</p> <p>13 Madam Court Reporter, are you ready?</p> <p>14 THE REPORTER: Yes.</p> <p>15 MR. JACOBSON: Okay. Would you like me</p> <p>16 to ask the question again, Ms. Bell?</p> <p>17 THE WITNESS: Yes, please. Thank you.</p> <p>18 MR. JACOBSON: Sure.</p> <p>19 BY MR. JACOBSON:</p> <p>20 Q. Is the State Board of Elections</p> <p>21 asserting that, as a factual matter, in present</p> <p>22 day, the disenfranchisement of persons on</p> <p>23 probation, parole, or post-release supervision</p> <p>24 regulates, streamlines, and promotes voter</p> <p>25 registration and electoral participation among</p>
<p style="text-align: right;">Page 175</p> <p>1 will instruct her, if she is worried that</p> <p>2 she is going to reveal attorney-client</p> <p>3 communications, not to answer the question.</p> <p>4 And then I can find out whether she's wrong</p> <p>5 with that.</p> <p>6 MR. JACOBSON: So, Paul, under the</p> <p>7 protective order that was issued yesterday,</p> <p>8 Ms. Bell has to answer questions about</p> <p>9 these bullet points as they relate to</p> <p>10 factual assertions, and that's exactly what</p> <p>11 my question was. So she can't -- you can't</p> <p>12 instruct her not to answer.</p> <p>13 MR. COX: I can instruct her -- I can</p> <p>14 always instruct her not to answer a</p> <p>15 question if it's going to reveal</p> <p>16 attorney-client communications. Nothing</p> <p>17 about this court order abridges the</p> <p>18 attorney-client privilege.</p> <p>19 MR. JACOBSON: Okay. Do you want to</p> <p>20 take a break to talk with Ms. Bell, and</p> <p>21 then we can resume?</p> <p>22 MR. COX: Yeah. Do you agree that I</p> <p>23 can talk with Ms. Bell and you're not going</p> <p>24 to seek the information disclosed between</p> <p>25 us?</p>	<p style="text-align: right;">Page 177</p> <p>1 North Carolinians convicted of felonies?</p> <p>2 MR. COX: Objection. Vague and</p> <p>3 compound.</p> <p>4 A. I know you're going to get tired of</p> <p>5 repeating, but I'd like to make sure that I'm</p> <p>6 hearing you correctly. Will you state it</p> <p>7 again?</p> <p>8 Q. Okay. Sure. And before I state it</p> <p>9 again, maybe I'll just -- what I'm asking is,</p> <p>10 is the State Board asserting -- well, I'll just</p> <p>11 read the question again, actually --</p> <p>12 A. Okay.</p> <p>13 Q. -- rather than characterizing my own</p> <p>14 questions.</p> <p>15 Is the State Board of Elections</p> <p>16 asserting that, as a factual matter, in present</p> <p>17 day, the disenfranchisement of persons on</p> <p>18 probation, parole, or post-release supervision</p> <p>19 regulates, streamlines, and promotes voter</p> <p>20 registration and electoral participation among</p> <p>21 North Carolinians convicted of felonies?</p> <p>22 MR. COX: Objection. Compound. Vague.</p> <p>23 A. If you're asking whether the State has</p> <p>24 had a policy -- the State Board has developed a</p> <p>25 policy about this, I would answer no.</p>

<p style="text-align: right;">Page 178</p> <p>1 Q. Could you define to me what you mean by</p> <p>2 the word "policy"?</p> <p>3 A. Outside of administering the law, as it</p> <p>4 is written, the State Board has not developed</p> <p>5 other policy.</p> <p>6 Q. Okay. How about this? I'm going to</p> <p>7 take the three verbs in here one at a time.</p> <p>8 Because you see there's three verbs in here.</p> <p>9 A. I do.</p> <p>10 Q. Regulating, streamlining, and</p> <p>11 promoting. So I'm going to start with</p> <p>12 "promoting" or "promotes."</p> <p>13 Is the State Board asserting that, as a</p> <p>14 factual matter, in present day, the</p> <p>15 disenfranchisement of persons on probation,</p> <p>16 parole, or post-release supervision promotes</p> <p>17 voter registration and electoral participation</p> <p>18 among North Carolinians convicted of felonies?</p> <p>19 A. I don't believe the State Board has</p> <p>20 asserted one way or the other. So I would</p> <p>21 defer to the Attorney General's Office who</p> <p>22 wrote this interrogatory.</p> <p>23 Q. But, Ms. Bell, respectfully, I'm asking</p> <p>24 for the State Board's position, not the</p> <p>25 position of the Attorney General's Office.</p>	<p style="text-align: right;">Page 180</p> <p>1 talking about promotes voter registration and</p> <p>2 electoral participation among North Carolinians</p> <p>3 convicted of felonies -- so let's say somebody</p> <p>4 asserts that -- and then the question is: What</p> <p>5 factual evidence do you have to support that</p> <p>6 assertion?</p> <p>7 And so what I'm asking is: Does the</p> <p>8 State Board have any factual evidence that the</p> <p>9 disenfranchisement of people on community</p> <p>10 supervision promotes voter registration and</p> <p>11 electoral participation among North Carolinians</p> <p>12 convicted of felonies?</p> <p>13 MR. COX: Objection. Vague.</p> <p>14 A. So my previous response to you is that</p> <p>15 I don't believe the State Board has asserted or</p> <p>16 taken a position that disenfranchisement</p> <p>17 promotes voter registration.</p> <p>18 Q. Okay.</p> <p>19 A. So if we have not taken a position or</p> <p>20 asserted, then I don't believe I can say that</p> <p>21 we have factual information one way or the</p> <p>22 other either.</p> <p>23 Q. So when you say "one way or the other,"</p> <p>24 am I correct that sitting here today, you do</p> <p>25 not have factual evidence you can cite to me</p>
<p style="text-align: right;">Page 179</p> <p>1 MR. COX: Objection. Asked and</p> <p>2 answered.</p> <p>3 BY MR. JACOBSON:</p> <p>4 Q. Is the State Board asserting that, as a</p> <p>5 factual matter, sitting here today, the</p> <p>6 disenfranchisement of people on community</p> <p>7 supervision promotes voter registration and</p> <p>8 electoral participation among North Carolinians</p> <p>9 convicted of felonies?</p> <p>10 MR. COX: Objection. Asked and</p> <p>11 answered.</p> <p>12 A. I believe I stated that I don't believe</p> <p>13 the State Board has asserted that one way or</p> <p>14 the other -- has asserted or not.</p> <p>15 Q. Does the State Board of Elections have</p> <p>16 any factual evidence that the</p> <p>17 disenfranchisement of people on probation,</p> <p>18 parole, or post-release supervision promotes</p> <p>19 voter registration and electoral participation</p> <p>20 among North Carolinians convicted of felonies?</p> <p>21 MR. COX: Objection. Vague.</p> <p>22 A. What do you mean by "factual</p> <p>23 information"?</p> <p>24 Q. So if one were to say, as an assertion,</p> <p>25 that the disenfranchisement of the people we're</p>	<p style="text-align: right;">Page 181</p> <p>1 that would support such an assertion?</p> <p>2 A. Not that I'm aware of.</p> <p>3 Q. Okay. In fact, Ms. Bell, doesn't</p> <p>4 disenfranchising people on probation, parole,</p> <p>5 or post-release supervision prevent such people</p> <p>6 registering to vote and participating in</p> <p>7 elections?</p> <p>8 A. I believe when you asked this earlier</p> <p>9 in your questioning, I identified that I don't</p> <p>10 know whether it promotes or discourages. We</p> <p>11 administer the law as it's written.</p> <p>12 Q. Ms. Bell, if somebody is</p> <p>13 disenfranchised, they're not allowed to vote,</p> <p>14 right?</p> <p>15 A. That's correct.</p> <p>16 Q. And they're not allowed to register to</p> <p>17 vote?</p> <p>18 A. They can complete a voter registration</p> <p>19 form, but they may not be processed as a</p> <p>20 registered voter.</p> <p>21 Q. So if you disenfranchise a person, it</p> <p>22 prevents them from registering to vote and</p> <p>23 voting, correct?</p> <p>24 A. It prevents them from voting.</p> <p>25 Q. Okay. And wouldn't the regime that</p>

<p style="text-align: right;">Page 182</p> <p>1 plaintiffs seek in this case, in which persons</p> <p>2 on community supervision are allowed to vote,</p> <p>3 wouldn't that better promote voter registration</p> <p>4 and electoral participation among such persons?</p> <p>5 MR. COX: Objection. Calls for</p> <p>6 speculation.</p> <p>7 A. I do believe you're asking me to make a</p> <p>8 correlation that I don't know if there's a</p> <p>9 direct correlation or not.</p> <p>10 Q. What does the word "promote" mean to</p> <p>11 you?</p> <p>12 A. "Promote" means to encourage or to</p> <p>13 publicize -- it depends on what -- in what</p> <p>14 context, but to promote means to -- it's --</p> <p>15 it's a forward motion. It's a -- it's a move</p> <p>16 in that direction, so...</p> <p>17 Q. So if you take somebody who is</p> <p>18 currently not allowed to vote, and you tell</p> <p>19 them that they are allowed to vote, doesn't</p> <p>20 that promote their voter registration and</p> <p>21 electoral participation?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. So I'd like to now think of it</p> <p>24 from the standpoint under the current law after</p> <p>25 somebody's rights have been restored. So when</p>	<p style="text-align: right;">Page 184</p> <p>1 parole, or post-release supervision streamlines</p> <p>2 voter registration and electoral participation</p> <p>3 among North Carolinians convicted of felonies?</p> <p>4 A. I don't know that we are asserting</p> <p>5 that.</p> <p>6 Q. Okay. Does the State Board have any</p> <p>7 factual evidence that disenfranchising people</p> <p>8 on probation, parole, or post-release</p> <p>9 supervision streamlines voter registration and</p> <p>10 electoral participation among North Carolinians</p> <p>11 convicted of felonies?</p> <p>12 A. I cannot say yes to the question that</p> <p>13 you're asking.</p> <p>14 Q. Okay. Does the State Board of</p> <p>15 Elections believe that the current</p> <p>16 disenfranchisement scheme streamlines voter</p> <p>17 registration and electoral participation among</p> <p>18 North Carolinians convicted of felonies more</p> <p>19 than the regime sought by plaintiffs?</p> <p>20 MR. COX: Objection. And this is</p> <p>21 outside the scope and it violates the</p> <p>22 Court's order.</p> <p>23 Karen, I'm going to instruct you not to</p> <p>24 answer that question, because it requires</p> <p>25 you to do some legal analysis.</p>
<p style="text-align: right;">Page 183</p> <p>1 they finish their felony probation, for</p> <p>2 instance, or post-release supervision.</p> <p>3 Does the State Board have any factual</p> <p>4 evidence that having withheld that person's</p> <p>5 voting rights for the duration of their</p> <p>6 community supervision promotes their voter</p> <p>7 registration or electoral participation after</p> <p>8 their rights are restored?</p> <p>9 MR. COX: Objection. Vague and</p> <p>10 confusing.</p> <p>11 A. I don't know that we have that</p> <p>12 information. No, I do not know.</p> <p>13 Q. I'll move on now to "streamline," the</p> <p>14 verb "streamline" or "streamlining."</p> <p>15 Is the State Board asserting that, as a</p> <p>16 factual, in present day, the disenfranchisement</p> <p>17 of persons on probation, parole, or</p> <p>18 post-release supervision streamlines voter</p> <p>19 registration and electoral participation among</p> <p>20 North Carolinians convicted of felonies?</p> <p>21 A. I think -- actually, will you state</p> <p>22 your question one more time, please?</p> <p>23 Q. Sure. Is the State Board of Elections</p> <p>24 asserting that, as a factual matter, today, the</p> <p>25 disenfranchisement of people on probation,</p>	<p style="text-align: right;">Page 185</p> <p>1 MR. JACOBSON: Paul, I'm asking as a</p> <p>2 factual matter with the word</p> <p>3 "streamlining."</p> <p>4 MR. COX: I understand, Dan. But</p> <p>5 you're asking her to interpret two</p> <p>6 different legal schemes and to apply those</p> <p>7 legal schemes to a set of facts. That's</p> <p>8 why I'm objecting. If you want to ask a</p> <p>9 question that's purely factual in nature, I</p> <p>10 won't object.</p> <p>11 BY MR. JACOBSON:</p> <p>12 Q. Okay. You recall how I defined the</p> <p>13 regime that plaintiffs are seeking in this</p> <p>14 case; is that right?</p> <p>15 A. I do.</p> <p>16 Q. Does the State Board have any reason to</p> <p>17 doubt that such a regime would streamline voter</p> <p>18 registration and electoral participation among</p> <p>19 North Carolinians convicted of felonies?</p> <p>20 A. The Board has not taken a position on</p> <p>21 that regime, because that is not the law as we</p> <p>22 would administer. So our ability to streamline</p> <p>23 that process is not determined.</p> <p>24 Q. Okay. And finally on the verb</p> <p>25 "regulates." Would you agree with me,</p>

<p style="text-align: right;">Page 186</p> <p>1 Ms. Bell, that the regime that plaintiffs seek</p> <p>2 in this case would also, quote, regulate the</p> <p>3 voter registration and electoral participation</p> <p>4 among North Carolinians convicted of felonies?</p> <p>5 MR. COX: Objection. Calls for</p> <p>6 speculation.</p> <p>7 A. Be it your regime, or as it stands,</p> <p>8 that that is the administrative capacity of our</p> <p>9 agency, is to regulate the law in that -- as</p> <p>10 it's written.</p> <p>11 Q. Okay.</p> <p>12 A. So that's all I can answer to is, we</p> <p>13 would administer the law as it's written.</p> <p>14 Q. That's fine. I'll move on now to</p> <p>15 another bullet point. And let's look at the</p> <p>16 second one here, which is: "Simplifying the</p> <p>17 administration of the process to restore the</p> <p>18 rights of citizenship to North Carolinians</p> <p>19 convicted of felonies who have served their</p> <p>20 sentences." Do you see that one?</p> <p>21 A. I do.</p> <p>22 Q. And, Ms. Bell, isn't it the case that</p> <p>23 the State Board of Elections administers the</p> <p>24 process of both preventing people with felony</p> <p>25 convictions from voting and then allowing them</p>	<p style="text-align: right;">Page 188</p> <p>1 A. State your question again, please.</p> <p>2 Q. Sure. Is the State Board of Elections</p> <p>3 asserting that, as a factual matter, in present</p> <p>4 day, the disenfranchisement of persons on</p> <p>5 probation, parole, or post-release supervision</p> <p>6 simplifies the administration of the process of</p> <p>7 restoring voting rights to people with felony</p> <p>8 convictions?</p> <p>9 MR. COX: Objection. Vague.</p> <p>10 A. I don't -- I don't know that that's the</p> <p>11 assertion that's being made here.</p> <p>12 Q. What is the assertion that's being made</p> <p>13 here, in your view?</p> <p>14 MR. COX: Objection. Calls for a legal</p> <p>15 conclusion.</p> <p>16 Q. Let me ask it this way: Ms. Bell, are</p> <p>17 you -- I just want to make sure I understand</p> <p>18 your last answer -- are you saying that the</p> <p>19 second bullet point listed here is asserting</p> <p>20 something different from what I asked?</p> <p>21 A. I'm saying that what you may define as</p> <p>22 simplifying may not be what I define as</p> <p>23 simplifying.</p> <p>24 Q. Okay. How would you define</p> <p>25 "simplifying"?</p>
<p style="text-align: right;">Page 187</p> <p>1 to reregister to vote once they've completed</p> <p>2 their sentences?</p> <p>3 MR. COX: Objection. Vague.</p> <p>4 A. That is -- we do administer.</p> <p>5 Q. Okay.</p> <p>6 A. Yes.</p> <p>7 Q. And is the State Board of Elections</p> <p>8 asserting that, as a factual matter, in present</p> <p>9 day, the disenfranchisement of persons on</p> <p>10 probation, parole, or post-release supervision</p> <p>11 simplifies the administration of the process of</p> <p>12 restoring voting rights to persons with felony</p> <p>13 convictions?</p> <p>14 MR. COX: Objection. Vague.</p> <p>15 A. As I read this bullet point, what the</p> <p>16 State Board is asserting is that we are charged</p> <p>17 with the administration of the process.</p> <p>18 Q. Well, Ms. Bell, the bullet point says</p> <p>19 "simplify." And so what I'm asking is: Is the</p> <p>20 State Board asserting, as a factual matter,</p> <p>21 today, disenfranchising people on community</p> <p>22 supervision, simplifies the administration of</p> <p>23 the process of restoring voting rights?</p> <p>24 MR. COX: Objection. Vague. Misstates</p> <p>25 the evidence.</p>	<p style="text-align: right;">Page 189</p> <p>1 A. My perspective, as the executive</p> <p>2 director, is that simplifying could be</p> <p>3 efficiencies in how we administer a process.</p> <p>4 Or it could be -- simplified could be the fact</p> <p>5 that we use technology even though that's not a</p> <p>6 simple process.</p> <p>7 Q. Okay. And so under your definition of</p> <p>8 "simplify," whatever that is, is the State</p> <p>9 Board of Elections asserting that, as a factual</p> <p>10 matter, in present day, the disenfranchisement</p> <p>11 of people on community supervision simplifies</p> <p>12 the administration of the process of restoring</p> <p>13 voting rights to people with felony</p> <p>14 convictions?</p> <p>15 MR. COX: Objection. Vague.</p> <p>16 A. I will state that I don't believe the</p> <p>17 State Board has issued a policy or made an</p> <p>18 assertion to that.</p> <p>19 Q. Okay. Does the State Board of</p> <p>20 Elections have any factual evidence that</p> <p>21 disenfranchising people on probation, parole,</p> <p>22 or post-release supervision simplifies the</p> <p>23 administration of the process of restoring</p> <p>24 voting rights?</p> <p>25 MR. COX: Objection. Vague.</p>

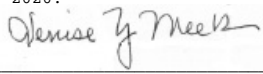
<p style="text-align: right;">Page 190</p> <p>1 A. I do not know.</p> <p>2 Q. So sitting here today, there's no</p> <p>3 factual evidence you could point me to?</p> <p>4 MR. COX: Objection. Asked and</p> <p>5 answered.</p> <p>6 A. I do not know. I would defer to the</p> <p>7 Attorney General's Office.</p> <p>8 Q. But in your capacity -- and I'm sorry</p> <p>9 to keep asking -- but in your capacity as, you</p> <p>10 know, a designated witness for the State Board</p> <p>11 of Elections, sitting here today, you can't</p> <p>12 personally point me to any evidence, factual</p> <p>13 evidence, that disenfranchising people on</p> <p>14 community supervision simplifies administration</p> <p>15 of the process of restoring voting rights?</p> <p>16 MR. COX: Objection. Vague. Asked and</p> <p>17 answered.</p> <p>18 A. I cannot. To me, the question is about</p> <p>19 the administration of elections.</p> <p>20 Q. Okay.</p> <p>21 A. Or bullet point, rather. I'm sorry.</p> <p>22 Q. That's okay. You recall that we talked</p> <p>23 about earlier about how, under the regime that</p> <p>24 plaintiffs seek, the state and county boards of</p> <p>25 elections may need to process data on far fewer</p>	<p style="text-align: right;">Page 192</p> <p>1 simplify the process or reduce the process.</p> <p>2 There may be other elements introduced.</p> <p>3 Q. Okay. I'll turn now to another bullet</p> <p>4 in the top -- the first full bullet on page 5,</p> <p>5 which says: "Avoiding confusion among North</p> <p>6 Carolinians convicted of felonies as to when</p> <p>7 their rights are restored."</p> <p>8 Do you see that?</p> <p>9 A. I do.</p> <p>10 Q. And is it correct, Ms. Bell, that the</p> <p>11 State Board of Elections interacts with voters</p> <p>12 who may have confusion about their eligibility</p> <p>13 to vote due to a felony conviction?</p> <p>14 A. It's correct that the State Board of</p> <p>15 Elections interacts with voters, felon or not</p> <p>16 felon.</p> <p>17 Q. But including voters who may have</p> <p>18 confusion about their eligibility, right?</p> <p>19 A. Yes.</p> <p>20 Q. Is the Board of Elections asserting</p> <p>21 that, as a factual matter, in present day, the</p> <p>22 disenfranchisement of people on probation,</p> <p>23 parole, or post-release supervision avoids</p> <p>24 confusion among North Carolinians convicted of</p> <p>25 felonies as to when their rights are restored?</p>
<p style="text-align: right;">Page 191</p> <p>1 people, maybe as much as half as many people,</p> <p>2 because those people wouldn't be sentenced to a</p> <p>3 term of imprisonment? Do you remember that?</p> <p>4 A. I believe you presented that as a</p> <p>5 hypothetical.</p> <p>6 Q. Okay. So assuming, again, that that</p> <p>7 hypothetical, you know, under that</p> <p>8 hypothetical, processing data on fewer people</p> <p>9 makes administration of the process easier,</p> <p>10 right?</p> <p>11 A. I believe I answered your previous</p> <p>12 question to say that I would want to look into</p> <p>13 that more and make sure that I understand what</p> <p>14 those changes would mean and whether that would</p> <p>15 change our processes.</p> <p>16 Q. Okay. But everything else being</p> <p>17 equal -- and I hear what you're saying -- but</p> <p>18 everything else being equal, processing data on</p> <p>19 fewer people makes administration of any</p> <p>20 process easier, right?</p> <p>21 A. I don't believe I can concur with that,</p> <p>22 because it -- are we comparing apples to</p> <p>23 apples? Are the procedures going to change in</p> <p>24 terms of what we would need to administer?</p> <p>25 Reducing the quantity doesn't necessarily</p>	<p style="text-align: right;">Page 193</p> <p>1 MR. COX: Objection. Vague.</p> <p>2 A. State your question again, please.</p> <p>3 Q. Is the North Carolina Board of</p> <p>4 Elections asserting that, as a factual matter,</p> <p>5 in present day, the disenfranchisement of</p> <p>6 people on probation, parole, or post-release</p> <p>7 supervision avoids confusion among North</p> <p>8 Carolinians convicted of felonies as to when</p> <p>9 their rights are restored?</p> <p>10 MR. COX: Objection. Vague.</p> <p>11 A. I don't believe that the State Board</p> <p>12 has stated one way or the other that the</p> <p>13 disenfranchisement of felons avoids confusion,</p> <p>14 if that's your question.</p> <p>15 Q. So I just want to clarify, because you</p> <p>16 said the disenfranchisement of felons, and my</p> <p>17 question is specific to the disenfranchisement</p> <p>18 of people with felony convictions who are on</p> <p>19 some form of community service.</p> <p>20 A. Okay. So your clarification, go ahead,</p> <p>21 please.</p> <p>22 Q. So with that clarification, is the</p> <p>23 State Board asserting that, as a factual</p> <p>24 matter, in present day, the disenfranchisement</p> <p>25 of such people who are on community supervision</p>

