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

NORTH CAROLINA STATE CONFERENCE
OF THE NAACP,
et al.,

Plaintiffs,

vs.                                    Case No: 1:13-CV-658

PATRICK LLOYD MCCORRY, in his
official capacity as the
Governor of North Carolina,
et al.,

Defendants.

____________________________________________________________________

LEAGUE OF WOMEN VOTERS OF
NORTH CAROLINA, et al.,

Plaintiffs,

vs.                                    Case No: 1:13-CV-660

THE STATE OF NORTH CAROLINA,
et al.,

Defendants.

____________________________________________________________________

UNITED STATES OF AMERICA,

Plaintiff,

vs.                                    Case No: 1:13-CV-861

THE STATE OF NORTH CAROLINA,
et al.,

Defendants.

____________________________________________________________________

VIDEOTAPEDE DEPOSITION
OF
KELLY THOMAS

Thomas, Kelly 20150303
Q. Wow, that's amazing.

When you finished the 32 years at the -- well, with the Army, what did you do next?

A. I assumed the duties as commissioner of DMV.

Q. So that was the first job you took after you retired from the Army?

A. Yes.

Q. Now --

A. I had a more relaxed grooming standards than the Army did, so... You didn't ask me that. I thought I would tell you that.

Q. Well, you know, these are good things to know.

How long have you now been the commissioner at the North Carolina Department of Transportation?

A. I signed 1 October 2013. So, I don't know, 17 -- 16, 17 months.

Q. And what are your responsibilities as commissioner?

A. They hired me to be the lead change agent to fix DMV.

Q. And what does that mean, the lead change agent?

A. They wanted me to change DMV. As you can imagine, there's been several decades of
leadership and responsibility that made no changes in DMV, in fact have been resistant to change, and so the Governor and the Secretary asked me if I would assume the responsibility to change it. They didn't give me a left boundary. They didn't give me a right boundary. They said change it, primarily focused on improving the customer-facing portions of DMV, those touch points with customers, the 9 plus million in the state that we interface with daily.

And most of this Administration's opinion, DMV is the face of the state government. So as you can imagine, the week before I took this job, they also informed me I was going to be the tax collector for the state. Tax and Tags became a package that started about September of 2013. So now I'm not only the commissioner of Motor Vehicles but I also take all your personal property tax during the vehicle registration and give it to the state.

So, again, probably not a very popular position for a DMV employee or contractor; all the more reason why they asked me to change it.
Q. 27 days.

A. On 1 April. Today it's not done remotely.

There are some exceptions for military members carrying a North Carolina identification.

If I can remember how technically it works, they go to wherever they are and get an eye test and they mail us their eye test and we renew their license, but, by statute, that's the only exception today.

Like I said, on 1 April with online renewal, as long as a person was not suspended for DUI, had a current driver's license, had no change in medical or no change in eyesight, they'd be able to renew their license online for eight years. Their next renewal they would have to come in person to DMV.

Federally I can accept your identification, your photo, for 16 years. At the end of that I have to get a new photo.

Does that answer your question?

Q. Yes.

What is your role in developing the plans for the online renewal process?

A. Again, I'll answer it by saying I'm the lead change agent, okay, and here's -- here's why
that matters.

Last year at the Assembly I spent a lot of time encouraging the legislators to understand why we needed to get out of the dark ages when it came to vehicle services, customer services and DMV relations.

The State of Virginia, as much as I dislike their taxes, has been issuing online renewals for almost 15 years. The State of Virginia has been doing it for about eight years. The State of South Carolina is about to start.

So when I explained to them that when we went from a five-year to an eight-year renewal on a driver's license, we were going to begin to experience a surge of requirements in 2015. So we're going to go to about 1.4 million issuances.

If we didn't do something that gave a customer an opportunity to renew online, our customer wait time at the 114 brick-and-mortar and 22 mobile sites was going to get more protracted, we were going to have more waiting because customers will be waiting at a DMV site.
renewals?

