IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

THE STATE OF NORTH CAROLINA; THE )
NORTH CAROLINA STATE BOARD OF )
ELECTIONS; and KIM W. STRACH, in her official )
capacity as Executive Director of the North Carolina )
State Board of Elections, )

Defendants. )

1:13cv861 (TDS-JEP)

2nd DECLARATION OF THOMAS J. FITTON

Thomas J. Fitton, for his second declaration, pursuant to 28 U.S.C. § 1746,
deposes and says:

1. My name is Thomas J. Fitton. I am over the age of eighteen and have personal knowledge of the facts set forth below. I make this second declaration in further support of the motion to intervene of the Judicial Watch Intervenors.

2. I am the President of Judicial Watch, Inc. (“Judicial Watch”) and a member of its Board of Directors. I have served in these capacities since approximately August of 1998.

3. I have worked for over 15 years helping to oversee Judicial Watch’s FOIA and state open records requests and related litigation. During that time Judicial Watch has submitted many thousands of record requests.
4. Based on a search of our records for the past two years, Judicial Watch has submitted more than 500 FOIA requests (that is, requests under the federal Freedom of Information Act), and more than 300 state open records requests.

5. In the past two years, we can identify at least six requests that Judicial Watch submitted to North Carolina under the State’s public records laws.

6. In the past two years, we can identify at least 12 state open records requests that were submitted either to state election boards or to other state entities concerning election-related issues.

7. I am aware of at least 27 lawsuits that Judicial Watch has commenced against state entities concerning state open records requests.

8. Attached hereto as Exhibit A is a true and correct copy of a July 26, 2013, letter from North Carolina Attorney General Roy Cooper to Governor Pat McCrory. It is posted on the State Attorney General’s website as a link to a press release, and is available at http://www.ncdoj.gov/News-and-Alerts/News-Releases-and-Advisories/Press-Releases/AG-Cooper-urges-Governor-to-veto-restrictions-on-v.aspx. In it, Attorney General Cooper expresses his “strong opposition” to HB 589 and asks Governor McCrory to veto the legislation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 21\textsuperscript{st} day of January, 2014.

\[\underline{\text{Thomas J. Fitton}}\]
Exhibit A
July 26, 2013

The Hon. Pat McCrory, Governor
State of North Carolina
State Capitol Building
Raleigh, N. C. 27602

Dear Governor McCrory:

I write to state my strong opposition to the election reforms contained in House Bill 589 and ask that you veto this regressive legislation.

For years, North Carolina has taken steps that encourage people to vote while maintaining the integrity of the system. Working people and businesses have been grateful for the expanded opportunities to vote early and on weekends which would now be severely restricted. Young people who have been excited about their first opportunity to participate in democracy have appreciated the ability to pre-register so that they are ready to vote at age 18. This law would stop that.

With frequent redistricting and our more mobile population, people sometimes show up at the wrong precinct on Election Day. This law would prevent them from casting a provisional ballot, making it much more difficult for them to vote. Name and address checks have been successful at preventing people from impersonating other voters rendering the voter ID requirement in this law unnecessary, expensive and burdensome.

These are just a few of the problems with this legislation and I am expressing to you my public policy objections and not legal opinions.

With a veto, you can encourage more people to be involved in the political process, stop this bad public policy and prevent the confusion and cost of a legal battle. Please call if you have any questions.

Very truly yours,

Roy Cooper

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