Page 194	<p>1 avoids confusion among North Carolinians</p> <p>2 convicted of felonies as to when their rights</p> <p>3 are restored?</p> <p>4 MR. COX: Objection. Vague.</p> <p>5 A. I don't believe that the State Board</p> <p>6 has asserted that disenfranchising such persons</p> <p>7 avoids confusion.</p> <p>8 Q. Okay. Does the State Board have any</p> <p>9 factual evidence that disenfranchising people</p> <p>10 on probation, parole, or post-release</p> <p>11 supervision avoids confusion among persons</p> <p>12 convicted of felonies about their eligibility</p> <p>13 to vote?</p> <p>14 MR. COX: Objection. Vague.</p> <p>15 A. I don't know of factual evidence about</p> <p>16 the enfranchise or disenfranchisement, if such</p> <p>17 person exists.</p> <p>18 Q. So my question was a little bit</p> <p>19 different. It was about avoiding confusion.</p> <p>20 And so my question is: Does the State</p> <p>21 Board have any factual evidence that</p> <p>22 disenfranchising people on community</p> <p>23 supervision avoids confusion?</p> <p>24 MR. COX: Objection. Vague.</p> <p>25 A. I don't know of factual evidence --</p>	Page 196	<p>1 A. Yes.</p> <p>2 Q. And you can correct me if I'm wrong,</p> <p>3 but I think you've acknowledged that it's at</p> <p>4 least possible that some persons would be -- on</p> <p>5 post-release supervision would be confused by</p> <p>6 that omission?</p> <p>7 MR. COX: Objection. Misstates prior</p> <p>8 testimony.</p> <p>9 A. I don't -- I don't recall that I stated</p> <p>10 that.</p> <p>11 Q. Okay. I'll just ask you, then. Do you</p> <p>12 believe it's, at least, possible that some</p> <p>13 people on post-release supervision could be</p> <p>14 confused by the omission of post-release</p> <p>15 supervision on those forms and manuals?</p> <p>16 A. I believe I stated that I don't know</p> <p>17 whether that creates confusion or not.</p> <p>18 Q. Okay. Ms. Bell, do you agree that</p> <p>19 compared to the current disenfranchisement</p> <p>20 scheme, a much less confusing role would be</p> <p>21 that if you're not in prison, you're allowed to</p> <p>22 vote?</p> <p>23 MR. COX: Objection. Calls for</p> <p>24 speculation.</p> <p>25 A. Would you state your question one more</p>
Page 195	<p>1 Q. Okay.</p> <p>2 A. -- that we have to that effect of</p> <p>3 disenfranchising such persons avoids confusion.</p> <p>4 Q. Okay. And do you recall that we talked</p> <p>5 earlier about the examples and high-profile</p> <p>6 examples of whether people who voted who</p> <p>7 weren't allowed to vote and were prosecuted who</p> <p>8 said that they just didn't know that they</p> <p>9 ineligible? Do you remember that?</p> <p>10 A. I remember that news article, yes.</p> <p>11 Q. And, you know, with the Alamance 12 and</p> <p>12 the four individuals in Hoke County? Do you</p> <p>13 remember that?</p> <p>14 A. Yes.</p> <p>15 Q. So as to those individuals, the current</p> <p>16 disenfranchisement scheme did not avoid</p> <p>17 confusion, right?</p> <p>18 MR. COX: Objection. Calls for</p> <p>19 speculation.</p> <p>20 A. I don't think I can make that</p> <p>21 determination based upon one news article.</p> <p>22 Q. Okay. You recall that we talked</p> <p>23 earlier about how some of the State Board's</p> <p>24 forms and manuals failed to mention</p> <p>25 post-release supervision, right?</p>	Page 197	<p>1 time, please?</p> <p>2 Q. Sure. Would you agree that compared to</p> <p>3 the current scheme, a much less confusing role</p> <p>4 would be that if you're not incarcerated or in</p> <p>5 prison, you're allowed to vote?</p> <p>6 MR. COX: Objection. Calls for</p> <p>7 speculation.</p> <p>8 A. I don't -- one, I don't think I have a</p> <p>9 point of comparison, because we have not had</p> <p>10 the regime that you suggest to determine</p> <p>11 whether that would create confusion or not.</p> <p>12 Q. Okay. Well, let's think about this</p> <p>13 from the perspective of election administrators</p> <p>14 and poll workers and so on. And, actually, I</p> <p>15 think they're active workers.</p> <p>16 Wouldn't it be much less confusing for</p> <p>17 them to just know that if somebody is not</p> <p>18 incarcerated, they're allowed to vote?</p> <p>19 A. As compared to?</p> <p>20 Q. Just in general. If somebody shows up</p> <p>21 to vote in person, that means they're not</p> <p>22 incarcerated, right?</p> <p>23 MR. COX: Is that a question?</p> <p>24 BY MR. JACOBSON:</p> <p>25 Q. I'll ask a question. If somebody shows</p>

<p style="text-align: right;">Page 198</p> <p>1 up at a polling place, they're not</p> <p>2 incarcerated, right? We can agree on that?</p> <p>3 A. We would assume that.</p> <p>4 Q. I mean, unless --</p> <p>5 A. There was a gentleman who was</p> <p>6 incarcerated who was out and about last week,</p> <p>7 so...</p> <p>8 Q. Okay. As a general matter, unless the</p> <p>9 State Board of Elections is planning on opening</p> <p>10 polling places in prisons, we can agree that if</p> <p>11 a person shows up at a polling place, they're</p> <p>12 not physically incarcerated, right?</p> <p>13 A. That would -- I think that would be the</p> <p>14 assumption, yes.</p> <p>15 Q. And so wouldn't it be very simple for</p> <p>16 election officials to know that because that</p> <p>17 person is not incarcerated, they're not</p> <p>18 disqualified by virtue of a felony conviction?</p> <p>19 A. Did you ask if it would be easier? Was</p> <p>20 that your question?</p> <p>21 Q. Would it be straightforward? You're an</p> <p>22 election official, right? You can just know,</p> <p>23 if the person is here physically, they're not</p> <p>24 incarcerated, and so they're not disqualified</p> <p>25 because of any felony conviction.</p>	<p style="text-align: right;">Page 200</p> <p>1 evidence and is vague.</p> <p>2 Actually, I'll withdraw the "Misstates</p> <p>3 the evidence," because I don't think that</p> <p>4 you're referring to that. My bad, Dan.</p> <p>5 MR. JACOBSON: No problem.</p> <p>6 A. State your question one more time.</p> <p>7 Q. Sure. Is the State Board of Election</p> <p>8 asserting that, as a factual matter, in present</p> <p>9 day, the disenfranchisement of people on</p> <p>10 probation, parole, or post-release supervision</p> <p>11 eliminates burdens on North Carolinians</p> <p>12 convicted of felonies to take extra steps to</p> <p>13 have their rights restored after having</p> <p>14 completed their sentences?</p> <p>15 MR. COX: Objection. Vague.</p> <p>16 A. I don't believe the State Board is</p> <p>17 asserting that. I think -- I don't believe the</p> <p>18 State Board is asserting that.</p> <p>19 Q. Does the State Board of Elections have</p> <p>20 any factual evidence that disenfranchising</p> <p>21 people on probation, parole, or post-release</p> <p>22 supervision eliminates burdens on North</p> <p>23 Carolinians convicted of felonies to take extra</p> <p>24 steps to have their rights restored?</p> <p>25 A. I do not know.</p>
<p style="text-align: right;">Page 199</p> <p>1 A. No matter --</p> <p>2 Q. When that --</p> <p>3 A. No matter the circumstance, it's going</p> <p>4 to still be our job to ensure that they meet</p> <p>5 the qualifications.</p> <p>6 Q. Okay.</p> <p>7 A. So I don't determine -- just like I</p> <p>8 don't determine age by looking at someone. I</p> <p>9 ask that question.</p> <p>10 Q. Okay. I'll turn to the next bullet --</p> <p>11 or a bullet here: "Eliminating burdens on</p> <p>12 North Carolinians convicted of felonies to take</p> <p>13 extra steps to have their rights restored after</p> <p>14 having completed their sentences."</p> <p>15 Do you see that?</p> <p>16 A. I do.</p> <p>17 Q. Is the State Board of Elections</p> <p>18 asserting that, as a factual matter, in present</p> <p>19 day, the disenfranchisement of people on</p> <p>20 probation, parole, or post-release supervision</p> <p>21 eliminates burdens on North Carolinians</p> <p>22 convicted of felonies to take extra steps to</p> <p>23 have their rights restored after having</p> <p>24 completed their sentence?</p> <p>25 MR. COX: Objection. Misstates the</p>	<p style="text-align: right;">Page 201</p> <p>1 Q. So sitting here today, you can't point</p> <p>2 me to any factual evidence of such?</p> <p>3 MR. COX: Objection. Asked and</p> <p>4 answered.</p> <p>5 Karen, you can answer that question</p> <p>6 again.</p> <p>7 THE WITNESS: Yeah. I'm reading the</p> <p>8 statement.</p> <p>9 A. I do not know.</p> <p>10 Q. Okay. Under the regime that plaintiffs</p> <p>11 seek in this case, where you're eligible to</p> <p>12 vote if you're not in prison, does the State</p> <p>13 Board have any evidence or reason to believe</p> <p>14 that that would impose additional burdens on</p> <p>15 North Carolinians convicted of felonies to take</p> <p>16 extra steps to have their rights restored?</p> <p>17 MR. COX: Objection. Calls for</p> <p>18 speculation.</p> <p>19 A. Since that has not been the law, we</p> <p>20 would not have anything to come to for that.</p> <p>21 Q. Okay. I'll turn to the second-to-last</p> <p>22 one now: "Encouraging compliance with court</p> <p>23 orders."</p> <p>24 Do you see that?</p> <p>25 A. I do.</p>

<p style="text-align: right;">Page 202</p> <p>1 Q. Is the State Board of Elections 2 asserting that, as a factual matter, in present 3 day, the disenfranchisement of people on 4 probation, parole, or post-release supervision 5 encourages compliance with court orders? 6 MR. COX: Objection. Vague. 7 A. Do you want to clarify? 8 Q. I can repeat the question. 9 A. Okay. 10 Q. Does the State Board of Elections -- 11 I'm sorry. Is the State Board of Elections 12 asserting that, as a factual matter, in present 13 day, the disenfranchisement of people on 14 probation, parole, or post-release supervision 15 encourages compliance with court orders? 16 MR. COX: Objection. Vague. 17 A. I don't think that there's an assertion 18 here. I think that what this states is that we 19 are ensuring the compliance with court orders 20 that would not allow someone to vote if they 21 are a felon as the law is written. 22 Q. So I'm going to ask you to assume that 23 "court orders" in this sentence refers to the 24 terms of somebody's probation or parole or 25 post-release supervision. You know, you have</p>	<p style="text-align: right;">Page 204</p> <p>1 Q. Okay. Does the State Board have any 2 factual evidence that withholding voting rights 3 to people on probation, parole, or post-release 4 supervision leads to greater compliance with 5 court orders? 6 A. I don't know that we have evidence one 7 way or the other. 8 Q. Okay. Does the State Board have any 9 evidence that the disenfranchisement regime 10 that plaintiffs are seeking in this case would 11 be to less compliance with court orders? 12 MR. COX: Objection. Calls for 13 speculation. 14 A. I don't know that we have anything one 15 way or the other. 16 Q. Okay. Last one: "Ensuring that all 17 persons convicted of felonies fully satisfy 18 their obligations before their citizenship 19 rights are restored." 20 Do you see that? 21 A. Yes. 22 Q. What does "obligations" mean in this 23 bullet point? 24 MR. COX: Objection. Calls for a legal 25 conclusion. Calls for speculation.</p>
<p style="text-align: right;">Page 203</p> <p>1 to be present once a week before your officer, 2 you owe this amount of money, et cetera, 3 et cetera. 4 Will you accept that representation? 5 A. I will. 6 Q. Okay. So if that's what "court orders" 7 means here, is the State Board asserting that, 8 as a factual matter, in present day, the 9 disenfranchisement of people on community 10 supervision encourages compliance with court 11 orders? 12 MR. COX: Objection. Calls for 13 speculation. Vague. 14 A. If the court order is that they have 15 not completed their sentence, then we are 16 administering the law as it's written. 17 Q. But is the State Board asserting that 18 the fact that disenfranchisement encourages 19 individuals convicted of felonies to comply 20 with the terms of their probation, parole, or 21 post-release supervision? 22 MR. COX: Objection. Calls for 23 speculation. Vague. 24 A. I don't know that the State Board has 25 asserted that.</p>	<p style="text-align: right;">Page 205</p> <p>1 A. The way I read this bullet point is 2 that the State Board and, therefore, the county 3 boards of elections, ensure that all persons 4 convicted of felony offenses fully satisfy 5 their obligations before their rights of 6 citizenship are restored. So if they are 7 registering to vote, if they are able to answer 8 the question regarding their status of -- their 9 felony status. 10 Q. Okay. And that's -- and just to 11 clarify, that's what "obligation" means here? 12 MR. COX: Objection. Call for a legal 13 conclusion. Calls for speculation. 14 A. That would be my interpretation, that 15 that is not -- I don't know what the legal 16 definition would be. 17 Q. Okay. Is the State Board of Elections 18 asserting that, as a factual matter, in present 19 day, disenfranchising people on community 20 supervision ensures that all people convicted 21 of felonies fully satisfy their obligations 22 before their rights of citizenship are 23 restored? 24 MR. COX: Objection. Vague. Calls for 25 speculation.</p>

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<p>1 A. State your question one more time, 2 please.</p> <p>3 Q. Sure. Is the State Board of Elections 4 asserting that, as a factual matter, in present 5 day, ensuring that disenfranchising people on 6 community supervision ensures that all people 7 convicted of felony offenses fully satisfy 8 their obligations before their rights of 9 citizenship are restored?</p> <p>10 MR. COX: Same objections.</p> <p>11 A. As the law is written currently, which 12 we administer, community supervision or 13 community -- I believe you said community 14 supervision or community service?</p> <p>15 Q. Community supervision, yeah.</p> <p>16 A. Community supervision would mean that 17 they had not fulfilled their obligations and, 18 therefore, would not be allowed to register to 19 vote.</p> <p>20 MR. JACOBSON: Okay. I believe I'm 21 done with questions, but I'd like to take 22 two minutes just to confer with my 23 colleagues to make sure I didn't miss 24 anything.</p> <p>25 MR. COX: Okay.</p>	<p>1 Q. Do you know whether those investigators 2 were relying on the same data that the State 3 Board of Elections gets to identify people 4 serving an active sentence and are registered 5 voters when they perform that audit to make 6 those determinations about people who voted 7 while serving a felony sentence?</p> <p>8 A. I don't know precisely what all data 9 was used. I would assume that that was part of 10 the data, if not all. I don't know.</p> <p>11 Q. But you don't know for sure?</p> <p>12 A. I don't know for sure.</p> <p>13 Q. Just a couple of quick questions.</p> <p>14 Roughly how long do you think you spent 15 preparing for this deposition between 16 conversations with attorneys, conversations 17 with staff, reviewing the materials, and any 18 other preparation you undertook?</p> <p>19 A. I would say, including the time that I 20 spent reading documents, 8 to 10, maybe 21 12 hours.</p> <p>22 Q. And if you can just kind of give us a 23 general synopsis of the things you weren't able 24 to do today because you were preparing -- or 25 today or yesterday or any day before that --</p>
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<p>1 MR. JACOBSON: Let's go off the record 2 for two minutes.</p> <p>3 MR. COX: Sure.</p> <p>4 MR. JACOBSON: Thanks.</p> <p>5 (Recess from 1:33 to 1:36 p.m.)</p> <p>6 MR. JACOBSON: Back on the record.</p> <p>7 Plaintiffs have no further questions 8 for now subject to reserving the right to 9 re-cross if anyone else asks questions.</p> <p>10 EXAMINATION</p> <p>11 BY MR. COX:</p> <p>12 Q. Okay. I'll ask just a couple of 13 questions, Karen.</p> <p>14 And for the record, this is Paul Cox 15 from the Attorney General's Office.</p> <p>16 Do you recall that you and Mr. Jacobson 17 were discussing a 2017 audit report produced by 18 the State Board of Elections?</p> <p>19 A. I do.</p> <p>20 Q. Do you recall that there was a 21 discussion about false positives in terms of 22 the number of people that the investigators 23 determined had voted illegally because they 24 were serving a felony sentence?</p> <p>25 A. I do.</p>	<p>1 because you were preparing for this deposition 2 or upon conducting your deposition?</p> <p>3 A. I postponed meetings pertaining to the 4 absentee by mail envelope that we need to have 5 sent to printers this week.</p> <p>6 I've postponed a meeting dealing with 7 voter registration and enhancements in our 8 SEIMS system that we need to have out. We need 9 to have tested, developed -- or excuse me -- 10 developed, tested, and ready to go out during 11 our release on August 28th.</p> <p>12 I postponed a meeting dealing with our 13 help desk process improvement and incident 14 escalation.</p> <p>15 I am not able to work on the tracking 16 of our responses to COVID-19.</p> <p>17 We have numerous follow-ups after 18 awarding our CARES Act funds to the counties.</p> <p>19 I am currently trying to work with 20 possible income contributions for our PPE, and 21 I can't do that while I'm in depositions.</p> <p>22 We have a new director of training 23 going on that I could not further participate 24 in.</p> <p>25 We have a state conference that's</p>

<p style="text-align: right;">Page 210</p> <p>1 coming up that I need to be prepared for.</p> <p>2 I could go on, but that's some of the</p> <p>3 things that immediately come to mind.</p> <p>4 MR. COX: Okay. Thank you. No further</p> <p>5 questions.</p> <p>6 Brian, do you have any questions?</p> <p>7 MR. RABINOVITZ: There are no questions</p> <p>8 from the legislative defendants.</p> <p>9 MR. JACOBSON: Nothing further from the</p> <p>10 plaintiffs.</p> <p>11 Ms. Bell, I truly do appreciate your</p> <p>12 time today. Thank you.</p> <p>13 THE WITNESS: Thank you.</p> <p>14 MR. JACOBSON: So plaintiffs will take</p> <p>15 one copy, and you can send it to me.</p> <p>16 MR. COX: And defendants will take one</p> <p>17 copy, electronic.</p> <p>18 (Time noted: 1:42 p.m.)</p> <p>19 (Signature waived.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	
<p style="text-align: right;">Page 211</p> <p>1 REPORTER'S CERTIFICATE</p> <p>2</p> <p>3 NORTH CAROLINA)</p> <p>4 WAKE COUNTY)</p> <p>5</p> <p>6 I, Denise Y. Meek, a Court Reporter and</p> <p>7 Notary Public in and for the State of North Carolina,</p> <p>8 do hereby certify that prior to the commencement of</p> <p>9 the examination, KAREN BRINSON BELL, was duly</p> <p>10 remotely sworn by me to testify to the truth, the</p> <p>11 whole truth, and nothing but the truth.</p> <p>12</p> <p>13 I DO FURTHER CERTIFY that the foregoing is a</p> <p>14 verbatim transcript of the testimony as taken</p> <p>15 stenographically by me at the time, place, and on the</p> <p>16 date hereinbefore set forth, to the best of my</p> <p>17 ability.</p> <p>18</p> <p>19 I DO FURTHER CERTIFY that I am neither a</p> <p>20 relative nor employee nor attorney nor counsel of any</p> <p>21 of the parties to this action, and that I am neither</p> <p>22 a relative nor employee of such attorney or counsel</p> <p>23 hereto, and that I am not financially interested in</p> <p>24 the action.</p> <p>25 IN WITNESS WHEREOF, I have hereto set my</p> <p>hand this 31st day of July 2020.</p> <p style="text-align: center;"></p> <p style="text-align: center;">DENISE Y. MEEK Court Reporter/Notary Public State of North Carolina</p> <p style="text-align: center;">COMMISSION: 201519500202 EXPIRATION: July 8, 2025</p>	

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EXHIBIT 2

ELECTION TECHNOLOGY TRAINING

TOPIC: FELONY PROCESSES



06/21/2017

Deposition Exhibit

A

CSI_NCSBE_000279



FELONY PROCESSES: WHAT'S NEW

VoterView Processes

- *Removal* due to felony conviction in VoterView disabled
- Felony letter removed [disabled]

VoterScan Processes

- Removal processes now in VoterScan
- Statewide duplicate check now checks felony conviction statewide
- New incomplete reason - FELONY CONVICTION
- New "incomplete notices" - felon notices (removal notice and denial notice)
- New document type - Administrative List Maintenance Action Form
- New 35-day automated removal of registration due to felony conviction to align with NC felony list maintenance law

Felony reports modified on CBE Intranet

- Felony reports refreshed daily
- Report criteria changes
- Format changes

CSI_NCSBE_000280

FELONY NOTICES



Notice of Removal due to Felony Conviction

STANLY COUNTY BOARD OF ELECTIONS
PO BOX 1300
ALBEMARLE, NC 28002
Phone: (704) 980-3647 • Fax: (704) 980-3700 • stanly.bon@ncsbe.gov

June 20, 2017

TO: TASHA LAVERNE HARRIS
857 WASHINGTON LN
ALBEMARLE, NC 28003

RE: NOTICE OF REMOVAL DUE TO FELONY CONVICTION

Voter Name: TASHA LAVERNE HARRIS
Residential Address: 1074 LINDSEY ST
ALBEMARLE, NC 28003
Date of Birth: [REDACTED]
Party: DEMOCRATIC

This office has received a notice of your recent felony conviction. As an active voter, you are not qualified to vote in North Carolina. Please note that active voters include persons serving prison time or those on probation or parole for a felony conviction who have not completed all aspects of their sentence, such as a period of parole or probation. If a felony conviction who have not completed all aspects of their sentence, such as a period of parole or probation, your voter registration in STANLY County will be cancelled in 30 days (if it has not already been cancelled).

If you disagree with the finding that you are an active voter and wish to object to the removal of your name from the list of registered voters, you must object in writing within 30 days of this notice.

If you object, the chairman of the county board of elections will enter a challenge to your voter registration. You will then be referred to appear at a challenge hearing. The above referenced notice and other relevant records received by our office of your felony conviction will be introduced as evidence at the hearing.

If you are in a deferred prosecution status for a felony, please contact our office immediately to provide us the details, including the name and telephone number of your current probation officer and the attorney who represented you. Persons who are on deferred prosecution may not be subject to removal and may avoid removal from the voter registration lists.

A convicted felon's rights of citizenship are restored automatically under the provisions of G.S. § 13-1, upon discharge from the felony sentence, including periods of probation or parole, or a full pardon. At that time, provided that you are under no other active felony convictions, you will be qualified to vote. Upon completion of your sentence, you must submit a proof of restoration to the county board of elections office where you reside.

Please note: If you believe that the information contained in this letter concerning your voter eligibility is incorrect, you must object in writing to this office within 30 days of this notice. Please mail your written objection and any documentation to the attention of STANLY COUNTY BOARD OF ELECTIONS PO BOX 1300 ALBEMARLE, NC 28002.

If you have any questions, you may contact your county board of elections at (704) 980-3647.