A. It will be able to do renewals.

Q. Are there any kiosks in place right now?

A. No, ma'am.

Q. So when the kiosks are available, they will be able to do duplicate licenses and renewals?

A. Yes, ma'am.

Q. Another question on the topic of reform. Was one of the goals of DMV's reform effort to improve wait times at the DMV?

A. That is part of our reform, yes, ma'am.

Q. Why?

A. Because it was too long.

Q. And how would you describe too long?

A. Anything more than 20 minutes. Some people accept 30 minutes. I still make it 20 minutes, but...

Q. Do you remember what the wait times were?

A. What they were when?

Q. Before you came in to implement the changes.

A. I have no idea what they were before I got there.

Q. What about when you started in October?

A. When I started in October, they were still working through a pilot of offices to determine
mean, that's dealt with at the district supervisor and the senior examiner level.

Q. And how does the district supervisor learn of a wait time at a facility in their district?

A. They receive a call from the senior examiner.

Q. When is the senior examiner supposed to let a district supervisor know that a wait time is at a certain level?

A. I believe it's -- they're supposed to notify at 30 minutes. I'll have to go back and look what our internal memo is, but -- or ask Charlotte Boyd, but that's the guidance that I gave.

Q. Is that communication between the senior examiners and the district supervisor via e-mail or is it a phone call?

A. Ma'am, you have to ask the field services director. I'm not aware of how it's technically communicated.

Q. So Portia Manley would be better?

A. Portia or even Charlotte Boyd if they pick up the phone or they send an e-mail or two smoke signals. I'm not sure I understand -- I can answer your question on that.

Q. How often have you had meetings or discussions about wait times?
A. Well, ma'am, it's part of our strategy to change so we talk about it a lot.

Q. How often have you discussed meetings or wait times that are longer than an hour?

A. I haven't discussed any meetings or wait times longer than an hour.

Q. Let me rephrase the question. How often have you discussed in a meeting or just in general with other employees at DMV wait times at driver's license offices that are longer than an hour?

A. I have not discussed with anybody a wait time more than an hour.

Q. Have you had any discussions about wait times that are an hour?

A. No, ma'am, not that I can remember. Again, we discuss wait times. It doesn't matter if it's 31 minutes. We talk about wait times and service times. So I'm a little confused at your question what's the distinction between a wait time that I talk about and a wait time whether it's an hour. We discuss wait times whether they're 20 minutes or 30 minutes. So I don't understand why you would draw a distinction.
Q. Well, let me ask this question: What's the difference between a wait time and a service time?

A. Service time is the time I'm servicing you as a customer. Wait time is when I'm not servicing you.

Q. Okay.

A. And in our driver service offices, you may encounter more than one wait time as we're currently organized. Okay. That's why we're trying to change that.

I think you heard Deputy Commissioner Dishong talk about the top 25 and why they're the top 25 offices: Because they either had the top wait times or the top transaction times.

And did he discuss with you what is the central point of failure at each one of those locations?

Q. Well, could you tell me what the central point of failure is at each one of those locations?

A. If you only have one of something, that's probably your point of failure, right?
Q. Can you explain to me what you mean by that.
A. We have one camera. So I wait before I get seen by an examiner and then I only have one camera. I may have ten examiners but I've only got one camera.

Part of our change here is to put a camera at each station so technically you won't have two wait times when you come into a DMV site. You'll be wait time and then a service time and then you're out. That's what we're trying to change.

Q. Does DMV have a way to measure the time that an individual spends in an office from the moment they walk in the door to start a transaction till the time that transaction is complete?
A. Not all offices, no.

Q. Do you know which offices do?
A. We have a list of some 38 that's just been fielded with NEMO-Q, but I don't have that list.

Q. But there is a list that has -- what do you mean fielded with NEMO-Q? I'm sorry. Let me strike that.

What does fielded with NEMO-Q?
A. NEMO-Q is our replacement customer wait-time
different than the business dashboard, but it
would be at the customer level, yes.

Q. Now, is this dashboard also part of the phases
of the reform that we've been talking about or
just a completely separate process?

A. No. It's an internal DMV -- it's led currently
by My DMV portal, which is another project.

Remember we talked about Ms. Barbara Webb
having these programs. This is another one of
the programs. We're in Phase 1. My DMV portal
was fielded last year. And Phase 2 is almost
complete. I can't remember the exact date it's
going to roll out.

Q. Okay.

WHEREUPON, Plaintiffs' Exhibit 237 was
marked for identification.)

BY MS. GARRETT:

Q. Mr. Dishong -- I apologize.

Commissioner Thomas, I'm handing you
what has been marked as Exhibit 237 with the

Are you familiar with this document,
sir?

A. I have seen this document, yes, ma'am.

Q. Okay. Could you please turn to page 2 of this
A.  Okay.

Q.  Sir, is that your signature?

A.  It looks like it, yes, ma'am.

Q.  Okay.  And what is the purpose of this document?

A.  The purpose of the document is to maintain the situational awareness for the motoring public on what the current rules or laws are or processes by which to apply for an operator's license.

Q.  Does the DMV create a handbook like this every year?

A.  I think they do.

Q.  Do you know when this handbook -- if you turn back to the first page of Exhibit 237, it was printed out from the website.  It says the 2014 Driver Handbook.  Do you see that, sir?

A.  Yes, ma'am.

Q.  Do you know when in 2014 this was sent to DMV offices?

A.  I don't know, no, ma'am.

Q.  Okay.  Do you know when DMV plans to release a new handbook?
11:42 1 A. I do not.

11:42 2 Q. Who would know the answer to when DMV would release a new handbook?

11:42 4 A. Either Brian Smith, our communications lead, or Ms. Charlotte Webb -- I mean Charlotte Boyd.

11:43 6 I'm sorry.


11:43 9 A. Okay.

11:43 10 Q. I'd like to direct your attention to the heading Getting Your Original License.

11:43 12 A. Okay.

11:43 13 Q. Could you read that text before the shaded box just to be familiar with it.

11:43 15 A. "Driver license examiners," is that what you want me to read?

11:43 17 Q. The entire paragraph, sir. Just -- I just want you to familiarize yourself with it and have a chance to review it before I talk about it.

11:43 20 A. Okay.

11:44 21 Q. So first I would like to discuss hours. In this paragraph there's the sentence -- the second sentence states that most offices offer services from 8:00 a.m. until 5 o'clock p.m.

11:44 25 I'd like to discuss the larger cities
and towns that are referenced in the next sentence. They're open Monday through Friday and some on Saturday mornings. In these larger cities and towns, what is the latest time that any office would be open?

A. I don't know.

Q. Who would be the best person for that, to answer that question?

A. Ms. Charlotte Boyd.

Q. Boyd, okay. And I just have that same question for the Saturday morning hours. Do you know what the hours would be in those larger cities and towns?

A. The Saturday mornings are 8:00 to 12:00. And that's at 19 offices. Not all of them are every Saturday, but I think you know that.

Q. And the offices in smaller towns, there's a reference there in the next sentence they may only be open for certain days each week. Does this refer, sir, to the offices -- well, I'm sorry. What is the statement referring to?