I, TASHA LAVERNE HARRIS, object to my removal as a voter on the following grounds:

State reason for objection here:

Sign and date here and return within 30 days of the date on this notice. Attach any additional documentation.

Sign: _____ Date: _____

Notice of Denial of Registration due to Felony Conviction

STANLY COUNTY BOARD OF ELECTIONS
PO BOX 1300
ALBEMARLE, NC 28002
Phone: (704) 980-3647 • Fax: (704) 980-3700 • stanly.bon@ncsbe.gov

June 20, 2017

TO: CHRISTOPHER POUNTAIN
4212 BUTTERCUP FARM RD
ROCHEFORD, NC 28077

RE: NOTICE OF DENIAL OF REGISTRATION DUE TO FELONY CONVICTION

Voter Name: CHRISTOPHER POUNTAIN
Residential Address: 4212 BUTTERCUP FARM RD
ROCHEFORD, NC 28077
Date of Birth: [REDACTED]
Party: UNAFFILIATED

Pursuant to G.S. § 163-42.7(a) and (b), the Stanly County Board of Elections has determined that you are not eligible to register to vote in Stanly County, North Carolina at this time. The determination of ineligibility is based upon felony conviction records indicating that you are an active felon. The term "active felon" refers to persons serving prison time, or convicted felons who have not completed all aspects of the sentence, including completion of a period of parole or probation.

Persons who are still serving a sentence for a felony conviction and have not completed all terms of parole or probation are not qualified to vote in North Carolina. It is a felony to vote under this circumstance.

You may appeal this denial of registration within five days of receiving this notice. The appeals process for denial of registration is set in G.S. § 163-42.15, which requires that you submit a signed written notice of appeal to the Stanly County Board of Elections. The notice of appeal must include your name, date of birth, address, reasons for the appeal, and your signature.

The address for the Board of Elections is:
STANLY COUNTY BOARD OF ELECTIONS
PO BOX 1300
ALBEMARLE, NC 28002

G.S. § 163-42.15: Appeal from denial of registration.

(a) Right to Appeal. Any applicant who receives notice of denial of registration pursuant to G.S. § 163-42.7 may appeal the denial within five days after receipt of the notice of denial. The county board of elections shall promptly set a date for a public hearing. The notice of appeal shall be in writing and shall be signed by the appealing party, shall include the appealing party's name, date of birth, address, and reasons for the appeal.

If you are in a deferred prosecution status for a felony, please contact our office immediately to provide us the details, including the name and telephone number of your current probation officer and the attorney who represented you. Persons who are on deferred prosecution may not be subject to denial of registration and may avoid removal from the voter registration lists.

A convicted felon's rights of citizenship are restored automatically under the provisions of G.S. § 13-1, upon discharge from the felony sentence, including periods of probation or parole, or a full pardon. At that time, provided that you are under no other active felony convictions, you will be qualified to vote. Upon completion of your sentence, you must submit a proof of restoration to the county board of elections office where you reside.

If you have any questions, you may contact your county board of elections at (704) 980-3647.

CSI_NCSBE_000281

June 20, 2017

FELONY REMOVAL NOTICE

Sent to Existing
voters

Printed from
Incomplete queue

TO: TARSHA LAVERNE HARRIS
587 WASHINGTON LN
ALBEMARLE, NC 28001

RE: NOTICE OF REMOVAL DUE TO FELONY CONVICTION

Voter Name: TARSHA LAVERNE HARRIS
Residential Address: 1074 LUNDIX ST

ALBEMARLE, NC 28001

Date of Birth: [REDACTED]
Party: DEMOCRATIC

This office has received a notice of your recent felony conviction. As an active felon, you are not qualified to vote in North Carolina. Please note that active felons **include** persons serving prison time or those on probation or parole for a felony conviction who have not completed all aspects of their sentence, such as a period of parole or probation.

It is a felony to vote if you are not qualified to do so. Please note that because you are a convicted felon, your voter registration in STANLY County **will be cancelled in 30 days (if it has not already been cancelled)**.

If you disagree with the finding that you are an active felon and wish to object to the removal of your name from the list of registered voters, you must **object in writing within 30 days of this notice**.

If you object, the chairman of the county board of elections will enter a challenge to your voter registration. You will then be notified to appear at a challenge hearing. The above referenced notice and other relevant records received by our office of your felony conviction will be introduced as evidence at the hearing.

If you are in a deferred prosecution status for a felony, please contact our office immediately to provide us the details, including the name and telephone number of your current probation officer and the attorney who represented you. Persons who are on deferred prosecution may not be subject to removal and may avoid removal from the voter registration rolls.

A convicted felon's rights of citizenship are restored automatically under the provisions of G.S. § 13-1 only upon discharge of the felony sentence, including periods of probation or parole, **or** a full pardon. At that time, provided that you are under no other active felony convictions, you will be qualified to vote. Upon completion of your sentence, you must submit a new voter registration form to the county board of elections office where you reside.

Please note: if you believe that the information contained in this letter concerning your voter eligibility is incorrect, you must object in writing to this office **within 30 days of this notice**. Please mail your written objection and any documentation to the attention of STANLY COUNTY BOARD OF ELECTIONS PO BOX 1309 ALBEMARLE, NC 28002.

If you have any questions, you may contact your county board of elections at (704) 986-3647.

I, TARSHA LAVERNE HARRIS, object to my removal as a voter on the following grounds:

CSI_NCSBE_000282

DENIAL NOTICE

Sent to new registrants in county

Printed from incomplete queue

Must be sent certified mail

June 20, 2017

TO: CHRISTOPHER FOUNTAIN
45212 BUTTERCUP FARM RD
RICHFIELD, NC 28137

RE: NOTICE OF DENIAL OF REGISTRATION DUE TO FELONY CONVICTION

Voter Name: CHRISTOPHER FOUNTAIN
Residential Address: 45212 BUTTERCUP FARM RD
RICHFIELD, NC 28137
Date of Birth: [REDACTED]
Party: UNAFFILIATED

Pursuant to G.S. § 163-82.7(a) and (b), the Stanly County Board of Elections has determined that you are not eligible to register to vote in Stanly County, North Carolina at this time. The determination of ineligibility is based upon felony conviction records indicating that you are an active felon. The term "active felon" refers to persons serving prison time, or convicted felons who have not completed all aspects of the sentence, including completion of a period of parole or probation.

Persons who are still serving a sentence for a felony conviction and have not completed all terms of parole or probation are not qualified to vote in North Carolina; it is a felony to vote under this circumstance.

You may appeal this denial of registration within five days of receiving this notice. The appeals process for denial of registration is set in G.S. § 163-82.18, which requires that you submit a signed written notice of appeal to the Stanly County Board of Elections. The notice of appeal must include your name, date of birth, address, reasons for the appeal, and your signature.

The address for the Board of Elections is:
STANLY COUNTY BOARD OF ELECTIONS
PO BOX 1309
ALBEMARLE, NC 28002

G.S. § 163-82.18. Appeal from denial of registration.

(a) Right to Appeal. - Any applicant who receives notice of denial of registration pursuant to G.S. § 163-82.7 may appeal the denial within five days after receipt of the notice of denial. The county board of elections shall promptly set a date for a public hearing. The notice of appeal shall be in writing and shall be signed by the appealing party, shall include the appealing party's name, date of birth, address, and reasons for the appeal.

If you are in a deferred prosecution status for a felony, please contact our office immediately and provide us with certain details, including the name and telephone number of your current probation officer and the attorney who represented you. Persons who are on deferred prosecution may not be subject to denial of registration and may avoid removal from the voter registration rolls.

CSI_NCSBE_000283

LIST MAINTENANCE ACTION FORM


Used to initiate manual list maintenance activity for removal due to felony conviction

Used to cancel registration for existing voters

Section to clip and paste screenshots

Scanned into VoterScan (document type)

Available in STEPPs

 State of North Carolina [County] County Board of Elections	
CBE Staff:	Date:
Last Name	Date of Birth
First Name	VRN
Middle Name	NCDL
Suffix	SSN-4
<input type="checkbox"/> Jr. <input type="checkbox"/> Sr. <input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III <input type="checkbox"/> IV <input type="checkbox"/> V	
List Maintenance Reason:	<input type="checkbox"/> State Felony Conviction <input type="checkbox"/> Federal Felony Conviction <input type="checkbox"/> Death <input type="checkbox"/> Removed from Jurisdiction
Source:	
Report Date:	
<p>INSERT IMAGE OR DATA</p>	

CSI_NCSBE_000284

FELONY CONVICTION REPORTS



DOC Felon County List

DOC Felon State Matching List

DOC Felony Completed List

DOC Felony Completed State
Matching List

DOC Felon Search

Refreshed
Daily

CSI_NCSBE_000285

DOC FELON REPORTS UPDATED



The DOC Felon reports in the County Reports on the intranet have been updated.

- **Felon County List**-Daily report that shows the current list of persons who have an *Active* felony status due to conviction of a felony in a North Carolina state court. The report is available by the county in which the person was convicted of a felony (or was a resident at the time of his or her conviction). User must select county and user may select conviction month and year.
- **Felon State Matching List**-Daily report that shows the current list of persons who have an *Active* felony status due to conviction of a felony in a North Carolina state court AND who have been matched to an Active, Inactive or Temporary voter record in SEIMS. Report is available by county of voter's current registration, regardless of county of conviction. User must select county.
- **Felon Completed List**-Daily report that shows the current list of persons who are no longer considered to be active felons. User must select county, and *to* and *from* discharge dates.
- **Felon Completed State Matching List**-Daily report that shows the current list of persons who are no longer considered to be active felons matched to a voter record in SEIMS. List of felons who are no longer considered to be felons sent by Department of Public Safety (formerly Department of Corrections) that match to voters within SEIMS. User must select county, and *to* and *from* discharge dates. Data for this report will be refreshed daily.
- **DOC Felon Search**-On-demand report that provides a county board of elections with the ability to search the database of reported felons sent by the Department of Public Safety (formerly Department of Corrections). User must enter last name and birth date. Data for this report will be refreshed daily.

CSI_NCSBE_000286



WORKING WITH FELON REPORTS IN EXCEL

1. Access the County Reports on the intranet.
2. Check *Felon State Matching List*
Weekly – if absentee voting has not started
Daily – once absentee voting begins
3. Select county and *View Report*
4. Once report is generated, export to CSV (comma delimited) (do not choose Excel)
5. Report will open in Excel
 - Place cursor inside of a cell A1
 - Select CTRL + A (to select all cells with data)
 - Select “Format as Table” from the ribbon
 - Select one of the table options in *Table Style Medium 1 – 6*
 - Check “My table has headers” and select OK
6. When the formatted table appears, select the *Table Tools Design* tab on the ribbon (look to the far right). Make sure that *Banded Rows* is checked. (This will alternate the shading for each row.)
7. The DOC record will appear first for each potential SEIMS match.
8. Use the data in the match criteria columns to help determine if the DOC record (DOC row) matches a registered voter (SEIMS row).

CSI_NCSBE_000287



WORKING WITH FELON REPORTS IN EXCEL DEMO

County Reports

testint.ncsbe.gov:7703/webapps/cbereports/

North Carolina State Board of Elections

Report Category: CBE Reporting Reports related to ineligible or questionable individual voter status.

Report	Description
County Cancellation Notices	List of individuals that sent in registration applications to a specific NC county indicating a previous registration in different NC county. User must limit by county and may limit by date range.
Data Audit - Potential Invalid Voter Birth Date	List of registered voters that need to be determined if their birth date is invalid, as determined by age being under 17 or greater than 99.
DHHS County List	List of reported deaths sent by DHHS. User must limit by county, month, and year. Note: New data for this report should be available by the 15th of each month.
DHHS Search	Search of the reported deaths sent by DHHS. User must enter county, last name, and begin birth date, and may enter first name, end birth date, and began and end of death dates. Note: New data for this report should be available by the 15th of each month.
DHHS State Matching List	List of reported deaths sent by DHHS that match to voters within SEIMS. User must limit by county, month, and year. Note: New data for this report should be available by the 15th of each month.
DMV-Transfer List	List of records sent for electronic distribution to the counties that came from either DMV or transferred from another county. User must select a county, status, and date range, user may enter a last name.
DOC Felon Completed List	List of felons who are no longer considered to be felons sent by DOC. User must select county, and to and from discharge dates. Note: Data for this report will be refreshed daily.
DOC Felon Completed State Matching List	List of felons who are no longer considered to be felons sent by DOC that match to voters within SEIMS. User must select county, and to and from discharge dates. Note: Data for this report will be refreshed daily.
DOC Felon County List	List of reported felons sent by DOC. User must select county and user may select conviction month and year. Note: Data for this report will be refreshed daily.
DOC Felon Search	Search of the reported felons sent by DOC. User must enter last name and birth date. Note: Data for this report will be refreshed daily.
DOC Felon State Matching List	List of reported felons sent by DOC that match to voters within SEIMS. User must select county. Note: Data for this report will be refreshed daily.
Duplicate Registrations - Exact Match	List of potential duplicate registration matches using a highly selective criteria list. Research the matches before removal; if there is any doubt about the match do not remove them. The list is gathered by the following checks: Last name, first name, birth date, and DL number Last name, first name, birth date, and SSN Last name, first name, middle name, birth date, race, gender

testint.ncsbe.gov:7703/webapps/cbereports/Container.aspx?Path=County&Category=CBE Reporting&Name=DOC Felon State Matching List

CSI_NCSBE_000288

ADMINISTRATIVE LIST MAINTENANCE



North Carolina law does not permit persons who are currently serving a criminal sentence (either state or federal) for a felony conviction to vote. Thus, persons who are currently serving a criminal sentence for a felony conviction may not register to vote and the registration of those who *are* currently registered (active, inactive or temporary) must be *removed*.

Identify felons by:

- Checking felon reports on Intranet
- Receiving notices of felony conviction from State or Federal sources

This process has not changed. You will still use the intranet reports and notices on a regular basis to determine voters that need to be removed due to felony convictions.

CSI_NCSBE_000289



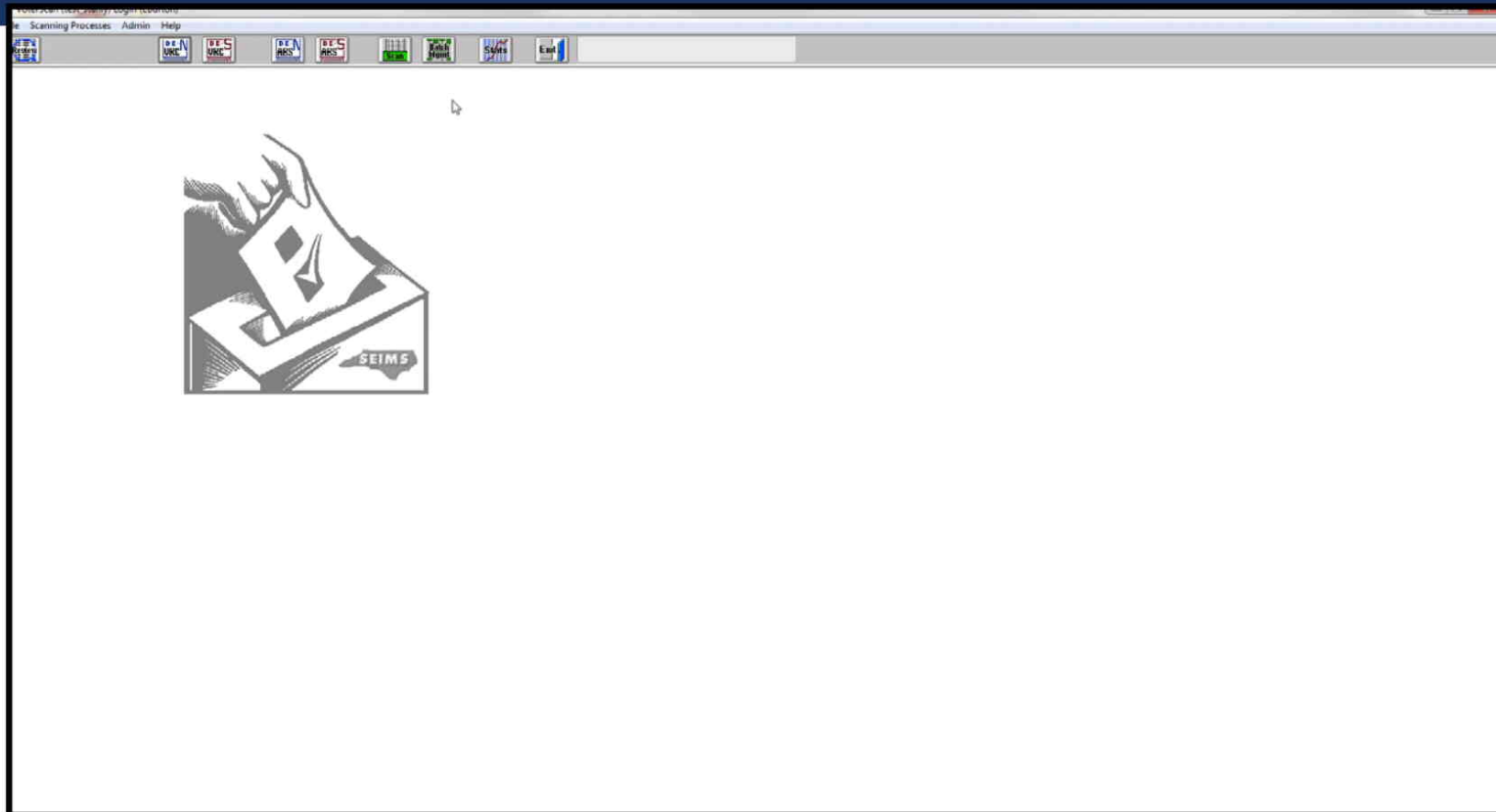
ADMINISTRATIVE LIST MAINTENANCE

Once felons are identified, process them as follows:

1. Search for potential felon matches in VoterView.
2. If a match is found, complete a List Maintenance Action Form.
3. Scan the List Maintenance Action Form into VoterScan and perform data entry, linking it (via Check for Existing) to an existing voter.
4. Save the record to the incomplete queue with a reason of FELONY CONVICTION.
5. Find the record in the incomplete queue and print the felony conviction notice-**Notice of Removal Due to Felony Conviction. Mail the notice promptly by regular mail.**
6. After 35 days, if the record has not been moved out of the VRC Incomplete queue or another incomplete reason has not been assigned, then the VoterView record status will change to Removed with a reason of FELONY CONVICTION. The VoterScan record will be moved to the VRC Archive queue.
7. If voter objects to removal within 30 days, change the incomplete reason to Other Reason and add "Object to Removal for Felony Conviction" to the second line and initiate a voter challenge according to GS 163-82.14(c).

CSI_NCSBE_000290

ADMINISTRATIVE LIST MAINTENANCE DEMO



CSI_NCSBE_000291

AUTOMATED LIST MAINTENANCE: STATEWIDE FELONY CHECK



At the time the statewide duplicate check is performed in VoterScan, which happens at the time a record is being processed out of the review queue into VoterView, the system shall run a process to identify any potential felons. For both new and existing voters (ACTIVE, INACTIVE, and TEMPORARY), the system shall compare SEIMS data with the felon data to find potential felon matches, at a statewide level, using the following criteria:

- Driver's license number and birth date; or
- First name, last name, birth date and last 4 of SSN
- If a registration is linked to an existing voter and a felon match identified by the duplicate check, the record moves to the incomplete queue with the FELONY CONVICTION reason.

Note: The system does not provide any notification that this has happened so counties will have to manually check the incomplete queue DAILY for voters moved there by the process. Search the IQ on the FELONY CONVICTION reason.

- Send the **Notice of Removal Due to Felony Conviction** by *regular mail promptly*.

CSI_NCSBE_000292



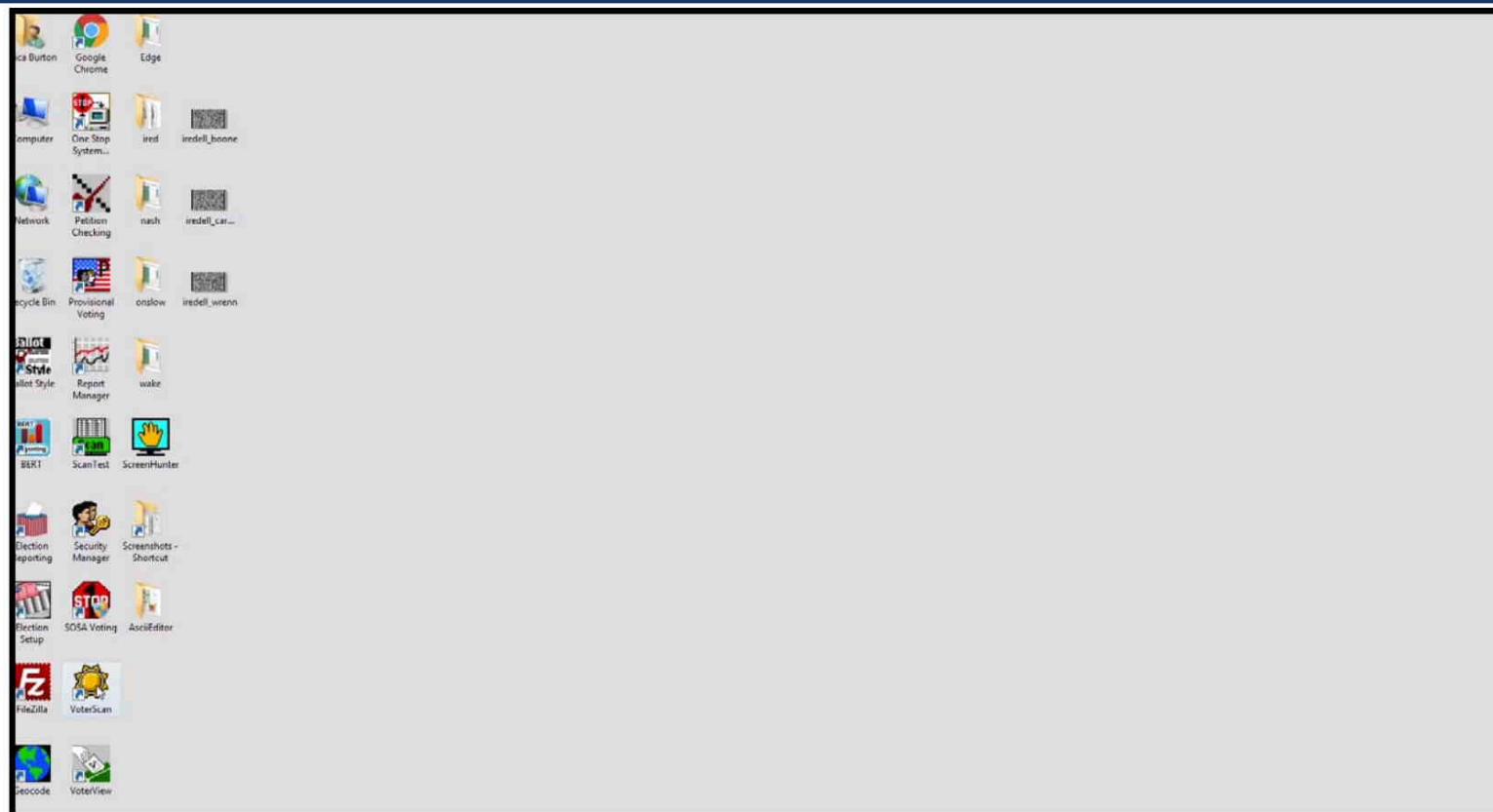
DENIAL OF REGISTRATION

Pursuant to G.S. § 163-82.7, when a county board of elections receives an application for registration, the board either: (1) shall make a determination that the applicant is not qualified to vote, or (2) shall make a tentative determination that the applicant is qualified to vote at the address given, subject to the mail verification notice procedure.