A. I think it's referring to the offices in smaller towns.
Q. And how are those offices in smaller towns serviced, the brick-and-mortar offices or mobile units?
A. Yes.
Q. Both?
A. Could be.
Q. Okay. So there are some brick-and-mortar offices that are not open consistently Monday through Friday?
A. Correct.
Q. Do you know where they are?
A. Off the top of my head, Burgaw.
Q. Burgaw?
A. Yes.
Q. Is that the only one?
A. No, that's not the only one. That's just the one I've been to. It's not serviced Monday through Friday because the two ladies in Wallace rotate duties to go service it.
So I mean, again, part of the distributed placement strategy of where do customers come to get their DMV services and that's what we use.
Q. So the -- and this might actually be referencing something that I think was in a
11:47 1 offices that are not mobile units?
11:47 2 A. Absolutely, right.
11:47 3 Q. And then there are other -- would you classify
11:47 4 a mobile unit location as a part-time?
11:47 5 A. No, ma'am. It's a mobile unit.
11:47 6 Q. Okay. So are there mobile unit offices that
11:47 7 are not open every day of the week?
11:47 8 A. Mobile units only open certain days, that's
11:47 9 correct.
11:48 10 Q. So there are two types of offices that would
11:48 11 only be open certain days of the week,
11:48 12 part-time offices and mobile-unit offices?
11:48 13 A. I think that's a true statement.
11:48 14 Q. Okay. Thank you.
11:48 15 Are the majority of smaller towns
11:48 16 serviced by mobile units or part-time offices?
11:48 17 A. I can't answer the majority of what's serviced
11:48 18 by what. There's 22 mobile site stops. I
11:48 19 don't know if that constitutes a majority,
11:48 20 but -- and I can't even tell you what the 22
11:48 21 sites are today.
11:48 22 Q. And is that something else Ms. Boyd would be
11:48 23 able to tell us?
11:48 24 A. She would be able to tell you what they are.
11:48 25 It's also, again, in our my portal drop-down.
11:51 1 BY MS. GARRETT:

11:51 2 Q. Okay. Are you -- who would know if there --

11:51 3 A. Ms. Charlotte Boyd or the district supervisor

11:51 4 responsible for the mobile units.

11:51 5 Q. Okay.

11:51 6 A. And I'll just highlight again, this is the

11:51 7 reason our placement strategy work is so

11:51 8 important. We're at 22 sites today largely

11:51 9 because that's where we've been and largely

11:51 10 because there's a 220 power outlet that's

11:51 11 affixed to some telephone pole there so when we

11:51 12 drive up, we plug into it and we can run

11:51 13 business there.

11:51 14 That's not the way I want to continue

11:51 15 to do business. Customers have to wait

11:51 16 outside.

11:52 17 Q. When you say wait outside, you mean outside?

11:52 18 A. Outside the Winnebago. I don't have any

11:52 19 protection. I can't get them out of the

11:52 20 elements. I don't have a waiting area that

11:52 21 says stay warm in here and take your number.

11:52 22 So the mobile unit was good for what it

11:52 23 was designed for 8, 10 years ago. It's time to

11:52 24 move to the next phase of what a mobile unit

11:52 25 should be and here's the rest of it.
So I've got a lot of counties and cities that will volunteer office space about the size of this room, pick a county, pick a small county, that have offered to me if you bring driver services here, DMV here, we'll give you this office half a day a week, two days a month.

And basically we would drive up in a Suburban now with DMV in a suitcase or a foot locker and walk in and plug it in and start DMV services. So our customers aren't waiting outside in the elements. We are dependent on somebody's borrowed property, but I'm not paying for electricity. I'm paying for gas, but I'm not paying for electricity to keep this thing running. I'm not paying for heat. I have more flexibility in applying -- bringing DMV to our customers.

Q. Now, with that suitcase or foot locker option, is it just if someone offers a location or is DMV renting locations?

A. No -- both. We're looking -- so I go back to our placement strategy. If our placement strategy says, hey, you know, we really need two sites in Dare county, for example -- I
don't know that it does. Let's use it hypothetically.

I need two sites in Dare county or I need two sites in Washington county, we'll need to determine where in Washington county it should go best to fit the customers. Should it go to Plymouth? Maybe Plymouth isn't the right place to go to. Will the county commissioner there offer us space?

So, again, this is part of DMV business that I very much want to reform. Okay. I can't lift and shift a brick-and-mortar that the state built 20 years ago, nor am I apt to get out from underneath it by the State property office allowing me to leave it. This mobile unit gives me some flexibility to go where the customers may go -- may want us to be anyway and the county commissioners or the local populous will service -- we can service them there. So that's what we're trying to move towards.

Q. And when you say where the customers want the location, is that based on requests or communications from the customers?

A. It's going to be based on where they're
same database that we're going to use as our GIS mapping and placement strategy.

Q. Has the DMV ended any stop to mobile unit locations since you've been the commissioner?

A. I think we have. I remember last year we closed Red Springs and Plymouth that I recall, personally recall.

Q. And do you recall how you determined that those mobile unit locations should stop?

A. If you go back and look at those, they started out with brick and mortar 50 years ago and the issuance in those areas and the population of those areas didn't grow with that area. So there was a brick-and-mortar at both those particular Plymouth and Red Springs 50 years ago and over the years the number of issuances, the number of requirements to issue driver's licenses there went away and it continued to trickle down.

So several years ago the administration decided to put mobile units there instead and then the mobile unit issuance went further and further down. People weren't going there to get their issuances so they redirected -- we redirected.
unit would be used somewhere else, but I can't remember where we put it. It was -- and it wasn't somewhere else in Washington county either.

Q. So there are still mobile units in Washington county; do you know?

A. Ma'am, I don't think there are.

Q. Are there part-time offices in Washington county?

A. I think, but I'd have to go back and look at the map.

Q. When the DMV is making a decision to -- well, we'll just use the example of Red Springs and Plymouth because that's what you remember. When the DMV made the decision to end the stops to Red Springs and Plymouth, was there an opportunity for public comment?

A. Not that I'm aware of.

Q. During your time as commissioner, have mobile units had to alter their schedules because of mechanical problems?

A. They probably have. We've had a couple of issues.

Q. Do you remember any in particular?

A. We had one vehicle down for structural issues.
Q. Do you know how long it was down?
A. I do not.
Q. Do you remember about when that was?
A. No, ma'am.
Q. When -- let's just use this example. When there were structural issues to that particular DMV mobile unit, how did the DMV let the public know that the mobile unit was out of service?
A. I believe by practice we issue press releases for notification. Since we've done My DMV portal Phase 1, it's also published on the My DMV portal with the changes.
Q. And switching gears to the brick -- to the two brick-and-mortar offices that have been opened under your tenure, how did DMV determine where those brick-and-mortar driver licenses would be located?
A. I have no idea.
Q. Okay. Why don't we go off the record for a second.
THE VIDEOGRAPHER: Going off the record, the time is 12:01 p.m.
(Lunch recess.)
THE VIDEOGRAPHER: Back on the record,
rehearse the orders, and this was what I use or
this -- it may not have been this exact one,
ma'am, but it was this type of memorandum
document with this table that we used.
Q. And the details provided on Exhibit 218 were
there to help explain this not just to the
public but also to the examiners?
A. Yes, ma'am.
Q. And you mentioned earlier that you helped move
verification of Social Security numbers online
if someone gave their Social Security number?
A. Yes. So here's an example. So this particular
exhibit --
Q. 218.
A. -- 218, the senior examiners and district
supervisors came back with, well, what if they
had a medical -- you know, a med aid card or
what if they happened to have this other form
of identification that would help us get to a
confirmed identification, and so Ms. Webb and
the team developed an alternative documents
list that the examiners could use. And that's
not a public -- published list that I know of,
unless somebody's posted it online and I didn't
know about.
Q. In order to obtain a voter ID in the State of North Carolina, a voter must establish each of these six requirements?

MR. FARR: Objection.

THE WITNESS: I think it says you'll need to provide two forms of identification from documents Table 1.

BY MR. GLICK:

Q. Well, Commissioner Thomas, that is part of -- strike that.

A. You're asking about Lines 1 through 6, and I'm -- that's why I don't think I understand your question. The table includes the text above 1 through 6.