- During the statewide felony check process, if a registration is NOT linked to an existing voter and a felon match is identified, the record moves to the incomplete queue with the FELONY CONVICTION reason.
- Send the **Notice of Denial of Registration due to Felony Conviction** by **certified mail within 2 business days**.
- Felon can appeal within 5 days of receipt of Notice of Denial after signed certified mail receipt is received by county.
- If no appeal is received, the registration can be archived.
- If an appeal is received, change the incomplete reason to Other Reason with “Appeal Denial of Registration due to Felony Conviction” and set a date for the appeal hearing.

CSI_NCSBE_000293

DENIAL OF REGISTRATION DEMO



CSI_NCSBE_000294

VOTER OBJECTION OR APPEAL



Objection to Removal

- See GS §163-82.14
- Change incomplete reason to something other than FELONY CONVICTION before 35 days

Appeal Denial

- See GS §163-82.18
- If no appeal, then archive the registration after five (5) days from date of certified mail receipt.
- If appealed and the CBE challenge is sustained, archive the registration.
- If appealed and the CBE challenge is overruled, process the registration.

CSI_NCSBE_000295

VOTER OBJECTION TO FELONY REMOVAL

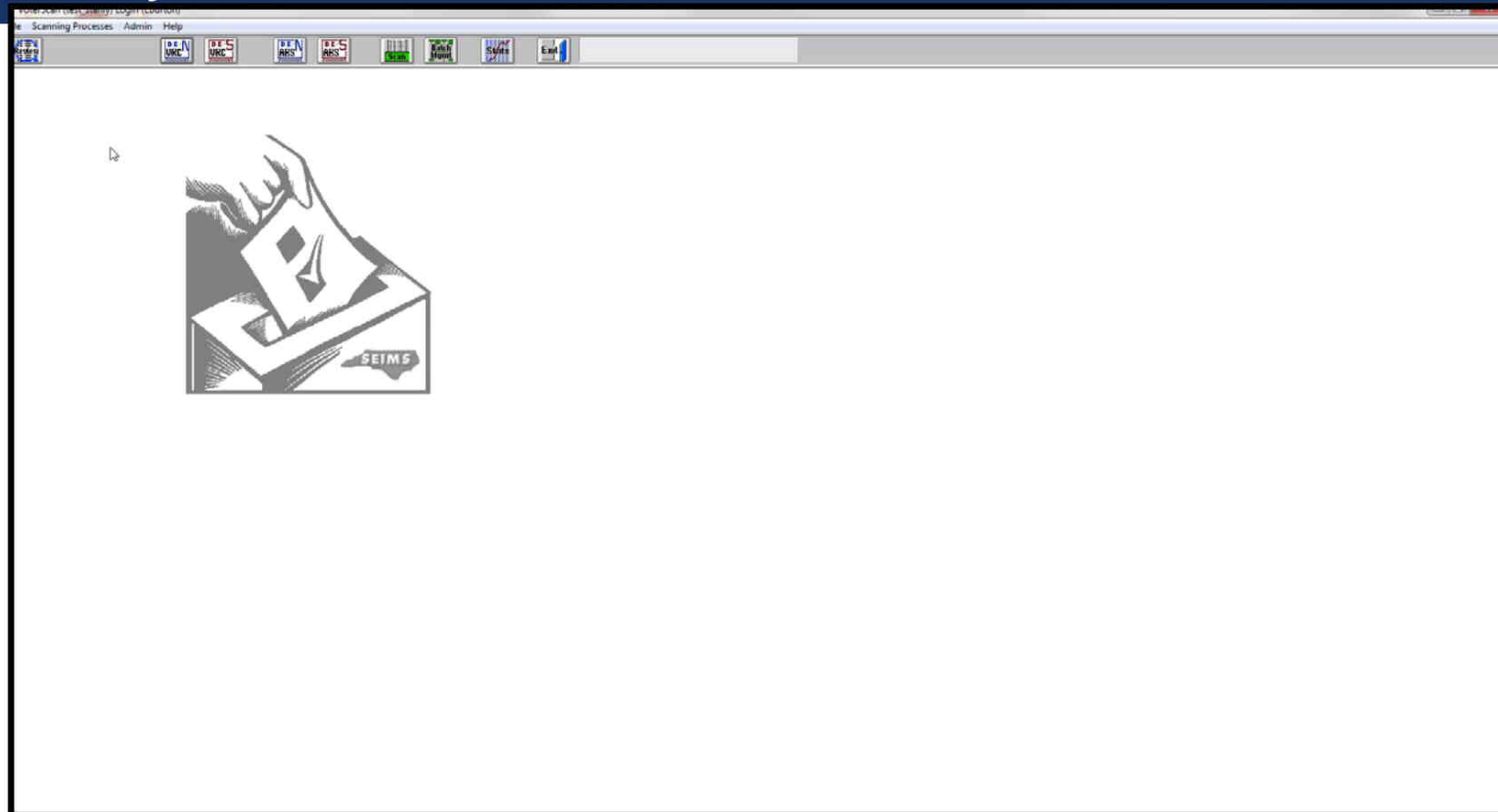


Follow the process below if a felon objects to removal:

1. Find the voter's record in the VRC Incomplete queue.
2. Open the record and in the Incomplete Reason select OTHER for the first line and then manually enter "Object to Removal for Felony Conviction".
3. Follow the procedures in STEPPs to initiate a voter challenge.

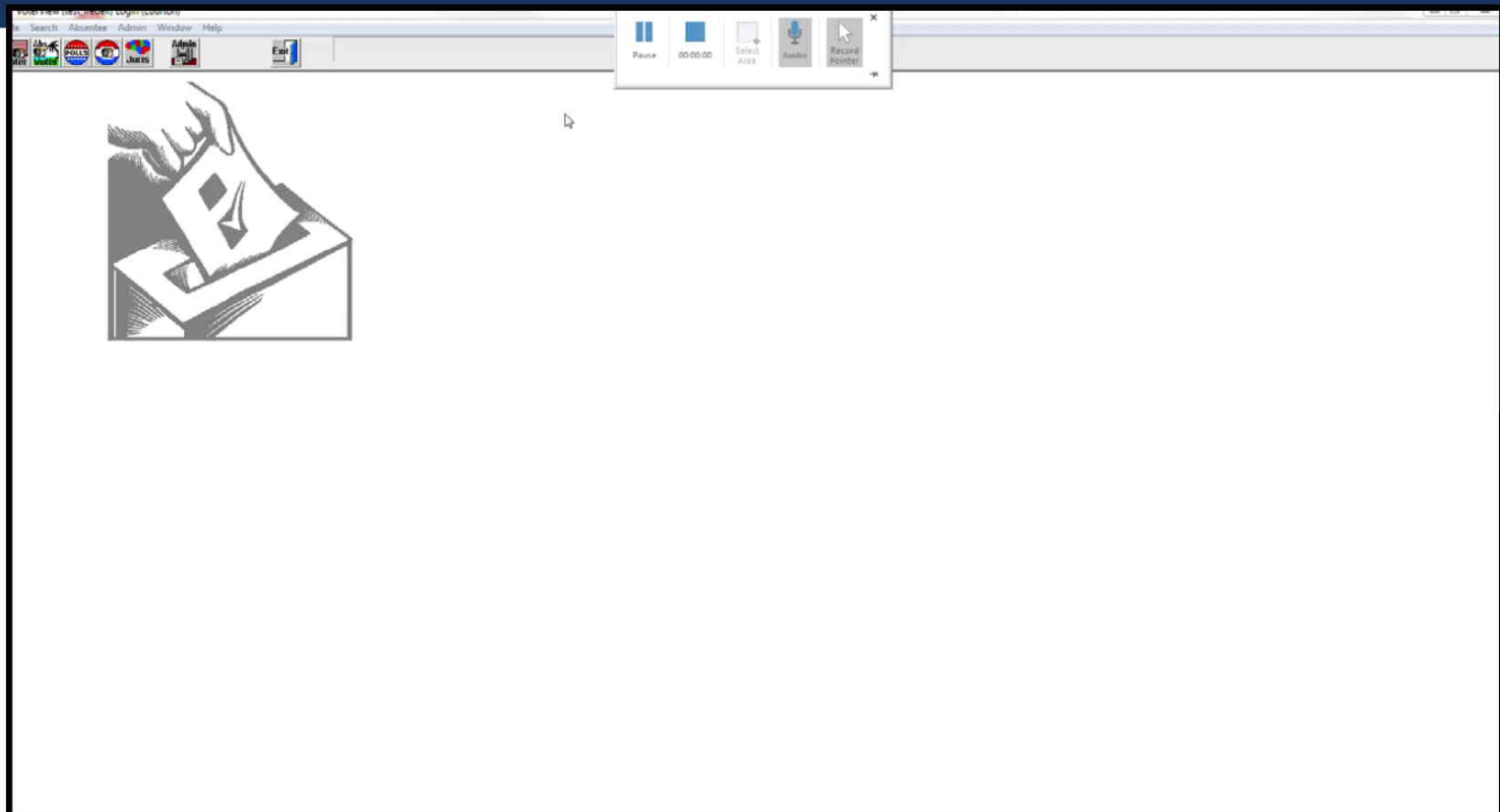
CSI_NCSBE_000296

VOTER OBJECTION TO FELONY REMOVAL DEMO



CSI_NCSBE_000297

FELON REMOVED AFTER 35 DAYS



CSI_NCSBE_000298



FELONY SENTENCE COMPLETED PROCESS

To meet the requirements of 202(a) of the Help America Vote Act of 2002 (HAVA), G.S. § 163-82.11 provides the statewide voter registration database must reflect changes when a voter whose voter registration was cancelled due to a felony conviction has his or her citizenship rights restored. In order to meet these requirements, the State Board of Elections receives data from the Department of Public Safety that shows persons who have completed their felony sentence. Counties must use this information to update voter records.

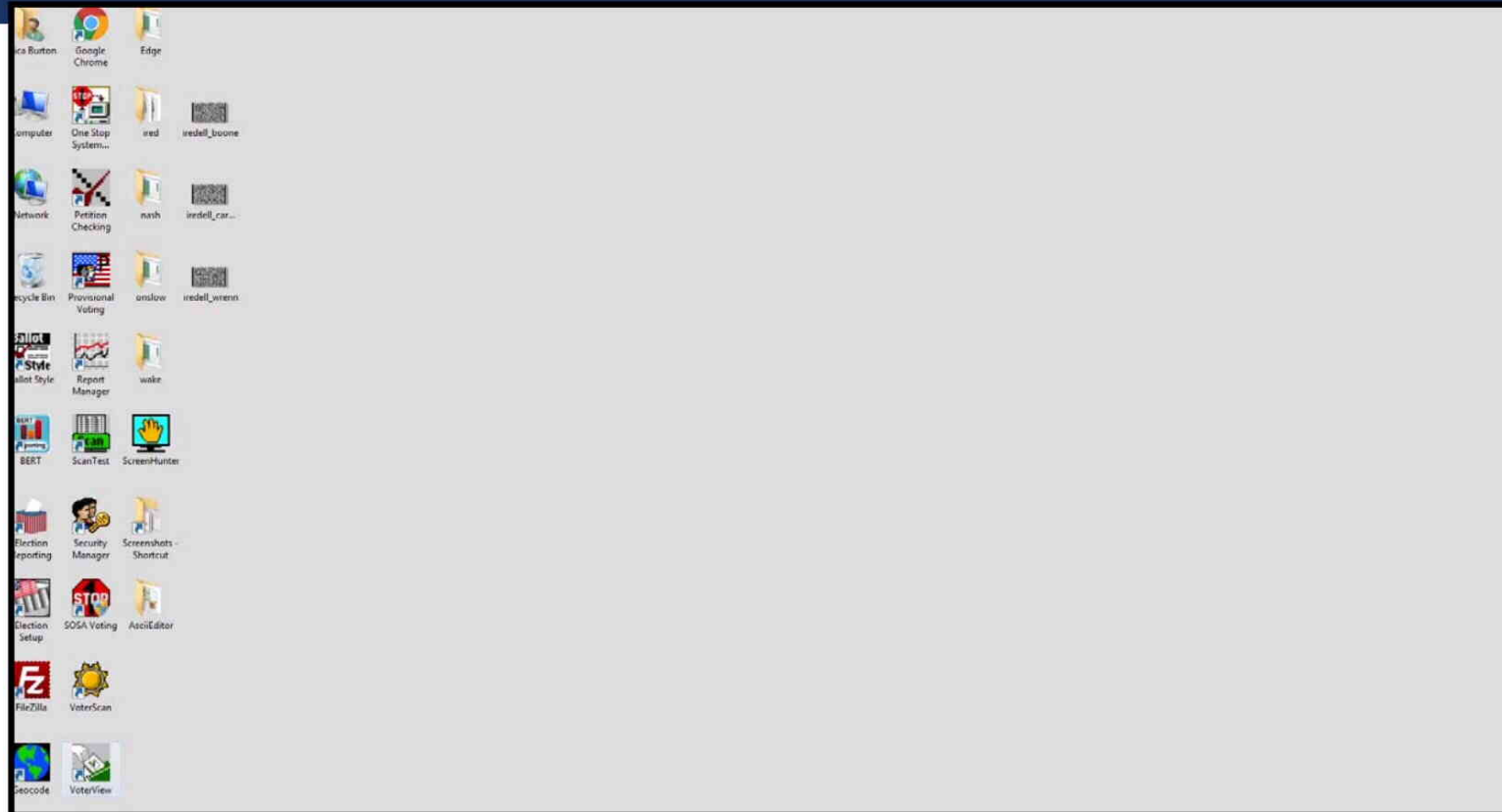
Follow the process below if it is determined that a felon has completed their sentence:

*Note: You should check the **FELONY SENTENCE COMPLETED LIST** weekly if absentee voting has not started and daily once absentee voting begins:*

1. In VoterView, search for the voter who completed his or her felony sentence.
2. Open the record and change the removal reason to **FELONY SENTENCE COMPLETED**. **Do NOT reactivate the voter record as they must re-register to be able to vote.**
3. Save the changes as an administrative update.

CSI_NCSBE_000299

FELONY SENTENCE COMPLETED PROCESS DEMO



CSI_NCSBE_000300

FINAL NOTES



- Currently there is no way to know what felon notice will print for records in the IQ with the FELONY CONVICTION reason just by looking at the record in queue. Therefore, when notices are printed (more than one at a time), you will have to separate them into two groups and send the Removal notices via regular mail and the Denial notices via certified mail.
- Don't forget to check your IQ for new FELONY CONVICTION records moved there by the Statewide duplicate check. This is a completely manual process at this time.
- For any questions on the felon process not answered in this presentation, please enter a helpdesk ticket which will be directed to the Voter Services team for SEIMS questions, or the Business team for process questions. Email HelpRequest.SBOE@ncsbe.gov to enter a ticket. Please do not call staff directly, always enter a ticket.
- View the felony process information in STEPPs for more detailed information. Click [this link](#) to access the page in STEPPs. Or you can go to the main STEPPs page and then navigate to Voter Registration→List Maintenance→Felony Conviction.

CSI_NCSBE_000301

THE END! LET'S ALL BE DRIVEN TO WIN!



CSI_NCSBE_000302

EXHIBIT 3

Federal Felony Conviction Report

SBOE receives quarterly reports from the U.S. Attorney offices on persons who have been convicted of a felony crime in a United States district court. SBOE will forward these reports to the county boards of elections. County boards must then review the reports and research their voter registration records to determine if any person listed on the federal report matches a record for a registered voter (active, inactive or temporary) in their county.

Again, once a county board of election receives a notice of a felony conviction of a person who is registered to vote in the county, the county board of elections shall initiate steps to cancel the person's registration by send the voter a written notice that his voter registration will be cancelled by the board of elections within 30 days, unless the voter objects to the removal. Per the felony list maintenance process, the county board of elections must complete an [List Maintenance Action Form](#) for each voter who is identified as being an active felon. This form must be scanned into VoterScan and processed as an administrative voter registration update (source 00). Once processed and linked to the existing voter, the county must generate, print and mail the voter the removal notice. The voter will then have 30 days to object to his removal. If the voter notifies the county board of elections of his objection to the removal within 30 days of the notice, the chairman of the board of elections shall enter a voter challenge. The state or federal felony conviction notice the county board received shall be prima facie evidence for the preliminary hearing that the registrant was convicted of a felony.

[State Felony Conviction Removal Process](#)

[Federal Felony Conviction Removal Process](#)

Q: Is there an easier way to populate the List Maintenance Action Form?

A: Yes. Use a mail merge. The mail merge template is here: [List Maintenance Action Form template](#).

[How to Perform a Mail Merge](#)

Felony Sentence Completed Process

To meet the requirements of 202(a) of the Help America Vote Act of 2002 (HAVA), G.S. § 163-82.11 provides the statewide voter registration database must reflect changes

CSI_NCSBE_000333



EXHIBIT 4

NORTH CAROLINA VOTER REGISTRATION APPLICATION (fields in red text are required)

1 Indicate whether you are qualified to vote or preregister to vote based on U.S. citizenship and age.			
Are you a citizen of the United States of America? IF YOU CHECKED "NO" IN RESPONSE TO THIS CITIZENSHIP QUESTION, DO NOT SUBMIT THIS FORM. YOU ARE <u>NOT</u> QUALIFIED TO VOTE.			<input type="checkbox"/> Yes <input type="checkbox"/> No
Will you be at least 18 years of age on or before election day?			<input type="checkbox"/> Yes <input type="checkbox"/> No
Are you at least 16 years of age and understand that you must be 18 years of age on or before election day to vote? IF YOU CHECKED "NO" IN RESPONSE TO BOTH OF THESE AGE QUESTIONS, DO NOT SUBMIT THIS FORM. YOU ARE <u>NOT</u> QUALIFIED TO REGISTER OR PREREGISTER TO VOTE.			<input type="checkbox"/> Yes <input type="checkbox"/> No
2 Provide your full legal name.		3 Provide your date of birth and identification information.	
Last Name <input type="text"/> Suffix <input type="text"/>		Date of Birth (MM/DD/YYYY) <input type="text"/> / <input type="text"/> / <input type="text"/> State or Country of Birth <input type="text"/>	
First Name <input type="text"/>		NC Driver License or NC DMV ID Number <input type="text"/> Last 4 Digits of Social Security Number <input type="text"/>	
Middle Name <input type="text"/>		<input type="checkbox"/> Check if you do not have a driver license or Social Security number. State Voter Registration Number (Optional: To locate, check "Voter Lookup" at www.NCSBE.gov) <input type="text"/>	
4 Provide your residential address - where you <u>physically</u> live. Do not enter a P.O. Box or a mail drop location.		5 Provide a mailing address.	
Address Number <input type="text"/> Street Name and Type <input type="text"/>		Do you receive mail at your residential <input type="checkbox"/> Yes <input type="checkbox"/> No	
Address Line 2 (e.g., apartment, lot or unit number) <input type="text"/>		If "No", you are required to provide a mailing address.	
City <input type="text"/> State <input type="text"/> Zip Code <input type="text"/>		Mailing Address Line 1 <input type="text"/>	
County <input type="text"/> Have you lived at this address for 30 or more days? <input type="checkbox"/> Yes <input type="checkbox"/> No If "No", date moved? <input type="text"/>		Mailing Address Line 2 <input type="text"/>	
		Mailing Address Line 3 <input type="text"/>	
		City <input type="text"/> State <input type="text"/> Zip Code <input type="text"/>	
No Physical Address? If you do not have an address, use the space to the right to illustrate where you normally live or sleep. Write in the names of the nearest crossroads (or streets). Draw an X on the map to show where you live or usually sleep.			
IMPORTANT: You should also provide a valid mailing address above to permit the board of elections to send you a voter card.			
6 Provide your demographic information (optional).		7 Provide your choice for political party affiliation.	
Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	Race <input type="checkbox"/> African American/Black <input type="checkbox"/> American Indian/Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Multiracial <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> White <input type="checkbox"/> Other	<input type="checkbox"/> Democratic Party <input type="checkbox"/> Constitution Party <input type="checkbox"/> Green Party	<input type="checkbox"/> Libertarian Party <input type="checkbox"/> Republican Party <input type="checkbox"/> Unaffiliated
Ethnicity <input type="checkbox"/> Not Hispanic/Latino <input type="checkbox"/> Hispanic/Latino		If you select a party that is not recognized in North Carolina, you will be registered as <i>Unaffiliated</i> .	
8 Complete if you are currently registered to vote in another NC county or in another state. (This information will be used to cancel your previous voter registration in the other county or state.)			
First Name Used in Last Registration <input type="text"/>	Middle Name Used in Last Registration <input type="text"/>	Last Name Used in Last Registration <input type="text"/>	Suffix <input type="text"/>
Address Where You Were Last Registered <input type="text"/>		City/State/Zip Code of Last Registration <input type="text"/>	County of Last Registration <input type="text"/>
9 Provide your contact information (optional). (This information is helpful if we need to contact you concerning your voter registration. Your contact information may be disclosed as a public record.)			
Area Code <input type="text"/>	Phone Number <input type="text"/>	Email Address <input type="text"/>	Would you like to be contacted to be a poll worker? <input type="checkbox"/> Yes <input type="checkbox"/> No
10 Sign below to attest to your qualifications to vote. FRAUDULENTLY OR FALSELY COMPLETING THIS FORM IS A CLASS I FELONY UNDER CHAPTER 163 OF THE NC GENERAL STATUTES.			
I attest, under penalty of perjury, that in addition to having read and understood the contents of this form, that: (1) I am a United States citizen, as indicated above; (2) I am at least 18 years of age, or will be by the date of the general election; or I am at least 16 years old and understand that I must be at least 18 years old on the day of the general election to vote; I shall have been a resident of North Carolina, this county, and precinct for 30 days before the date of the election in which I intend to vote; (3) I will not vote in any other county or state after submission of this form and if I am registered elsewhere, I am canceling that registration at this time; and (4) I have not been convicted of a felony, or if I have been convicted of a felony, I have completed my sentence, including any probation.			
X <input type="text"/>		<input type="text"/>	
Signature Required		Date	

CSI_NCSBE_000351



APPLICATION INSTRUCTIONS

Use this application to: (1) register to vote; (2) preregister to vote if between the ages of 16 and 17; (3) change party affiliation or unaffiliated status; (4) report a change of address within a county; or (5) report a name change.

Specific Instructions for Each Numbered Section of the Application:

1	Indicate whether you are qualified to vote or preregister to vote: (1) you must be a citizen of the United States; (2) you must be at least 18 years of age, or you will be 18 years of age by the next general election and you are voting in the primary, or you must be between the ages of 16 or 17 and desire to preregister to vote; (3) you must have resided in North Carolina and in the precinct in which you present to vote for at least 30 days prior to the election; (4) you must not be currently serving a felony sentence; and (5) if previously convicted of a felony, you must have fully completed your sentence, including probation and/or parole. No special document is required.
2	Provide your full legal name. If your name has changed, this form will be used to update your current voter registration.
3	You are required to provide your date of birth. If you have a NC driver license or non-operator's identification number, provide this number. If you do not have a NC driver license or ID card, then provide the last four digits of your social security number. If you have neither a NC driver license, NC DMV ID card or a social security number and you are registering to vote for the first time in North Carolina, attach a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address to this application.
4	Provide the address of your residence (where you physically live) as of the date of your application. In this section, do not list a post office address or a location where you <i>only</i> receive mail. If you have moved to this residence within the past 30 days, provide the date of your move. If you do not have a traditional address, draw a picture in the space provided on this form of your usual sleeping location. Be descriptive and note any nearby streets or physical buildings.
5	If you do not receive mail at your residential address, you must provide a mailing address.
6	This section asks for your gender, race, and ethnicity. You are not required to provide this information.
7	This section asks that you designate how you would like to be affiliated. You may choose to affiliate with any recognized political party in North Carolina or you may opt to be registered as <i>Unaffiliated</i> . If you are applying for new registration in the county and leave the party affiliation section blank, you will be registered as <i>Unaffiliated</i> .
8	If you are currently registered in another North Carolina county or another state, please provide your name and previous address used on that prior registration. This information will be used to cancel your registration in the other county or state.
9	At your option, provide your phone number and email address.
10	You must sign this form. Only the person applying for registration is eligible to sign (or place your mark on) this form. If you are applying for new registration in your county of residence, you must mail your original signature on this form.

National Voter Registration Act Statement: If you are submitting this application to an NVRA agency or the North Carolina Division of Motor Vehicles, the location or office where you submitted the application will remain confidential and will be used only for voter registration purposes. Public assistance agencies, disability services agencies, the North Carolina Division of Motor Vehicles, and unemployment services agencies must offer you the opportunity to register to vote at the initial application for service of assistance and during any recertification, renewal or change of address. If you decline to register to vote, the fact that you so declined will also remain confidential. If you would like help completing the voter registration application, the agency will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private and return it to the agency that provided you the form or you may mail or deliver the form to your county board of elections office. Applying to register or declining to register to vote will not affect the amount of assistance provided. If you believe that someone has interfered with your right to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the NC State Board of Elections, P.O. Box 27255, Raleigh NC 27611-7255 or you may call the agency at 1-866-522-4723.

Submitting Your Form: You must mail or deliver this application in-person with your original signature if you are registering to vote for the first time in your county of residence. If you are changing your name, address or party affiliation within your current county of registration, in addition to mail, you may also fax or email a scanned image of your signed application. If you give your signed application to another person or organization to submit on your behalf, be sure the person or organization can commit to timely submitting your application to the proper board of elections.

Voters are not currently required to provide photo ID. Federal and state courts have temporarily blocked North Carolina's voter photo ID requirement from taking effect until further order of the courts.

CSI_NCSBE_000352



MAILING ADDRESSES OF COUNTY BOARD OFFICES

ALAMANCE
115 SOUTH MAPLE ST
GRAHAM, NC 27253
☎ (336) 570-6755

ALEXANDER
PO BOX 326
TAYLORSVILLE, NC 28681
☎ (828) 632-2990

ALLEGHANY
PO BOX 65
SPARTA, NC 28675
☎ (336) 372-4557

ANSON
PO BOX 768
WADESBORO, NC 28170
☎ (704) 994-3223

ASHE
150 GOVERNMENT CIR, STE 2100
JEFFERSON, NC 28640
☎ (336) 846-5570

AVERY
PO BOX 145
NEWLAND, NC 28657
☎ (828) 733-8282

BEAUFORT
PO BOX 1016
WASHINGTON, NC 27889
☎ (252) 946-2321

BERTIE
PO BOX 312
WINDSOR, NC 27983
☎ (252) 794-5306

BLADEN
PO BOX 512
ELIZABETHTOWN, NC 28337
☎ (910) 862-6951

BRUNSWICK
PO BOX 2
BOLIVIA, NC 28422
☎ (910) 253-2620

BUNCOMBE
PO BOX 7468
ASHEVILLE, NC 28802
☎ (828) 250-4200

BURKE
PO BOX 798
MORGANTON, NC 28680-0798
☎ (828) 764-9010

CABARRUS
PO BOX 1315
CONCORD, NC 28026-1315
☎ (704) 920-2860

CALDWELL
PO BOX 564
LENOIR, NC 28645
☎ (828) 757-1326

CAMDEN
PO BOX 206
CAMDEN, NC 27921-0206
☎ (252) 338-5530

CARTERET
1702 LIVE OAK ST, STE 200
BEAUFORT, NC 28516-1898
☎ (252) 728-8460

CASWELL
PO BOX 698
YANCEYVILLE, NC 27379
☎ (336) 694-4010

CATAWBA
PO BOX 132
NEWTON, NC 28658-0389
☎ (828) 464-2424

CHATHAM
PO BOX 111
PITTSBORO, NC 27312
☎ (919) 545-8500

CHEROKEE
40 PEACHTREE ST
MURPHY, NC 28906
☎ (828) 837-6670

CHOWAN
PO BOX 133
EDENTON, NC 27932
☎ (252) 482-4010

CLAY
54 CHURCH ST
HAYESVILLE, NC 28904
☎ (828) 389-6812

CLEVELAND
PO BOX 1299
SHELBY, NC 28151-1299
☎ (704) 484-4858

COLUMBUS
PO BOX 37
WHITEVILLE, NC 28472
☎ (910) 640-6609

Craven
406 CRAVEN ST
NEW BERN, NC 28560
☎ (252) 636-6610

CUMBERLAND
227 FOUNTAINHEAD LN, STE 101
FAYETTEVILLE, NC 28301
☎ (910) 678-7733

CURRITUCK
PO BOX 177
CURRITUCK, NC 27929
☎ (252) 232-2525

DARE
PO BOX 1000
MANTEO, NC 27954
☎ (252) 475-5631

DAVIDSON
PO BOX 1084
LEXINGTON, NC 27293-1084
☎ (336) 242-2190

DAVIE
161 POPLAR ST, STE 102
MOCKSVILLE, NC 27028-2225
☎ (336) 753-6072

DUPLIN
PO BOX 975
KENANSVILLE, NC 28349
☎ (910) 296-2170

DURHAM
PO BOX 868
DURHAM, NC 27702
☎ (919) 560-0700

EDGECOMBE
PO BOX 10
TARBORO, NC 27886
☎ (252) 641-7852

FORSYTH
201 N. CHESTNUT ST
WINSTON SALEM, NC 27101-4120
☎ (336) 703-2800

FRANKLIN
PO BOX 180
LOUISBURG, NC 27549
☎ (919) 496-3898

GASTON
PO BOX 1396
GASTONIA, NC 28053
☎ (704) 852-6005

GATES
PO BOX 621
GATESVILLE, NC 27938
☎ (252) 357-1780

GRAHAM
PO BOX 1239
ROBBINSVILLE, NC 28771
☎ (828) 479-7969

GRANVILLE
PO BOX 83
OXFORD, NC 27565-0083
☎ (919) 693-2515

GREENE
110 SE FIRST ST
SNOW HILL, NC 28580
☎ (252) 747-5921

GUILFORD
PO BOX 3427
GREENSBORO, NC 27402
☎ (336) 641-3836

HALIFAX
PO BOX 101
HALIFAX, NC 27839
☎ (252) 583-4391

HARNETT
PO BOX 356
LILLINGTON, NC 27546
☎ (910) 893-7553

HAYWOOD
63 ELMWOOD WAY, STE A
WAYNESVILLE, NC 28786
☎ (828) 452-6633

HENDERSON
PO BOX 2090
HENDERSONVILLE, NC 28793
☎ (828) 697-4970

HERTFORD
PO BOX 355
AHOSKIE, NC 27910
☎ (252) 358-7812

HOKE
PO BOX 1565
RAEFORD, NC 28376-1565
☎ (910) 875-8751

HYDE
PO BOX 152
SWAN QUARTER, NC 27885
☎ (252) 926-4194

IREDELL
203 STOCKTON ST
STATESVILLE, NC 28677
☎ (704) 878-3140

JACKSON
876 SKYLAND DR, STE 1
SYLVA, NC 28779-2705
☎ (828) 586-7538

JOHNSTON
PO BOX 1172
SMITHFIELD, NC 27577
☎ (919) 989-5095

JONES
367-B HWY 58-S
TRENTON, NC 28585
☎ (252) 448-3921

LEE
PO BOX 1443
SANFORD, NC 27331
☎ (919) 718-4646

LENOIR
PO BOX 3503
KINSTON, NC 28502-3503
☎ (252) 523-0636

LINCOLN
451 SALEM CHURCH RD
LINCOLNTON, NC 28092
☎ (704) 736-8480

MACON
5 WEST MAIN ST, FL 1
FRANKLIN, NC 28734
☎ (828) 349-2034

MADISON
PO BOX 142
MARSHALL, NC 28753
☎ (828) 649-3731

MARTIN
PO BOX 801
WILLIAMSTON, NC 27892
☎ (252) 789-4317

MCDOWELL
PO BOX 1509
MARION, NC 28752
☎ (828) 659-0834

MECKLENBURG
PO BOX 31788
CHARLOTTE, NC 28231-1788
☎ (704) 336-2133

MITCHELL
11 N MITCHELL AVE, RM 108
BAKERSVILLE, NC 28705
☎ (828) 688-3101

MONTGOMERY
PO BOX 607
TROY, NC 27371
☎ (910) 572-2024

MOORE
POST OFFICE BOX 787
CARTHAGE, NC 28327
☎ (910) 947-3868

NASH
PO BOX 305
NASHVILLE, NC 27856
☎ (252) 459-1350

NEW HANOVER
230 GOVERNMENT CENTER DR, STE 38
WILMINGTON, NC 28403
☎ (910) 798-7330

NORTHAMPTON
PO BOX 603
JACKSON, NC 27845
☎ (252) 534-5681

ONslow
246 GEORGETOWN RD
JACKSONVILLE, NC 28540
☎ (910) 455-4484

ORANGE
PO BOX 220
HILLSBOROUGH, NC 27278
☎ (919) 245-2350

PAMLICO
PO BOX 464
BAYBORO, NC 28515
☎ (252) 745-4821

PASQUOTANK
PO BOX 1797
ELIZABETH CITY, NC 27906
☎ (252) 335-1739

PENDER
PO BOX 1232
BURGAW, NC 28425
☎ (910) 259-1220

PERQUIMANS
PO BOX 336
HERTFORD, NC 27944
☎ (252) 426-5598

PERSON
331 SOUTH MORGAN ST
ROXBORO, NC 27573-5223
☎ (336) 597-1727

PITT
PO BOX 56
GREENVILLE, NC 27835-0056
☎ (252) 902-3300

POLK
PO BOX 253
COLUMBUS, NC 28722
☎ (828) 894-8181

RANDOLPH
1457 N. FAYETTEVILLE ST
ASHEBORO, NC 27203
☎ (336) 318-6900

RICHMOND
PO BOX 1843
ROCKINGHAM, NC 28380
☎ (910) 997-8253

ROBESON
PO BOX 2159
LUMBERTON, NC 28359
☎ (910) 671-3080

ROCKINGHAM
PO BOX 22
WENTWORTH, NC 27375
☎ (336) 342-8107

ROWAN
1935 JAKE ALEXANDER BLVD W, STE D10
SALISBURY, NC 28147
☎ (704) 216-8140

RUTHERFORD
PO BOX 927
RUTHERFORDTON, NC 28139
☎ (828) 287-6030

SAMPSON
120 COUNTY COMPLEX RD, STE 110
CLINTON, NC 28328
☎ (910) 592-5796

SCOTLAND
231 EAST CRONLY ST, STE 305
LAURINBURG, NC 28352
☎ (910) 277-2595

STANLY
PO BOX 1309
ALBEMARLE, NC 28002
☎ (704) 986-3647

STOKES
PO BOX 34
DANBURY, NC 27016
☎ (336) 593-2409

SURRY
PO BOX 372
DOBSON, NC 27017
☎ (336) 401-8225

SWAIN
PO BOX 133
BRYSON CITY, NC 28713
☎ (828) 488-6177

TRANSYLVANIA
PO BOX 868
BREVARD, NC 28712
☎ (828) 884-3114

TYRRELL
PO BOX 449
COLUMBIA, NC 27925
☎ (252) 796-0775

UNION
PO BOX 1106
MONROE, NC 28111-1106
☎ (704) 283-3809

VANCE
300 S. GARNETT ST, STE C
HENDERSON, NC 27536
☎ (252) 492-3730

WAKE
PO BOX 695
RALEIGH, NC 27602-0695
☎ (919) 404-4040

WARREN
PO BOX 803
WARRENTON, NC 27589
☎ (252) 257-2114

WASHINGTON
PO BOX 1007
PLYMOUTH, NC 27962-1007
☎ (252) 793-6017

WATAUGA
PO BOX 528
BOONE, NC 28607
☎ (828) 265-8061

WAYNE
309 E. CHESTNUT ST
GOLDSBORO, NC 27530
☎ (919) 731-1411

WILKES
110 NORTH ST, RM 315
WILKESBORO, NC 28697
☎ (336) 651-7339

WILSON
PO BOX 2121
WILSON, NC 27894-2121
☎ (252) 399-2836

YADKIN
PO BOX 877
YADKINVILLE, NC 27055
☎ (336) 849-7907

YANCEY
PO BOX 763
JEFFERSON, NC 28640
☎ (828) 882-2930

CSI_NCSB-000353



EXHIBIT 5



ONE STOP APPLICATION
NORTH CAROLINA
COUNTY OF [COUNTY]

One-stop No. _____

Election Date _____

FRAUDULENTLY OR FALSELY COMPLETING THIS FORM IS A CLASS I FELONY UNDER CHAPTER 163 OF THE NC GENERAL STATUTES.

A Voter's Certification of Voting Qualifications

Voter Name _____

VRN: _____

Address _____

REG PARTY: _____

PRIMARY BALLOT: _____

REG DATE: _____

AGE: _____

PCT: _____

VTD: _____

Mailing Address _____

I, _____, certify that:

- ☒ I am a registered voter in this county and I shall have resided at the address noted above for **30 days** immediately prior to this election.
- ☒ I am a United States Citizen.
- ☒ I am at least 18 years of age, or will be by the date of the general election.
- ☐ For partisan primary elections ONLY: I am registered _____ and I will receive a _____ ballot.
- ☒ I understand that it is a felony to vote more than one time in an election.
- ☒ I have not been convicted of a felony, or if I have been convicted of a felony, I have completed my sentence, including any probation or parole.

Deposition Exhibit
G

X

SIGNATURE OF VOTER

OFFICIAL'S INITIALS

B Change or Verification of Name and Address (Use this section to verify or change a voter's name or address in the registration records.)

New Name: _____ Former Name: _____

New Address: _____ Former Address: _____

New Mailing Address: _____ Former Mailing Address: _____

Have you lived here for 30 days or more? ☐ Yes ☐ No

I certify that I moved at least 30 days before this election to the new address.

If no, date moved? ____ / ____ / ____ DAYTIME PHONE NO. _____

X

Inactive Flag

SIGNATURE OF VOTER

C Curbside Affidavit (Affidavit of person voting outside voting place or enclosure.)

STATE OF NORTH CAROLINA, COUNTY OF _____

I do solemnly swear (or affirm) that I am a registered voter in _____ precinct. That because of age or physical disability, I am unable to enter the voting place to vote in person without physical assistance. That I desire to vote outside the voting place or enclosure. **I understand that a false statement as to my condition will be in violation of North Carolina law.**

DATE _____

VOTER ADDRESS _____

X

SIGNATURE OF VOTER

X

SIGNATURE OF PRECINCT OFFICIAL

OFFICIAL USE ONLY

Board Approval Date:

Board Signature:

Station

Voting Method

Voting Date/Time

V2017.04

Site

Transaction

Operator Name

CSI_NCSBE_000405

EXHIBIT 6

NC VOTING RIGHTS GUIDE:

People in the Criminal Justice System

I am currently serving a felony sentence

When you are convicted of a felony in North Carolina **you cannot vote or register to vote** until you have completed **all the terms** of your felony sentence, including any probation or parole.

Attempting to register to vote or voting while you are serving a felony sentence is a felony.

I have completed my felony sentence

Once you have completed your felony sentence or have been pardoned, you are eligible to vote and may register. You can ask your releasing officer for your *Certificate of Restoration of Forfeited Rights of Citizenship*. It is not required to register to vote, but will prove your eligibility to vote if you are challenged.

I am currently incarcerated

You may still vote when you are incarcerated, as long as you are not serving a felony sentence. When you fill out the voter registration form, your *residential address* is the address of the place where you live when not incarcerated and where you intend to return when you are released. If you do not have a residence to return to, use the address of the place where you are incarcerated. Absentee by-mail voting is available before all elections in even-numbered years and most municipal elections in odd-numbered years.

Am I eligible to vote?

- You must be 18 years old or older by the general election, or you are at least 16 years old and understand you must be 18 years old by the general election.
- You must be a U.S. citizen.
- You must not be serving an active felony sentence, including any probation or parole. No special document is required.
 - NOTE: When you are **convicted of a misdemeanor** in North Carolina, you **DO NOT** lose your right to vote, even if you are incarcerated.
- You must have lived in the precinct for at least 30 days before the election.

How do I register to vote?

1. Fill out a voter registration form at your county board of elections, public library or www.ncsbe.gov.
 2. Sign and mail your form to the county board of elections in the county where you reside. Find county board information at www.ncsbe.gov.
 3. Voter registration forms must be received at least 25 days before the election to vote in that election.
 4. You will receive a voter card in the mail with your precinct and polling place.
- You may also register to vote and vote on the same day at any One-Stop early voting site in your county. One-Stop information can be found before an election at www.ncsbe.gov.

EXHIBIT 7

2. The person has been adjudged guilty of a felony and the person's rights of citizenship have not been restored.
3. The person is dead.
4. The person is not a citizen of the United States.
5. The person is not who he or she represents himself or herself to be.
6. With respect to a primary or election, the person has already voted in the primary or election.
7. With respect to voting in a partisan primary, the person is a registered voter of another political party.

NO RESIDENCY CHALLENGES

Special Note for Residency Challenges AND Challenges Filed Within 90 Days Before Election:

Pursuant to NC Conf. of NAACP v. State Board, 1:16-CV-01274, 2018 WL 3748172 (M.D.N.C. Aug. 7, 2018), North Carolina's voter challenge statute violates federal law when a challenge is based on the voter's change of residency or non-individualized evidence within 90 days of an election:

- No voter challenges based on change of residency

Do not hear a challenge or take any other action to consider a voter challenge based on a voter's change of residency. A challenge is based on change of residency, and is therefore NOT PERMITTED if the challenger alleges that the voter is not qualified because the voter has moved.

- No voter challenges based on other qualifications without individualized knowledge within the 90 days before an election

Do not hear a challenge or take any other action to consider a voter challenge that is brought without an individualized inquiry by the challenger. A challenge based on generic evidence that conveys no information about each challenged voter's specific circumstance is NOT PERMITTED. The challenger must provide reliable first-hand evidence specific to the voter challenged. Database matches do not constitute individualized evidence.

A challenge entered on the day of a primary or election shall be heard and decided by the chief judge and judges of election of the precinct in which the challenged registrant is registered before the polls are closed on the day the challenge is made. When the challenge is heard the precinct officials conducting the hearing shall explain to the challenged registrant the



qualifications for registration and voting, and shall examine the voter as to his or her qualifications to be registered and to vote.

To vote in North Carolina:

- You must be a citizen of the United States. *Are you a U.S. citizen?*
- You must be at least 18 years of age [or will become 18 by the date of the next general election]. *Are you at least 18 years of age [or will be 18 by the date of the next general election]?*
- You must reside in North Carolina and in the precinct for which you are registered and must have lived at your voting residence for at least 30 days prior to the date of this election. *Please state the address where you have resided for at least 30 days as of today.*
- You must not be currently on probation or parole for a felony conviction. *Are you currently on probation or parole for a felony conviction?*

For the purposes of this challenge hearing:

Please state your name.

Are you a duly registered voter of this precinct and are you the person you represent yourself to be?

Please state the party for which you are affiliated.

Have you voted in this election by absentee ballot at this or any other voting place?



EXHIBIT 8

COMMUNITY SUCCESS INITIATIVE, ET AL. vs TIMOTHY K. MOORE, ET AL.
Michael J. Barber, PhD on 07/29/2020

1 IN THE GENERAL COURT OF JUSTICE
2 SUPERIOR COURT DIVISION
3 STATE OF NORTH CAROLINA, COUNTY OF WAKE

4 -o0o-

5
6 COMMUNITY SUCCESS INITIATIVE,)
7 et al.,)
8 Plaintiffs',) No. 19-cv-15941
9 v.)
10 TIMOTHY K. MOORE, IN HIS)
11 OFFICIAL CAPACITY OF SPEAKER)
12 OF THE NORTH CAROLINA)
13 HOUSE OF REPRESENTATIVES,)
14 et al.,)
15 Defendants.)
16 _____)

17 VIDEO CONFERENCED DEPOSITION OF MICHAEL J. BARBER, PHD
18 TAKEN THROUGH HUSEBY COURT REPORTING

19 Taken on July 29, 2020
20 at 8:14 a.m.

21
22
23
24 Reported by: Michelle Mallonee, RPR, CCR
25

1 Q. And it's possible that Alabama's felony
2 disenfranchisement law was enacted with racial animus,
3 right?

4 A. Yes, it is possible.

5 Q. Same for Tennessee?

6 A. Possible, yes.

7 Q. What about Louisiana?

8 A. Also possible.

9 Q. So sitting here today, Dr. Barber, you can't
10 tell me which of these other states did or did not enact
11 their felony disenfranchisement laws for discriminatory
12 purposes?

13 A. As I said, my intent was simply to show the
14 current state of policy across the country.

15 Q. Okay. But can you tell me which of the other
16 states did or did not enact their felony
17 disenfranchisement laws for discriminatory purposes?

18 A. No, I cannot.

19 Q. Dr. Barber, is it possible that lots of states
20 have enacted certain types of laws that are
21 discriminatory?

22 A. Again, it's possible.

23 Q. Okay. Dr. Barber, do you know how many states
24 in the country had a poll tax?

25 A. I do not know the answer to that, no.

1 Q. So if I told you that 45 states, including North
2 Carolina, had a poll tax at a given point, specifically
3 1923, you'd have no basis to disagree with that?

4 A. I have no reason to doubt that you're
5 representing the truth.

6 Q. So you'll accept my representation that 45
7 states, including North Carolina, had a poll tax?

8 A. Yes.

9 Q. And given that representation, North Carolina
10 was in the mainstream here, right?

11 A. If North Carolina was among those 45, then yes.

12 Q. North Carolina was among those 45.

13 Given that information, North Carolina was in
14 the mainstream there, right?

15 A. Correct.

16 Q. So does the fact that many other states had poll
17 taxes mean that North Carolina's poll tax was sound
18 public policy?

19 A. You know, I -- probably not. You know, going
20 back to, I think you said the 1920s, I think policy back
21 then was very different than it is now.

22 Q. Would you say that it's sound public policy?

23 A. A poll tax? No.

24 Q. So do you believe that North Carolina had free
25 and fair elections while its poll taxes were in place or

1 while the poll tax was in place?

2 A. Probably not.

3 Q. So the fact that lots of other states also had
4 poll taxes doesn't mean that North Carolina's poll tax
5 was consistent with the principle of free and fair
6 elections, right?

7 A. Correct.

8 Q. Dr. Barber, are you aware of how many states
9 allowed women to vote in all elections before the passage
10 of the 19th Amendment?

11 A. I believe it was a few. I think Utah was one of
12 them.

13 Q. So if I told you that before the passage of the
14 19th Amendment, a majority -- 33 to be exact -- of the
15 states in this country, including North Carolina, did not
16 allow women to vote in all elections, would you have any
17 basis to dispute that?

18 A. Nope.

19 Q. And given that information, North Carolina was
20 in the mainstream there too, right?

21 A. Correct.

22 Q. So does the fact that many other states didn't
23 allow women to vote in all elections mean that it was
24 sound public policy for North Carolina to not allow women
25 to vote in all elections.

1 A. Of course not.

2 Q. Do you believe that North Carolina had free and
3 fair elections when women weren't allowed to vote?

4 A. Of course not.

5 Q. So the fact that lots of other states didn't
6 allow women to vote doesn't mean that North Carolina's
7 disenfranchisement of women was consistent with the
8 principle of free and fair elections, does it?

9 A. Of course not, no.

10 Q. Dr. Barber, are you aware of how many states
11 require literacy tests to vote?

12 A. No, I'm not. I mean, I know that there are
13 states that require literacy tests. But the exact
14 number, I don't know.

15 Q. Dr. Barber, if I told you that half the states
16 in the country, including North Carolina, required a
17 literacy test as a qualification for voting prior to
18 1965, would you have any basis to dispute that?

19 A. No.

20 Q. And given that representation, North Carolina
21 was in the mainstream there as well, right?

22 A. That would be correct.

23 Q. And does the fact that many other states
24 required a literacy test as a qualification for voting
25 mean that it was sound public policy for North Carolina

1 to require a literacy test?

2 A. No.

3 Q. Dr. Barber, do you believe that North Carolina
4 had free and fair elections when we required a literacy
5 test as a qualification for voting?

6 A. No, of course not.

7 Q. So the fact that lots of other states required a
8 literacy test doesn't mean that North Carolina's
9 disenfranchisement of people who were unable to read was
10 consistent with the principle of free and fair elections,
11 right?

12 A. That's correct.

13 Q. Dr. Barber, do you know how many states banned
14 interracial marriage at some point in the 20th century?

15 A. I don't know.

16 Q. And, Dr. Barber, if I told you that as of 1948,
17 a majority -- 39 states to be exact -- in this country,
18 including North Carolina, banned interracial marriage,
19 would you have any reason to dispute that?

20 A. No.

21 Q. And North Carolina was, once again, in the
22 mainstream, right?

23 A. Yes.

24 Q. And does the fact that many other states banned
25 interracial marriage mean that North Carolina's ban on

1 interracial marriage was sound public policy?

2 A. No, of course not.

3 Q. Does it mean that North Carolina's ban on
4 interracial marriage was consistent with principles of
5 equality?

6 A. No.

7 Q. So, Dr. Barber, isn't it fair to say that a
8 state can be in the mainstream and still enact laws that
9 are discriminatory?

10 A. Yes, that's certainly true.

11 Q. So North Carolina's current disenfranchisement
12 law related to people convicted of felonies could be in
13 the mainstream and still be discriminatory, right?

14 A. That's certainly possible.

15 Q. So let's go back to page 27 of your report -- I
16 say go back, but it's still on the screen -- where you
17 say that "North Carolina falls nearly" in the middle --
18 I'm sorry, "nearly exactly in the middle of the
19 distribution," meaning, "23 states have a lower rate and
20 26 states have a higher rate of disenfranchisement than
21 North Carolina."

22 You're asserting this, correct?

23 A. Yes.

24 Q. And your assertion is based on the data in
25 Figure 9 in the Table 2 beginning on page 29. And I'll

EXHIBIT 9



2019 REPORT ON CRIMINAL COST WAIVERS

G.S. 7A-350

PREPARED BY
NORTH CAROLINA ADMINISTRATIVE OFFICE OF THE COURTS
FEBRUARY 1, 2019



About the North Carolina Judicial Branch

The mission of the North Carolina Judicial Branch is to protect and preserve the rights and liberties of all the people as guaranteed by the Constitutions and laws of the United States and North Carolina by providing a fair, independent and accessible forum for the just, timely and economical resolution of their legal affairs.

About the North Carolina Administrative Office of the Courts

The mission of the North Carolina Administrative Office of the Courts is to provide services to help North Carolina's unified court system operate more efficiently and effectively, taking into account each courthouse's diverse needs, caseloads, and available resources.

INTRODUCTION

N.C.G.S. 7A-350 requires the North Carolina Administrative Office of the Courts (NCAOC) to report on criminal cost waivers. Specifically, G.S. 7A-350 provides as follows:

§ 7A-350. Annual report on criminal court cost waivers.

The Administrative Office of the Courts shall maintain records of all cases in which a judge makes a finding of just cause to grant a waiver of criminal court costs under G.S. 7A-304(a) and shall report on those waivers to the chairs of the House of Representatives and Senate Appropriations Committees on Justice and Public Safety and the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety by February 1 of each year. The report shall aggregate the waivers by the district in which the waiver or waivers were granted and by the name of each judge granting a waiver or waivers.

NCAOC respectfully submits this report pursuant to the legislative mandate.

REPORT PARAMETERS

NCAOC completed statewide implementation of the case disposition component of the Criminal Case Information System, Clerk Component (CCIS-CC version 5.5) in December 2014, and all counties used this new CCIS-CC component beginning with calendar year 2015. This report includes reported money statuses from CCIS-CC during calendar year 2018.

NCAOC is responsible for providing recordkeeping guidelines, training and support to the state's trial courts. During the initial statewide use of the new case disposition component, system users requested additional clarification and guidelines regarding appropriate selection of criminal court money statuses. NCAOC Court Services Division, after consultation with clerks and relevant NCAOC divisions, issued a memorandum identifying working definitions of the available codes and providing guidance as to when to use a specific code. That memorandum, issued on March 31, 2015, provided the definitions of money statuses detailed in the next section of this report.

The money statuses include Waived/Remitted, Partially Waived, Not Assessed, Stricken/Entered in Error, and Civil Judgment. The attached Table 1 includes criminal court money statuses by county, while Table 2 includes criminal court money statuses by judge. All of these money status codes are presented in Table 1 and Table 2 to provide all relevant available data, although there may be some slight variation in uses among the counties. The number of cases in which costs were "Ordered" is included to provide a sense of volume of the dispositions in each county (Table 1) or by each judge (Table 2) in which costs, fees, or fines were ordered and no cost, fine, or fee line items were reduced or eliminated.



CRIMINAL COURT MONEY STATUSES

Criminal court money statuses are either generated by CCIS-CC or entered by a clerk. When a defendant pleads guilty or is convicted, based on the convicted offense, CCIS-CC enters most applicable costs, fees, and fines as “Ordered.” If any individual cost, fee, or fine is reduced or eliminated, a criminal court monetary status other than “Ordered” must be entered. Based on the order of the presiding judge, the clerk enters changes to the presumptive amounts and enters an applicable money status. The working definitions for money statuses available in CCIS-CC are set forth below.

Ordered: This money status is used when the court orders a monetary obligation due. Ordered is the default money status. If the judge is silent on the issue, then, based on case type or status, Ordered should be used.

Waived/Remitted: This money status is used when the judge waives or remits an individual monetary obligation in its entirety. It is used at a subsequent modification hearing if at the time of the hearing the original monetary obligation is unpaid in its entirety and the judge orders it remitted in its entirety.

Note: The Waived/Remitted money status should not be confused with waivers of appearance, which sometimes are referred to as “waived,” “waiver,” or “waivable offenses.” A waiver of appearance is a defendant’s election to plead guilty or admit responsibility in writing in lieu of appearing in court. It is available in limited circumstances as prescribed by the Conference of District Court Judges pursuant to G.S. 7A-148.

Partially Waived: This money status is used when a monetary obligation is reduced but not eliminated. A common example of Partially Waived is when a judge orders probation revoked, activates the suspended sentence, and waives what remains of each cost still owing. In this case, the partial waiver status is used for each line item where money still is owed.

Not Assessed: This money status is used when a fee that should not be assessed appears in the Bill of Costs. An example of the proper use of Not Assessed would be the determination by the presiding judge not to assess an additional \$250.00 for a subsequent assignment to community service because defendant was previously assigned to community during the same session of court. See G.S. 143B-708(c).

Stricken/Entered in Error: This money status is used when a monetary obligation was recorded in error. It should be used for monetary obligations that would not have accrued but for the error.

Civil Judgment: This money status is used when the judge orders the monetary obligations due through civil rather than criminal enforcement — i.e., the court has ordered that all money obligations due are due through civil enforcement mechanisms only. A civil judgment gives the state an indirect means of collecting the obligation.

Note: If the court elects to simultaneously order monetary obligations due criminally and civilly, then the clerk should use the Ordered status rather than the Civil Judgment.



In compiling data for Tables 1 and 2, NCAOC Research, Policy, and Planning Division developed a hierarchy for money statuses in the following order: Partially Waived, Not Assessed, Stricken/Entered in Error, Civil Judgment, and Waived/Remitted. For example, if a case has both a “Not Assessed” and a “Partially Waived” money status entered, that case would be counted as a case with a “Partially Waived” money status. This hierarchy used in the current report differs from the hierarchy in previous years’ reports; therefore, direct comparisons are not advisable. The change was made to align the meaning of the “Waived” category with a common expectation that the “Waived” category indicates cases where all financial obligations are waived.

Table 2 contains data by judge on number of cases with criminal court money statuses that are entered with one or more money line items reduced or eliminated. The number of cases where costs were “Ordered” is also included to provide a sense of volume of the dispositions of each judge in which costs, fees, or fines were ordered and no cost, fine, or fee line item was reduced or eliminated. The names listed in Table 2 reflect the names entered in the judge field of CCIS-CC, which captures the presiding judicial official at the event (judge, magistrate, or clerk). The significant number of “Missing/Unknown” judges is likely because of two possible scenarios. First, dispositions entered in ACIS did not require entry of a judge, so any modifications to judgments entered in ACIS would not have required a judge name to be entered. Second, disposition of infractions entered into CCIS-CC do not require entry of a judge name.

The totals in Table 2 are higher than those in Table 1 because Table 1 reflects a count of cases with a money status by hierarchical order, while Table 2 indicates the number of events in which a judge entered an order with a money status indicator.

SUMMARY

NCAOC has established six codes to reflect the status of monetary obligations in criminal cases. This report includes information on criminal court money statuses by county and by judge for calendar year 2018.



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TABLE 1

CRIMINAL CASE MONEY STATUSES BY COUNTY
CALENDAR YEAR 2018



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Table 1: Criminal Case Money Statuses by County, Calendar Year 2018

County	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
ALAMANCE	944	0	50	893	689	13,365
ALEXANDER	97	0	40	227	380	2,597
ALLEGHANY	84	0	11	21	52	1,146
ANSON	245	0	45	360	99	4,041
ASHE	26	0	166	43	101	1,459
AVERY	8	0	9	31	36	1,780
BEAUFORT	322	0	97	87	194	7,382
BERTIE	111	1	115	40	20	3,014
BLADEN	2	0	167	101	390	7,288
BRUNSWICK	178	3	322	444	1,003	9,766
BUNCOMBE	190	0	450	808	991	11,806
BURKE	25	0	135	171	1,333	8,499
CABARRUS	186	0	794	498	2,460	28,091
CALDWELL	38	0	173	57	1,132	6,376
CAMDEN	0	0	1	11	0	1,986
CARTERET	189	0	78	203	305	6,945
CASWELL	53	0	46	44	116	2,282
CATAWBA	199	1	2,044	257	1,072	10,656
CHATHAM	459	46	32	120	71	6,489
CHEROKEE	28	0	0	50	35	2,851
CHOWAN	11	0	24	6	0	667
CLAY	9	0	30	23	3	951
CLEVELAND	1,187	0	57	216	589	9,710
COLUMBUS	84	0	66	279	714	8,278
CRAVEN	228	13	330	335	63	10,368
CUMBERLAND	943	16	780	349	1,399	16,679
CURRITUCK	8	0	21	67	0	6,221
DARE	114	0	30	209	3	8,985
DAVIDSON	153	1	415	569	1,623	12,766
DAVIE	71	0	8	57	156	4,835
DUPLIN	104	16	108	393	294	7,737
DURHAM	1,174	0	1,986	815	898	9,723
EDGECOMBE	414	0	40	192	293	6,518
FORSYTH	3,423	6	452	642	1,141	32,197
FRANKLIN	127	7	158	51	248	4,500



Table 1: Criminal Case Money Statuses by County, Calendar Year 2018

County	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
GASTON	701	4	101	390	2,028	14,585
GATES	30	0	1	17	0	768
GRAHAM	23	0	1	14	1	572
GRANVILLE	122	0	74	65	263	3,720
GREENE	10	0	73	48	63	2,134
GUILFORD	2,309	10	4,224	650	2,007	43,214
HALIFAX	368	3	157	247	205	4,362
HARNETT	164	2	345	547	683	8,043
HAYWOOD	46	0	319	172	177	6,987
HENDERSON	57	2	398	63	134	10,957
HERTFORD	40	0	147	124	1	2,150
HOKE	143	0	73	204	130	3,120
HYDE	2	0	16	8	24	684
IREDELL	349	9	1,888	885	745	19,473
JACKSON	33	0	117	103	169	4,288
JOHNSTON	327	0	268	893	986	20,383
JONES	18	4	68	101	9	3,711
LEE	93	0	185	167	446	4,401
LENOIR	54	0	187	127	253	7,050
LINCOLN	535	0	27	73	291	8,701
MACON	107	0	26	77	23	3,236
MADISON	2	0	60	52	35	3,312
MARTIN	97	1	74	203	60	6,439
MCDOWELL	70	5	112	43	903	6,618
MECKLENBURG	2,500	112	2,603	459	1,117	38,534
MITCHELL	7	0	47	37	28	1,013
MONTGOMERY	3	0	87	104	261	4,908
MOORE	33	0	325	453	147	8,793
NASH	482	2	30	51	8	10,882
NEW HANOVER	1,184	12	108	271	760	15,824
NORTHAMPTON	41	0	34	45	0	1,373
ONslow	517	1	945	749	584	20,905
ORANGE	1,061	11	146	375	55	15,587
PAMLICO	16	0	20	29	153	972



Table 1: Criminal Case Money Statuses by County, Calendar Year 2018

County	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
PASQUOTANK	15	0	93	55	45	3,550
PENDER	46	0	83	102	155	5,391
PERQUIMANS	7	0	9	35	12	2,130
PERSON	102	0	155	228	316	4,193
PITT	337	2	157	741	1,155	11,674
POLK	1	0	133	33	19	3,557
RANDOLPH	37	14	862	315	522	22,013
RICHMOND	128	0	143	165	364	5,200
ROBESON	178	1	1,579	667	440	13,753
ROCKINGHAM	213	0	156	260	925	9,915
ROWAN	157	1	1,009	281	87	16,174
RUTHERFORD	27	4	429	108	258	6,601
SAMPSON	349	49	46	321	362	8,256
SCOTLAND	73	0	148	96	193	3,296
STANLY	136	0	40	178	356	6,987
STOKES	86	0	130	48	207	3,839
SURRY	155	1	122	111	658	6,763
SWAIN	64	0	13	46	3	2,197
TRANSYLVANIA	10	0	3	57	8	2,423
TYRRELL	25	2	43	27	12	3,857
UNION	215	0	334	822	940	15,165
VANCE	248	0	76	120	374	5,413
WAKE	1,307	1	2,146	1,344	1,212	56,872
WARREN	22	0	65	48	106	1,754
WASHINGTON	22	0	10	35	14	2,351
WATAUGA	15	0	52	29	136	5,511
WAYNE	187	1	608	425	644	11,931
WILKES	441	0	361	249	76	9,270
WILSON	356	22	10	62	366	6,925
YADKIN	97	6	22	65	228	4,220
YANCEY	2	0	18	49	5	1,541
TOTAL	28,036	392	31,621	23,637	40,850	848,375



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TABLE 2

CRIMINAL CASE MONEY STATUSES BY JUDGE
CALENDAR YEAR 2018



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Table 2: Criminal Case Money Statues by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
ABERNATHY, G, WAYNE	0	0	0	1	2	2
ABERNETHY, RICHARD, B	32	0	16	54	384	991
ADAMS, GALE, M	24	0	195	12	342	236
ADAMSON, DAVID, J	1	0	0	0	0	0
ALBRIGHT, R, STUART	6	0	10	32	17	182
ALDRIDGE, EDWARD, E	2	0	0	0	0	0
ALDRIDGE, THOMAS, V	0	0	0	0	0	4
ALEXANDER, KAREN, A	5	0	33	20	73	700
ALFORD, BENJAMIN, G	24	0	23	10	37	315
ALLEN, BRADLEY, R	115	0	8	152	46	4,157
ALLEN, CLAUDE, JR.	3	0	0	13	1	0
ALLEN, JASPER, B	1	0	0	0	0	5
ALLEN, STANLEY, L	251	0	15	59	163	555
ALLOWAY, SHERRY, F	5	0	14	1	6	23
AMMONS, JAMES, F, JR.	34	0	115	5	135	479
ANDERSON, CHARLES, T	5	0	1	2	6	5
ANDERSON, R, E	1	0	0	0	0	0
ANTONELLI, JULIE, B	1	0	9	0	0	139
ARCHIE, CARLA	50	0	52	8	104	71
ATKINSON, THOMAS, T, JR.	2	0	3	1	0	341
AUSTIN, KYLE, D	0	0	0	0	0	2
AYCOCK, DAVID, WOODALL	13	0	286	42	446	1,188
AYCOCK, EDWIN, B	0	0	0	0	0	1
BADDOUR, PHILIP, A	2	0	0	0	0	3
BADDOUR, PHILIP, A, III	1	0	0	0	0	0
BADDOUR, R, ALLEN, JR.	213	1	8	2	42	236
BAGGETT, TALMAGE, S	58	4	141	14	267	1,820
BAGGS, WILLIAM, W	0	0	0	0	0	1
BAILEY, KRIS, D	37	0	97	64	15	1,434
BAILEY, SARAH, PATTERSON	1	0	0	0	1	4
BAKER, TYYAWDI, M	3	0	0	0	0	2
BALOG, STEVE, A	0	0	0	0	0	1
BANKS, J, HENRY	55	0	8	23	5	248
BANKS-PRINCE, CAMILLE	355	1	62	15	194	663



Table 2: Criminal Case Money Statues by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
BANNER-LYERLY, ROBERT, A	0	0	0	0	0	1
BARBER, WADE	1	0	0	0	0	4
BARKLEY, WESLEY, W	10	0	137	44	249	766
BARNES, EDGAR, L	25	0	29	58	3	1,217
BARNES, KENNETH, CARL	2	0	0	0	0	32
BARNETTE, HENRY, V	0	0	0	0	0	1
BARRETT, SHARON, TRACEY	0	0	1	0	0	1
BARRINGTON, DAVID, M	1	0	0	0	0	0
BARROW, TAMMY, L	24	0	6	5	0	2,805
BASS, JAMES, A, III	0	0	2	0	0	0
BATEMAN, JOSEPH, J	1	0	0	0	0	0
BATTAGLIA, FREDERICK, S	24	0	129	80	190	836
BAXLEY, GROVER, C	3	0	0	0	0	0
BEAL, BEVERLY, T	1	0	0	0	3	0
BEAN, C, CHRISTOPHER	1	0	0	1	1	10
BEDSWORTH, GEORGE, A	290	0	40	20	158	648
BELL, JAMES, G	37	0	78	31	318	112
BELL, LISA, C	104	0	16	4	219	47
BELL, WILLIAM, R	72	0	8	14	134	493
BENNETT, VICKY, T	0	0	1	0	0	1
BEST, KIMBERLY, Y	3	5	1	0	0	8
BIBEY, STEPHEN, A	4	0	131	157	31	4,332
BICKETT, ROY, MARSHALL, JR.	4	0	165	58	20	2,411
BILLIPS, MICHAEL, H	2	0	2	0	0	0
BLACK, KELVIN, D	159	0	9	24	79	790
BLACKMORE, REBECCA, W	0	0	1	3	0	11
BLAKE, ARETHA, VENYKE	0	0	1	0	0	0
BLAND, WILLIAM, W	14	0	83	27	106	367
BLICK, JOSEPH, A, JR.	2	0	0	0	0	9
BLOUNT, MARVIN, K, III	10	0	20	7	218	255
BLOUNT, STEPHEN, M	0	0	22	0	0	782
BOGER, WILLIAM, J	0	0	0	0	0	1
BONER, RICHARD, D	0	0	0	0	1	0
BOONE, MARION	57	0	39	31	174	1,472



Table 2: Criminal Case Money Statuses by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
BOUSMAN, MONICA, M	18	0	139	11	6	522
BOWDITCH, KRISTEN	0	0	0	0	0	3
BOWERS, SCOTT	3	0	0	0	0	0
BOYETTE, WAYNE, S	119	3	11	46	105	956
BRACKETT, JUSTIN, KYLE	263	0	6	47	115	987
BRADDY, GEORGE, G	23	1	15	8	28	455
BRADFORD, JAMES, M	19	0	0	0	0	0
BRADY, BOB	0	0	1	0	0	57
BRADY, ROBERT, M	13	0	19	2	20	180
BRAGG, CHRISTOPHER, W	78	0	43	9	260	345
BRAHMER, KATLYN, L	0	0	1	0	0	3
BRANCH, BRENDA, GREEN	133	1	56	73	2	507
BRANNON, DAVID, S	1	0	0	0	0	0
BRANNON, HILLARY, D	0	0	3	1	0	313
BRANTLEY, DAVID, B	5	0	19	4	3	110
BRANTLEY, JACLYN, B	1	0	0	0	0	1
BRAY, SUSAN, E	53	8	107	11	66	468
BREWER, JACQUELINE, L	5	0	30	13	2	475
BREWER, SCOTT, T	51	0	34	95	79	1,093
BRIDGES, FORREST, D	189	0	5	7	151	515
BRIDGES, KEVIN, M	12	0	70	50	295	254
BRIDGES, LAURA, J	0	0	0	0	0	1
BRITT, JOHN, M	116	10	10	9	139	889
BRITTAIN, THOMAS, M	8	0	25	18	19	753
BROOKS, ALICIA, D	136	40	41	9	13	107
BROOKS, ATHENA, FOX	17	1	49	13	64	693
BROOKS, WILLIAM, F	147	3	157	87	109	1,816
BROOME, COLLEEN, P	26	0	10	11	1	6,376
BROUGHTON, THOMAS, B	0	0	0	0	0	11
BROWN, ANTHONY, W	142	0	6	4	42	624
BROWN, BETTY, J	265	0	290	20	45	348
BROWN, CHARLES, E	4	0	106	30	5	1,698
BROWN, CHARLIE, D	0	0	0	0	1	0
BROWN, CHARLOTTE, D	2	0	2	1	0	0



Table 2: Criminal Case Money Statues by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
BROWN, DANIEL, LOUIS	0	0	1	0	0	0
BROWN, DEBORAH, P	39	0	213	57	146	1,126
BROWN, JAY, K	0	0	0	0	0	3
BROWN, LARRY, D, JR.	178	0	8	137	81	808
BROWN, RICHARD, T	16	1	15	8	174	289
BRYAN, JAY, T	261	36	28	63	28	3,946
BRYANT, ROBERT, W	6	0	2	14	9	978
BRYANT, STEVEN, J	0	0	0	0	0	3
BUCKNER, JOE, M	144	1	15	51	10	5,763
BULLARD, EDWARD, J	0	0	4	0	0	0
BULLOCK, STAFFORD, G	0	0	1	0	0	0
BUNDY, CHRISTINA, L	1	0	0	0	0	0
BURCH, SUSAN, R	31	1	45	3	27	95
BURKE, L, TODD	68	0	16	5	75	256
BURKE, TERESA, A	2	0	0	0	0	0
BURNETT, HELENA, M	1	0	0	0	0	0
BURNETTE, CAROLINE, S	30	0	35	53	160	1,237
BURNETTE, SARAH, KATHERINE	5	0	7	1	14	165
BYRD, DAVID, V	71	2	74	57	89	3,142
CABE, SAMANTHA, HYATT	364	8	63	162	13	4,301
CALDWELL, JESSE, B, III	117	0	41	6	174	163
CAMERON, WILLIAM, M	62	7	81	151	137	1,746
CAMPBELL, HUGH, B	0	0	2	2	1	0
CANADY, RANDY	0	0	1	0	0	0
CANNON, JESSICA, L	1	0	0	0	0	0
CANTRELL, TIMOTHY, C	0	0	0	0	0	2
CARMICAL, JAMES, S	60	1	211	27	130	242
CARPENTER, JEFFERY, K	111	0	64	28	361	548
CARRAWAY, LONNIE, W	0	0	0	0	0	1
CARROLL, JOHN, J, III	0	0	0	1	0	2
CARTER, JOHN, B, JR.	4	0	19	18	6	133
CATHEY, SAM	1	0	23	25	14	171
CAYTON, DARRELL, B	82	2	56	66	18	1,537
CHAPMAN, RONALD, L	183	3	56	12	11	347



Table 2: Criminal Case Money Statuses by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
CHASSE, ERIC, C	169	0	184	33	91	1,294
CHEEK, JASON	1	0	0	1	0	45
CHEEK, WILLIAM, D	0	0	2	0	0	0
CHERRY, BURFORD, A	23	0	212	26	181	985
CHRISTIAN, LORI, G	5	0	12	4	4	109
CHURCH, HARRY, T	22	0	388	163	135	2,184
CLARK, BROOKE, LOCKLEAR	12	0	119	48	25	1,035
CLARK, ROBERT, A	0	0	0	0	3	0
CLAWSON, STEVEN, L	0	0	0	0	0	1
CLEMENTS, CAROLYN, K	1	0	0	0	0	1
CLONINGER, DAVID, B	46	0	96	42	353	1,300
CLONTZ, EDWIN, DUANE	49	0	111	140	160	1,033
COATES, PHILLIP, E	0	0	2	0	0	39
COBB, DAVID, A	0	0	1	0	0	1
COBB, W, ALLEN, JR.	6	0	8	4	3	68
COGBURN, STEVEN, D	0	0	0	1	0	17
COLE, J, CARLTON	29	0	80	25	301	519
COLLIER, CHRISTOPHER, M	0	0	0	0	0	5
COLLINS, CRAIG, R	13	1	16	26	308	1,113
COLLINS, G, BRYAN, JR.	36	1	15	8	28	72
CONSTANGY, H, WILLIAM	1	0	0	1	0	1
CONWAY, BRUCE, A	0	0	0	0	0	2
COOPER, PELL, C	62	11	6	4	112	889
CORBETT, ALBERT, A	1	0	0	0	0	3
CORNELIUS, C, P	1	0	0	0	0	0
CORPENING, JULIUS, H, II	9	0	5	10	4	1,387
COSTNER, GREGORY, S	0	0	1	0	0	1
COUNCILMAN, KELLY, R	2	0	0	0	0	2
COVINGTON, MARY, F	63	0	51	64	264	2,014
COVOLO, JOHN, J	301	0	3	25	4	703
COWAN, EMILY, GREENE	2	0	17	10	3	673
COWARD, WILLIAM, H	11	0	38	20	50	304
COX, TIFFANY, G	1	0	1	45	0	5,866
CRABBE, DAVID, L	3	0	0	0	0	0



Table 2: Criminal Case Money Statuses by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
CRAIG, JOHN, O, III	105	0	94	23	215	374
CRAWFORD, GEOFFREY, C	0	0	3	0	0	0
CRAWFORD, SOPHIA	30	0	33	36	37	469
CREED, DON, W	5	0	166	97	62	4,236
CROMER, ANDERSON, D	35	1	114	13	62	364
CROOM, CLAUDIA, C	0	0	1	0	0	3
CROOM, CRAIG	108	0	84	21	21	530
CROSSWHITE, JOSEPH, N	151	0	137	14	121	214
CROUCH, MELINDA, H	85	1	5	19	58	291
CROW, KENNETH, F	1	0	0	1	1	0
CRUMP, AVERY, L	23	0	74	2	46	137
CRUMPTON, ROB	187	1	139	97	144	2,043
CUBBAGE, LORA, CHRISTINE	64	0	232	7	75	477
CULLER, JENA, P	5	0	2	1	0	22
CUMMINGS, MARK, T	251	3	204	12	100	852
CURETON, DONALD, RAY	7	0	14	0	1	30
CURTIS, DAVID, A	0	0	0	0	0	3
CUTCHIN, TONIA, A	57	1	195	10	154	368
DANIELS, JUDITH, M	10	0	86	39	36	472
DARDEN, WILLIAM, R	1	0	0	0	0	0
DAVIDIAN, WOOFER, A, III	24	0	57	19	70	374
DAVIS, AMBER	22	0	12	47	3	670
DAVIS, CHESTER, C	1	0	0	1	0	2
DAVIS, DANNY, E	0	0	0	0	0	1
DAVIS, J, THOMAS	16	3	22	37	260	334
DAVIS, JACOB, A	1	0	0	0	0	2
DAVIS, JOHN	0	0	0	0	1	0
DAVIS, JOHN, T	0	0	0	0	1	0
DAVIS, JOHN, W	39	0	33	24	159	907
DAVIS, JONATHAN, C	0	0	0	0	0	1
DAVIS, LINDSAY, R	4	0	11	9	16	117
DAVIS, RICHARD, RUSSELL	271	4	24	56	120	1,304
DAVIS, RUSSELL	2	0	3	1	2	35
DAVIS, TODD	1	0	0	0	0	0



Table 2: Criminal Case Money Statuses by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
DAVIS, WILLIAM, B	122	0	248	16	176	1,207
DEESE, DALE, G	21	0	184	69	43	1,088
DELLINGER, J, GARY	0	0	1	1	0	5
DENNING, MICHAEL, JOSEPH	4	0	6	2	7	66
DESOTO, WILLIAM, BRIAN	15	0	12	37	48	1,178
DEVINE, JAMES, T	0	0	1	0	0	1
DEVINE, M, PATRCIA	7	0	0	0	1	4
DISBROW, JASON, C	3	0	55	83	217	2,587
DIXON, BETH, S	8	0	112	42	14	1,953
DORSETT, JEFFREY, R	0	0	0	0	0	3
DOUGHTON, RICHARD, L	1	0	5	0	10	9
DUCKWORTH, CHRISTOPHER, E	0	0	2	0	0	0
DUKE, W, RUSSELL, JR.	2	0	0	0	1	2
DUNCAN, MICHAEL, D	52	0	54	39	101	290
DUNHAM, PRISCILLA, D	0	0	1	0	0	0
DUNSTON, ASHLEIGH, PARKER	17	0	57	29	17	583
EADY-WILLIAMS, KAREN	102	0	13	15	179	247
EAGLES, MARGARET, PHILLIPS	13	0	154	9	49	477
EARWOOD, KRISTINA, LYNN	27	0	62	50	41	1,911
EASON, BYNUM, C	0	0	0	0	0	23
EDDINGER, KEVIN, G	6	0	141	44	5	2,196
EDGERTON, JEFFREY, R	0	0	1	0	0	2
EDWARDS, C, THOMAS	0	0	1	0	0	4
EGGERS-GRYDER, REBECCA, E	7	0	19	12	46	485
ELLIOTT, SHERRI, W	38	0	109	40	177	803
ELLIS, BRANDON, R	0	0	6	0	0	0
ELLIS, BRAXTON, C	0	0	0	0	1	0
ELLIS, KEVIN, D	1	0	0	0	0	0
ENOCHS, WENDY, M	0	0	0	1	0	0
ERVIN, ROBERT, C	32	0	30	6	127	153
ETHERIDGE, SCOTT, C	10	0	113	52	77	4,077
EVANS, PATRICIA, D	98	0	42	88	101	228
EVANS, YVONNE, M	3	0	0	1	27	36
EVERETT, WILLIAM, L	0	0	0	0	0	1



Table 2: Criminal Case Money Statues by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
FAIRCLOTH, RESSON, O, II	179	0	68	209	39	4,282
FAIRLEY, WILLIAM, F	9	0	47	75	92	1,920
FAISON, JAMES, H, III	137	1	8	16	44	414
FALLS, LINDA	31	0	23	4	7	178
FARR, ERIC, J	2	0	0	1	0	291
FARRIS, WILLIAM, C	343	1	10	20	53	1,268
FICKLING, FAITH, A	121	0	41	3	2	141
FINAN, TIM, I	0	0	0	2	0	4
FINCH, DANIEL, F	71	0	2	24	7	303
FINCH, WILLIS, E	0	0	0	0	0	1
FINE, LAWRENCE, J	356	1	29	11	51	646
FINKELSTEIN, JOHANNA	0	0	0	0	0	6
FITCH, MILTON, F, JR.	17	0	3	2	3	60
FLETCHER, K, MICHELLE	134	1	41	15	8	378
FLOYD, ROBERT, F	36	0	18	18	168	168
FONVIELLE, JOHN, K	0	0	0	0	1	1
FORBES, BRANDON, T	3	0	0	0	0	0
FORGA, DONNA, F	41	0	65	46	56	1,465
FORREST, HEATHER, R	0	0	0	0	0	1
FOSTER, ANGELA, C	285	0	382	24	88	2,080
FOSTER, ANNA, F	0	0	0	0	0	6
FOSTER, JACQUELINE, N	1	0	1	0	0	0
FOSTER, JEFFERY, B	60	0	31	11	264	356
FOSTER, THOMAS, G, JR.	37	0	173	15	79	447
FOUST, LINWOOD, O	0	0	0	0	3	0
FOX, ANGELA, B	127	1	214	29	82	1,184
FOX, CARL, R	64	0	21	7	195	144
FOX, DAVID, K	0	0	0	0	0	2
FOX, J, C	0	0	1	0	0	0
FOY, LOUIS, F	25	1	43	51	30	917
FRANKS, ALAN, K	0	0	1	0	0	0
FREEMAN, CHRISTOPHER, ALAN	32	0	27	26	200	917
FREEMAN, TERESA, R	65	0	39	52	27	309
FREEMAN, WILLIAM, H	0	0	0	0	1	4



Table 2: Criminal Case Money Statuses by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
FRESHWATER-SMITH, E	56	1	0	7	54	710
FULLWOOD, JAMES, R	8	0	48	32	1	854
FUTRELL, STEPHAN, R	0	0	0	0	0	3
GALLOWAY, MARK, E	50	0	30	53	37	948
GARDNER, DAVID	1	0	0	0	0	0
GARDNER, DENISE, B	0	0	0	0	0	3
GAVENUS, GARY, M	32	0	9	44	30	354
GAVIN, LEE	4	0	147	52	71	3,688
GAYLOR, CHARLES, P, III	60	0	165	96	204	2,371
GESSNER, PAUL, G	1	0	0	0	0	0
GILCHRIST, CHARLES, W	28	0	70	5	236	195
GILLIAM, CHARLES, PHILLIPS	0	0	0	0	0	1
GINGLES, RALPH, C	3	0	0	1	3	1
GLASCOFF, WILLIAM, J	39	0	0	0	0	0
GLASS, DEBORAH, M	23	0	0	0	0	1
GLASS, JOHN, A	0	0	0	1	0	0
GODDARD, OLAF, H	0	0	0	0	0	3
GODWIN, WALTER, H, JR.	144	0	14	16	186	418
GORDON, NANCY, E	17	0	7	7	2	6
GORE, CAROLYN, ASHLEY	1	0	77	99	239	2,482
GORE, W, FREDERICK	1	0	47	88	201	2,707
GORHAM, PHYLLIS, M	71	0	4	14	45	153
GOTTLIEB, RICHARD, S	2	0	6	4	6	62
GRABER, ERIN	0	0	0	0	0	1
GRAHAM, LAWRENCE, D	137	0	285	211	263	1,903
GRAHAM, WILLIAM	1	0	0	0	0	0
GRANT, CY, A, SR.	12	0	78	7	83	185
GRANT, JOSHUA, P	0	0	0	0	0	2
GRAVES, CHRISTOPHER, H	0	0	0	7	0	95
GRAY, BEECHER, R	25	0	13	11	98	69
GRAY, JANE, P	1	0	13	8	0	214
GREENE, JONATHAN, W	0	0	1	0	0	0
GREENLEE, JOHN, K	81	0	8	36	221	588
GREGORY, EDGAR, B	0	0	0	0	1	1



Table 2: Criminal Case Money Statuses by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
GREGORY, KEITH, O	53	0	30	25	46	345
GRIFFIN, JEFFERSON, G	40	0	164	10	59	505
GRIFFIN, WILLIAM, C	0	0	1	0	0	2
GRIMES, SAMUEL, G	3	0	1	1	2	27
GROGAN, JAMES, A	137	0	62	89	293	4,526
GULLETT, JULIA, LYNN	95	0	247	47	315	350
GWYN, NATHAN, H, III	23	0	109	483	86	8,628
HAIGWOOD, THOMAS, D	5	0	6	0	6	51
HALL, DANIEL, B	0	0	0	0	0	3
HALL, DAVID, L	47	0	34	3	87	206
HAMADANI, SAM	62	0	24	31	9	588
HAMBY, WILLIAM, G	16	0	107	39	377	1,903
HAMILTON, JOYCE, A	7	0	5	5	0	97
HAMILTON, LORI, I	89	0	59	37	87	332
HAMMOND, LAWRENCE, T, JR.	0	0	0	0	2	2
HANKINS, PAULINE	0	0	15	25	50	700
HARDIN, JAMES, E, JR.	16	0	14	5	113	108
HARDISON, PAUL, A	94	2	51	73	91	1,032
HARGETT, CEDRIC, J	1	0	0	0	0	0
HARPER, JANE, V	3	0	1	0	0	5
HARPER, JOSEPH, J	0	0	1	0	0	1
HARRELL, RICHARD, KENT	75	0	43	16	83	254
HARRISON, HAL	3	0	16	5	37	277
HARRISS, MEADER, W, III	21	0	14	43	6	464
HARTSFIELD, DENISE, S	327	0	15	11	8	461
HARVEL, JOHN, H	0	0	0	0	0	1
HASTY, DAVID, H	523	3	35	13	28	2,386
HAYES, GREGORY, R	36	1	75	11	128	174
HAYNES, CHRISTIE, D	6	0	184	0	0	2,362
HAZELTON, WENDY, S	29	0	15	14	50	751
HEAFNER, WILLIAM, H	0	0	0	0	0	3
HEATH, ANDREW, TAUBE	54	0	28	11	113	215
HEATH, ELIZABETH, A	3	0	11	5	11	67
HEDRICK, EDWARD, L	39	0	227	95	134	1,154



Table 2: Criminal Case Money Statuses by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
HEDRICK, EDWARD, LAWRENCE	1	0	1	0	1	5
HELMS, WILLIAM, F, III	9	0	61	42	140	726
HENDERSON, GARY, L	4	0	8	0	2	11
HENDRIX, KEVIN, D	0	0	0	0	0	139
HENNELLY, PATRICK, T	0	0	1	2	0	271
HENRY, CHARLES, H	17	0	258	40	98	532
HENRY, CHARLES, JEFFREY, II	0	0	0	0	0	1
HERRING, HOWARD, G	1	0	0	0	0	1
HEWETT, TRACY, H	0	0	2	0	0	7
HIGDON, STEPHEN, V	25	0	53	159	244	2,205
HIGHT, HENRY, W, JR.	17	0	47	9	86	229
HILBURN, PATRICIA, GWYNETT	16	0	4	9	33	253
HILL, CLAIRE, V	16	0	192	5	191	414
HILL, JAMES, A	0	0	2	0	0	1
HILL, JAMES, CALVIN	9	0	67	106	281	466
HILL, JAMES, P, JR.	13	0	233	107	162	7,146
HILL, JAMES, T	68	0	524	133	194	528
HILL, JOY, H	1	0	0	0	0	0
HILL, KENDRA, D	0	0	0	0	1	0
HINES, AMY, D	10	0	0	0	0	0
HINNANT, PATRICE, A	50	0	4	4	7	24
HINTON, ALMA	27	0	113	32	159	255
HOBGOOD, ROBERT, H	23	0	38	1	90	72
HOCKENBURY, JAY, D	0	0	5	10	10	140
HODGES, ROBERT, E	0	0	0	0	0	2
HOFFMAN, RICHARD, L	0	0	0	0	0	1
HOGSTON, CHAD, E	227	0	31	29	121	1,112
HOLCOMBE, PAUL, A	40	0	58	124	147	2,020
HOLLAND, DONNA, L	0	0	2	0	0	1
HOLLEY, ANGELA, J	1	0	0	0	0	0
HOLLIDAY, TABATHA	74	1	264	22	191	1,966
HOLLIFIELD, JARRED, D	3	0	3	1	1	467
HOLLOCKER, MARY ANN, J	0	0	0	0	0	1
HOLLOWAY, RICHARD, S	16	0	216	28	322	1,093



Table 2: Criminal Case Money Statuses by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
HOLT, REBECCA, W	61	0	82	1	68	221
HOLT, RICHLYN, D	1	0	0	0	0	6
HOLT, SHELLEY, S	6	0	2	2	0	14
HONESTY, TARA, M	0	0	0	0	0	7
HONEYCUTT, JAMES, M	3	0	15	5	39	75
HOOKS, D, JACK	13	0	9	4	12	47
HOOVER, DONNIE	161	1	19	8	63	117
HORNE, JOHN, H	17	0	6	8	7	230
HORNE, R, GREGORY	22	0	22	13	62	251
HORNE, TULLIE, W	0	0	0	0	0	7
HORNER, GREGORY, S	0	0	0	0	1	1
HOUSTON, JEANIE, R	248	0	122	66	72	1,587
HOWERTON, PHILIP, F	1	0	0	0	5	12
HOYLE, ANGELA, G	27	0	8	13	191	474
HOYLE, BARRY, L	0	0	1	0	0	0
HUDSON, DAVID, A	0	0	1	0	0	1
HUDSON, ORLANDO, F	256	0	30	5	50	101
HUGHES, FARRELL, W	6	0	9	6	16	208
HUNT, JEFFREY, P	8	0	2	0	42	129
HUNTER, BENJAMIN, SCOTT	74	0	44	42	129	1,117
HUNTER, WILLIAM, K	39	0	163	15	83	1,176
HUNTER, WILLIAM, L	1	0	0	0	0	0
HUTCHINS, LAURIE, L	212	0	26	7	43	437
HUTTON, JOSEPH, L	0	0	0	0	0	1
JACKSON, JAMES, A	17	0	15	40	219	993
JACKSON, JENNIFER, M	0	0	0	4	0	325
JACKSON, ROBERT, A	6	0	0	0	0	0
JACOBS, TONY, M	0	0	0	0	0	6
JAMES, ERICKA, YOUNG	51	1	120	29	44	793
JANE, CARLOS	34	0	74	80	247	5,114
JARRELL, H, THOMAS	105	2	140	16	108	444
JENKINS, BRYSON, B	0	0	1	0	0	0
JENKINS, JACK, W	0	0	0	0	5	3
JENKINS, TARITA, M	1	0	0	0	0	0



Table 2: Criminal Case Money Statuses by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
JENNINGS, ANGELINA, H	1	0	0	0	0	0
JERNIGAN, MONICA, B	0	0	2	0	0	4
JOE, REGINA, M	84	0	52	74	42	746
JOHNSON, CHAD, A	1	0	5	1	0	347
JOHNSON, DONNA, HEDGEPEETH	14	0	104	26	251	1,215
JOLLY, JERRY, A	1	0	12	27	54	484
JONES, ARNOLD, O, II	0	0	0	0	1	0
JONES, CAROL, A	101	2	45	71	33	826
JONES, JOY	142	0	73	213	311	3,283
JONES, PAUL, L	3	0	19	3	28	68
JONES, RANDLE, L	2	0	0	0	0	1
JORDAN, LILLIAN, B	1	0	0	0	0	0
JOYNER, ROBIN, R	0	0	2	0	0	5
KAZAKOS, THEODORE	227	1	25	16	58	607
KEENE, JILL, K	3	0	0	0	0	0
KEEVER, A, ELIZABETH	34	0	0	0	0	78
KEITH, ADAM, STRICKLAND	56	0	23	39	63	766
KEPPLE, JULIE, M	106	0	121	124	191	693
KEY, SPENCER, G	32	0	16	34	233	1,248
KILLIAN, MARK, L	40	0	252	58	462	1,416
KINCAID, TIMOTHY, S	0	0	0	0	0	1
KING, TONI, SA	12	0	9	5	47	583
KIRBY, ALBERT, D, JR.	37	0	40	11	161	308
KIRKMAN, GRETCHEN, E	51	0	26	14	159	1,352
KLASS, MARK	44	0	52	45	164	383
KLUTTZ, WILLIAM, C	0	0	0	1	0	2
KNAUFF, AMELIA, M	3	0	0	0	0	0
KNIGHT, A, M	1	0	0	0	0	0
KNIGHT, JOSEPH, C	1	0	2	11	0	59
KNIGHT, PETER, B	9	0	25	21	19	1,148
KNOX, JENNIFER, JANE	2	0	0	0	0	0
KNUST, NATHANIEL, M	20	0	115	53	490	3,084
KOKAJKO, R	10	0	3	1	0	1,682
KREIDER, JONATHAN, G	202	0	213	13	68	1,296



Table 2: Criminal Case Money Statues by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
KUEHNERT, DANIEL, A	47	0	126	18	316	139
LABARRE, DAVID, Q	11	0	0	6	1	0
LACEY, ROBERT, B	0	0	0	0	0	1
LAMBETH, DAVID, T, JR.	93	0	42	32	224	173
LAMBETH, DAVID, THOMAS	1	0	1	0	1	1
LANDEN, CHAD, N	0	0	1	1	0	103
LANDS, MICHAEL, K	6	1	5	12	104	379
LANE, CHRISTOPHE, L	0	0	0	0	0	1
LANGSTON, DENNIS, M	1	0	0	0	0	0
LANIER, CHRISTOPHE, B	0	0	1	0	0	0
LANIER, RUSSELL, J	0	0	0	0	1	1
LATTA, JERRY, W	0	0	1	0	0	0
LAWRENCE, HOLLY, R	0	0	1	0	0	0
LAWRENCE, JASON, O	0	0	0	0	0	60
LAWTON, WILLIAM, C	6	0	46	60	0	682
LEAKE, LARRY, B	2	0	30	25	23	465
LEE, J, L	116	0	205	75	656	1,126
LEE, W, DAVID	2	0	6	2	25	42
LEECH, DAVID, A	18	0	9	14	52	442
LESLIE, MONICA, H	37	0	78	49	109	1,610
LETTS, BRADLEY, B	9	0	52	30	43	367
LEVINSON, ERIC, L	5	0	8	7	166	50
LEWIS, BERNELL, B	0	0	0	0	0	30
LEWIS, HUGH, B	55	0	20	17	260	162
LEWIS, OLA, M	1	0	0	1	11	4
LITTLE, CLAUDE, A	1	0	1	1	3	829
LOCK, THOMAS, H	21	1	49	13	187	262
LOCKLEAR, RUDY, T	0	0	3	0	0	0
LONG, LINDA	1	0	0	0	0	7
LONG, LUNSFORD	64	6	8	6	7	301
LONG, V, BRADFORD	17	6	53	9	311	600
LOVE, JIMMY, L	30	0	24	150	57	3,352
MACCHIA, K, J	1	0	0	0	0	0
MACK, PETER, JR.	6	1	46	53	29	856



Table 2: Criminal Case Money Statuses by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
MALONEY, ROBERT, A	2	0	0	0	0	0
MANCOS, TAMI, G	0	0	2	0	0	0
MANESS, JAYRENE, R	10	0	204	76	54	3,619
MANGUM, NED, W	162	0	134	9	5	493
MANN, CHRISTY, T	10	0	2	0	0	1
MANNING, HOWARD, E, JR.	0	0	0	0	0	2
MARIS, AMANDA, L	59	0	56	33	44	230
MARSH, WILLIAM, A, III	21	0	1	10	4	0
MARTELLE, ROBERT, K	17	2	60	33	319	1,745
MARTIN, JAMES, E	2	0	0	0	0	26
MARTIN, JERRY, C	12	0	2	2	8	24
MARTIN, KAREN, M	0	0	0	0	0	1
MARTIN, PANSY, K	2	0	0	0	0	0
MARTIN, SHANDOLYN	0	0	1	0	0	56
MASON, KEITH, B	47	0	14	33	5	723
MASSEY, A, MOSES	0	0	0	0	1	0
MATTHEWS, ROBERT, F	0	0	1	0	0	0
MCAULEY, EDWARD, M	4	0	0	0	0	17
MCCAULEY, KIMBERLY, M	1	0	0	0	0	0
MCCLELLAND, CASEY, J	0	0	1	0	0	3
MCENTIRE, THEODORE, W	6	0	69	29	64	1,210
MCFADYEN, WILLIAM, DAVE, III	41	2	69	59	63	1,791
MC GEE, JOSEPH, A	0	0	0	0	0	374
MC GEE, MARTIN, B	15	0	134	40	260	597
MCILWAIN, WILLIAM, C	1	0	0	1	1	6
MCIVER, BRYANT, D	0	0	0	0	1	0
MCKEE, LINDSEY, L	173	1	18	14	184	1,165
MCKELLER, MACK	5	0	1	0	0	82
MCKOWN, ANN, E	0	0	0	1	0	0
MCLEAN, DERON, A	0	0	1	0	0	0
MCLENDON, CHRISTOPHER, B	52	0	22	54	25	889
MCNEILL, DANITA, B	1	0	1	0	2	0
MCPHATTER, CHRIS, P	0	0	0	0	0	10
MCPHERSON, BRUCE, A	0	0	4	0	0	0



Table 2: Criminal Case Money Statues by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
MCSWAIN, LAWRENCE, C	42	0	30	3	11	123
MCTHENIA, PAIGE, BARNS	237	5	51	10	10	459
MENDENHALL, JEREMY, H	0	0	1	0	1	4
MENEFEE, LISA, V L	291	0	18	28	70	9,302
MERCER, FRITZ, Y	191	0	136	22	15	820
MEREDITH-CAMP, CORINTH	0	0	0	0	0	3
MESSICK, STEVEN, H	93	0	10	95	78	637
MEYER, LOUIS, B	54	0	186	49	83	1,814
MICHAEL, WAYNE	66	1	79	120	473	2,087
MILLER, DAVID, T	0	0	0	0	0	75
MILLER, GORDON, A	319	3	45	15	330	1,098
MILLER, REGAN, A	186	1	29	5	1	68
MILLS, KIA, H	0	0	0	0	0	5
MILLS, LIONELL, WALTER	17	3	24	20	36	1,024
MITCHELL, RICKYE, M	75	6	12	5	5	52
MOBLEY, SAMANTHA, C	174	1	729	36	12	5,005
MOODY, VERSHENIA, B	135	0	73	93	14	549
MOORE, ARTHUR, S	0	0	1	0	0	6
MOORE, CYNTHIA, W	0	0	1	0	0	0
MOORE, JAMES, L, JR.	226	6	85	184	47	1,635
MOORE, RHONDA, F	0	0	14	4	0	739
MOORE, THOMAS, F	2	0	0	2	0	5
MOORE, WANDA, T	48	0	167	4	2	1,072
MOORE, WILLIAM, J	53	0	323	208	21	3,613
MOREY, MARCIA, H	34	0	2	7	7	2
MORGAN, ERIC, C	2	0	22	13	76	218
MORGAN, JAMES	62	0	1	0	54	52
MORGAN, MELZER, A	1	0	0	0	0	2
MORGAN, MICHAEL, R	0	0	1	0	0	1
MORTON, CANDACE, M	2	0	142	11	0	2,484
MOSS, MATTHEW, P	0	0	1	0	1	0
MULLINAX, BOBBY	0	0	0	0	1	0
MULLINAX, ROBERT, A, JR.	9	0	157	28	442	951
MURRELL, SHERRI, T	300	4	31	73	14	2,434



Table 2: Criminal Case Money Statuses by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
MYERS, JANE	2	0	0	0	0	0
MYERS, JIMMY, L	7	0	49	63	153	3,095
NAGLE, DANIEL, J	31	0	76	19	55	1,132
NANCE, JOHN, R	34	0	8	44	79	2,317
NEAVES, CHARLES, M, JR.	8	0	78	41	154	636
NEEDHAM, EDDIE, B	0	0	0	0	1	0
NEWBERN, THOMAS, R J	1	0	3	13	0	191
NIXON, THEO	3	0	0	0	0	1
NOBLES, JOHN, E, JR.	135	1	131	21	131	671
NOBLES, MICHAEL, A	0	0	0	0	0	1
NOECKER, JEFFREY, E	89	1	8	16	19	347
OAKES, MARK, W	0	0	1	0	0	0
OAKLEY, TONY, M	0	0	0	0	0	4
O'FOGLUDHA, MICHAEL, J	101	0	58	6	118	248
OLIVERA, LUIS, J	50	3	22	16	172	1,545
O'NEAL, ELAINE, M	61	4	15	2	95	72
OSMAN, MATTHEW, JOHN	246	38	85	11	29	325
OVERBY, KATHRYN, W	258	0	18	169	26	990
OWENS, SARAH, M	0	0	1	0	0	69
OWSLEY, LISA, S	0	0	0	0	3	5
PAKSOY, ALI	184	0	9	32	103	807
PARKER, C, MICHAEL	1	0	0	0	0	0
PARKER, REGINA, R	157	0	43	64	29	1,832
PARKER, ROBYN, B	1	0	0	0	0	0
PARSONS, W, DOUGLAS	0	0	0	4	13	4
PATE, IMELDA, J	4	0	39	9	46	420
PATTERSON, PAMELA, W	14	0	0	0	0	0
PAUL, MICHAEL, A	29	0	15	12	6	402
PEARSON, CARL, G	0	0	1	0	0	0
PENRY, JOHN, R	7	0	31	18	64	487
PEREZ, MARIO, E	164	1	29	29	177	1,223
PHILLIPS, DAVID, A	13	0	2	3	102	70
PHILLIPS, JOHN	2	0	0	1	1	2
PHILLIPS, NANCY, C	0	0	7	13	21	403



Table 2: Criminal Case Money Statuses by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
PITTMAN, WILLIAM, R	9	0	22	1	11	39
POMEROY, TODD	182	0	19	20	301	486
PONE, EDWARD, A	11	0	10	1	31	197
POOL, CLARENCE, R	29	0	59	28	230	1,137
POOVEY, NATHANIEL, J	6	0	92	7	108	107
POPE, MARVIN, P, JR.	26	0	51	50	96	277
POTEAT, JULIAN, R	1	0	0	0	0	0
POWELL, LAURA, A	27	3	37	29	270	1,770
POWELL, MARK, E	7	0	33	23	43	146
PRELIPP, CARRIE, B	0	0	1	0	0	1
PRICE, ALTON, C	1	0	0	1	0	3
PRICE, CHARLES, A	0	0	1	0	0	0
PRUETT, PHILLIP, W	1	0	0	0	0	0
PUCKETT, ANGELA, B	28	0	33	22	28	263
QUINN, PAUL, M	170	2	22	55	64	1,557
RADER, ROBERT, B	148	0	68	26	34	619
RANDOLPH, JAMES, DKF	6	0	241	59	14	3,523
RATLEDGE, BRIAN	1	0	7	10	0	130
RAWLS, ADDIE HARRIS, M	23	1	17	25	29	1,070
RAY, SANDRA, ALICE	121	2	20	20	114	1,316
REDWING, DENNIS, J	119	1	44	8	59	542
REEVES, JEANNETTE, RACQUEL	316	0	9	29	109	659
REID, EULA, E	19	0	15	23	1	639
REID, MICHAEL, K	1	0	0	0	0	0
REINGOLD, WILLIAM, B	0	0	0	0	0	1
RHINEHART, SHAMIEKA, LACHER	229	0	44	56	82	309
RHODES, KHALIF, J	4	0	5	1	0	9
RHUE, CHRISTOPHER, WINDLY	93	0	41	91	50	714
RICHARDSON, HERBERT, L	64	0	576	87	36	701
RIDGEWAY, PAUL, C	51	0	13	10	32	150
ROBERSON, JAMES, K	39	0	1	5	30	158
ROBINSON, CARISSA, A	0	0	0	0	0	1
ROBINSON, ROBIN, W	68	2	13	26	45	429
ROEMER, VICTORIA	171	0	73	15	101	1,138



Table 2: Criminal Case Money Statues by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
ROGERS, MICHELLE, W	0	0	1	0	0	0
ROWE, CLINT, D	29	2	73	59	88	1,881
ROWLAND, JEFFREY, P	2	0	3	86	0	8,351
ROYSTER, TED, S	0	0	0	0	1	2
ROZIER, VINSTON, MILLER	31	1	13	2	81	154
SABISTON, MICHAEL, A	0	0	0	1	0	16
SALISBURY, ANNE, B	11	0	60	100	4	1,215
SAMET, JAN	88	0	75	12	34	967
SANFORD, CECILIA	2	0	0	0	0	0
SARGEANT, JONATHON, L	8	0	44	38	69	836
SASSER, DEBRA, S	12	0	59	16	42	238
SASSER, DOUGLAS, B	80	1	86	34	349	380
SCARLETT, BEVERLY, A	214	1	20	19	2	1,967
SCOTT, WARD, D	0	0	1	0	2	22
SEATON, SARAH, C	130	1	41	56	8	952
SELLERS, TESSA, SHELTON	85	0	42	29	6	1,301
SENER, J, LARRY	0	0	0	0	0	4
SERMONS, WAYLAND, J, JR.	71	1	39	30	112	510
SETZER, JOSEPH, E	31	0	118	85	192	2,042
SHELDON, WENDY, N	2	0	0	0	0	0
SHERRILL, DAVID, E	0	0	0	1	1	8
SHIELDS, MARCUS, A	8	0	11	2	6	31
SHIRLEY, A, GRAHAM	65	0	81	6	188	68
SHORE, DUSTIN, C	1	0	0	0	0	0
SHUFORD, MEREDITH, A	185	0	9	34	53	816
SILER, TANIDRA, DE-SHAY	0	0	0	0	1	0
SILER-MACK, CHERI	24	0	3	5	46	475
SIMMONS, BARRY, D	0	0	0	0	1	0
SIMMONS, DAVID, F	0	0	1	0	0	0
SIMPSON, THOMAS	0	0	0	0	0	1
SIPPRELL, DAVID	407	1	60	23	62	701
SMALL, RICHARD, E	0	0	0	0	0	2
SMITH, APRIL, MARIA	12	0	1	9	19	197
SMITH, BRIAN	0	0	2	0	0	302



Table 2: Criminal Case Money Statues by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
SMITH, CAROL, H	0	0	2	1	0	988
SMITH, CLIFTON, H	24	0	270	35	108	1,472
SMITH, HOLLY, C	4	0	5	0	0	0
SMITH, JOHN, W	1	0	7	0	2	2
SMITH, JUDY, K	2	0	0	0	0	0
SMITH, MARK, S	1	0	1	0	0	0
SMITH, ROBERT, L	0	0	0	0	0	1
SMITH, SEAN, P	12	1	10	1	2	50
SMITH, W, OSMOND, III	31	0	66	11	93	352
SNIDER, CHARLES, E	0	0	0	0	0	17
SONENBERG, MARTHA, A	0	0	0	1	0	0
SOUTHERN, WILLIAM, FLYNN	40	0	39	31	209	2,859
SPAINHOUR, W, ERWIN	5	0	12	1	9	40
SPELLER, YOLANDA, B	0	0	6	0	0	22
SPENCE, MORIAL, D	0	0	0	0	0	1
SPICER, PHIL, D	0	0	2	0	0	0
SPIVEY, RONALD, E	0	0	0	0	0	1
STACKHOUSE, WILLIAM, C	44	0	133	108	203	1,566
STEELMAN, SANFORD, L, JR.	0	0	1	0	0	1
STEPHENS, DONALD, W	2	0	0	1	1	8
STEPHENS, RONALD, L	36	0	0	8	76	48
STEPHENSON, W, TURNER, III	164	1	39	83	12	758
STEVENS, CATHERINE, C	0	0	0	0	1	2
STEVENS, HENRY, L	134	13	119	172	123	2,099
STEVENSON, AMANDA, E	170	0	33	36	33	1,087
STEWART, ALEXANDRIA, B	0	0	1	0	0	4
STEWART, CARON, H	46	0	9	77	6	783
STEWART, WILLIAM, G	0	0	0	2	1	0
STIEHL, ROBERT, J	11	0	3	2	28	104
STOKES, C, STEPHEN	143	0	35	28	53	1,579
STONE, MICHAEL, A	71	0	54	109	58	821
STONE, RICHARD, W	1	0	0	0	2	2
STORCH, STEVEN, RONALD	22	0	954	20	1	2,737
STRADER, CHRISTINE, FIELDS	13	0	36	32	195	950



Table 2: Criminal Case Money Statues by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
STRICKLAND, DAVID, HUGH	85	0	42	5	7	212
STRYFFELER, HARRY, B	0	0	1	0	0	0
STUBBS, ROBERT, D	18	0	14	12	5	280
STULTZ, JOHN, H	3	0	0	1	2	1
STULTZ, JOHN, HOYTE	44	0	65	119	230	2,363
SUMNER, QUENTIN, T	22	0	67	5	33	491
SUMNER, ROBERT, T	104	0	0	3	68	67
SURLES, MICHAEL, C	65	4	73	126	134	1,427
SUTTON, BILLY	154	18	95	148	133	2,145
SWEENEY, MICHAEL, L	0	0	1	1	0	15
TALLY, MARY, A	131	0	17	3	111	60
TEAGUE, LEE, F	9	0	9	13	44	712
TERRELL, DEBRA, H	2	0	6	3	0	525
TERRY, B, CARLTON	10	0	30	27	103	1,994
THACKER, LISA, B	28	0	9	22	17	237
THAGARD, LEONARD, W	57	1	11	22	19	363
THOMAS, ANTHONY, G	5	0	128	3	4	1,377
THOMAS, WEAVER, K	3	0	0	0	0	1
THOMASON, JENNINGS, W	1	0	0	0	0	0
THOMPSON, CAROLYN, J	41	0	15	5	71	306
THORNBURG, ALAN, Z	8	0	16	41	21	329
THROWER, PENNIE, M	12	0	14	27	221	558
TILLET, JERRY, R	82	0	17	42	7	694
TIN, REBECCA, THORNE	15	1	9	1	2	31
TITUS, KENNETH, C	12	0	1	0	1	2
TOTTEN, JOHN, W, II	0	0	0	1	0	2
TRAWICK, GARY, E	0	0	0	0	1	0
TRIVETTE, ROBERT, P	14	0	13	73	0	571
TROSCH, ELIZABETH, THORNTON	17	1	2	0	4	5
TROSCH, LOUIS, A	1	0	0	0	0	0
TROSCH, LOUIS, A, JR.	20	1	6	3	2	17
TROTMAN, YOLANDA, MICHELLE	0	0	1	0	1	1
TUCKER, WILLIAM, C	45	0	16	67	189	4,146
TURIK, ANNETTE, W	3	0	27	19	42	524



Table 2: Criminal Case Money Statuses by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
TURNER, JOSEPH, E	1	0	0	0	0	0
TURNER, LES	19	0	63	33	48	991
UNDERWOOD, CHRISTINE	68	0	253	142	212	1,817
UNDERWOOD, LISA, A	0	0	1	0	0	0
USSERY, SCOTI, LEE	13	0	152	191	568	2,822
VANSCOTER, BROCK, P	1	0	0	1	0	222
VICKERY, CARRIE	446	0	13	10	65	973
VINCENT, CHARLES, M	24	0	21	10	16	329
VINCENT, TERESA, H	82	0	208	17	91	613
VISER, CASEY, M	19	0	76	6	79	210
WADDELL, JERRY, F	9	0	6	3	1	161
WAGONER, ANNA, M	84	1	134	29	118	384
WAGONER, JOSEPH, A	1	0	0	0	0	0
WALCZYK, CHRISTINE, M	5	0	7	4	1	197
WALKER, AMY, SIGMON	28	1	246	48	297	1,087
WALKER, DORETTA, L	64	0	156	114	53	605
WALKER, MATTHEW, N	1	0	0	0	0	0
WALKER, RICHARD, K	92	0	95	73	32	2,342
WALLACE, TANYA, T	25	0	8	30	129	183
WARREN, MARION, R	0	0	0	1	0	8
WATSON, EBERN, T, III	39	0	39	27	94	153
WATSON, KATRINA, D	373	2	1,035	58	2	7,813
WATTERSON, JOHN, P	1	0	0	0	0	0
WATTS, WILLIAM, G	7	0	218	9	1	3,877
WEBB, CECIL, L	0	0	1	0	0	1
WEBB, JAMES, M	7	0	20	102	23	235
WELLS, MARY, H	40	0	32	134	54	1,857
WEST, CHRISTOPHE, M	1	0	1	0	0	0
WHITE, PAULA, M	2	0	0	0	0	0
WHITESIDE, DAVID, E	0	0	1	0	0	0
WHITFIELD, TIFFANY, MARIE	15	0	11	5	48	444
WHITTED, LUTHER, M	0	0	0	0	0	1
WIGGINS, LEONARD, L	55	1	30	7	111	221
WIGGINS, ROY, H	95	6	27	5	5	282



Table 2: Criminal Case Money Statues by Judge, Calendar Year 2018

Judge Name	Waived	Partially Waived	Not Assessed	Stricken/ Entered in Error	Civil Judgment	Ordered (Not Waived)
WIJEWICKRAMA, ROY, T	19	0	60	61	32	2,053
WILHELM, CHRISTY, E	14	0	114	55	539	2,172
WILKINS, FREDERICK, B, JR.	219	0	33	189	197	2,349
WILKINS, ROBERT, MAYNARD	8	0	123	80	76	3,980
WILKINSON, CHARLES, W, JR.	0	0	0	0	0	5
WILKS, BRIAN, C	74	0	46	81	69	460
WILLEMS, KURT, R	1	0	0	108	0	6,434
WILLEY, JOSHUA, W, JR.	24	0	67	8	203	449
WILLIAMS, DEXTER, L	1	0	2	10	0	2,511
WILLIAMS, JOE, A	0	0	0	0	1	0
WILLIAMS, JOSEPH, J	7	0	32	33	39	703
WILLIAMS, KAREN, S	0	0	0	0	0	1
WILLIAMS, SIMIKA, LYVETTE	1	0	0	0	0	0
WILLIS, OWEN, H	32	0	72	134	139	3,554
WILSON, AMANDA, LYNN	140	0	57	136	65	1,033
WILSON, EDWIN, G, JR.	15	0	21	41	65	311
WILSON, LARRY, J	273	0	15	29	71	747
WOOD, APRIL, C	20	0	24	36	145	849
WOOD, J, FRANKLIN, JR.	31	0	91	240	174	5,104
WOOD, WILLIAM, A, II	25	0	55	41	201	309
WOOD, WILLIAM, Z	2	0	0	0	2	1
WOODBURN, ANGELA, C	1	0	0	0	0	1
WOOTEN, TERESA, L	0	0	0	0	0	1
WORLEY, ANNA, E	5	1	17	14	0	405
WORTINGER, SUSAN, M	2	0	0	0	0	0
WRIGHT, CAROL, A	0	0	2	0	0	0
WRIGHT, CHRISTINE	1	0	0	0	0	0
WYRICK, RICHARD, T	0	0	80	4	0	6,579
YOUNG, PATRICIA, KAUFMANN	6	0	63	68	242	318
YOUNG, REUBEN, F	1	0	1	1	4	9
MISSING/UNKNOWN	919	34	1,228	7,279	59	506,646
TOTAL	31,191	392	31,855	24,436	42,592	987,162



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