Q. Okay. So if we were to look at Table 4 and we look at the part in the gray at the top --

A. Yes, sir.

Q. -- and the six requirements beneath it, together that establishes the requirements in order to obtain a no-fee voter ID card in North Carolina?

A. That is my understanding, yes.

Q. And you agree that an individual who does not provide or does not meet one of the six requirements in Table 4 will not be issued a
no-fee voter ID card, correct?

MR. FARR: Objection.

THE WITNESS: This is a guide that we use. The other guide as demonstrated in I think this exhibit was 221.

BY MR. GLICK:

Q. We'll get to that.

MR. FARR: He can answer the question and refer to what he wants to.

MR. GLICK: Okay. Go ahead.

THE WITNESS: Again, to be perfectly answering your question, this other list of documents are alternative documents that we use to help us try to issue a no-fee voter ID.

Again, our -- nothing makes us more happy than for a customer to leave satisfied from DMV. And so to use a small example, if we can't service somebody at DMV, we're not happy.

BY MR. GLICK:

Q. I understand that, sir, and I appreciate your answer, but going back to my question: If a voter does not establish -- strike that.

If an individual does not establish one of the six requirements in Table 4, they are not able to obtain a no-fee voter ID in the
a no-fee voter ID card?

MR. FARR: Objection; form.

You can answer that if you can.

THE WITNESS: I believe I've answered this question. To obtain a no-fee voter ID, an applicant must meet Table 4 requirements and/or provide identity documents from the exception list to satisfy the requirements.

BY MR. GLICK:

Q. Let's talk about the exception list. And we'll turn to 221. The list that we've been referring to is titled Identity Documents Exception List. Do you see that?

A. Yes.

Q. And it says, "When the customer is unable to provide DMV with two identity documents from the current ID List (DL 123), the documents listed in the table below may serve as alternative documents."

"When alternative identity documents are used to assist you in verifying a customer's identity, you must make clear comments on the customer's record."

Do you see that?

A. I do see it.
Q. Commissioner Thomas, just to be clear, Exhibit 221 is addressed to driver services field and support staff, correct?
A. Yes, it is.
Q. And Exhibit 221 is a memorandum from Barbara Webb to drivers services field and support staff, correct?
A. Correct.
Q. Exhibit 221 is not made publicly available, correct?
A. Not that I know of, no.
Q. Exhibit 221 does not appear on the North Carolina DMV website, correct?
A. I have not seen it posted, no.
Q. And Exhibit 221 does not appear on the North Carolina Department of Transportation website, does it?
A. I haven't researched it.
Q. As far as you know, Exhibit 221 --
A. I have not seen it, no.
Q. And focusing on the alternative documents list at the back of Exhibit 221, the Identity Documents Exceptions List, you're not aware of that document being published on the North Carolina Department of Motor Vehicle's
Q. And you're not aware of the Identity Documents Exception List being published on the North Carolina Department of Transportation website, are you?
A. I'm not aware of it.
Q. Are you aware of the Identity Documents Exception List being published on the State Board of Elections website?
A. No, sir.
Q. Are you aware of any press release making the public aware of the Identity Documents Exception List?
A. No, sir.
Q. If we look back at Table 4, the last sentence says, "You will be provided" -- sorry. Strike that.
The last three sentences reads, in the gray section, "You will be provided a receipt for your ID card upon request. Your receipt cannot be used for voting purposes. Your ID card will be mailed to you."
A. Okay. I do see it.
Q. Now, Commissioner Thomas, does the receipt that you receive have a photograph on it?
A. Currently the receipt does not.

Q. Who made the decision that the receipt does not have a photograph on it?
A. I don't have a clue.

Q. And it says --
A. But I can also tell you that the new receipt will.

Q. Are you aware of whether the new receipt will be -- strike that.

Q. Are you aware of whether -- well,
A. strike that.

It says here your receipt cannot be used for voting purposes, correct?
A. It cannot be used for identification.

Q. I'm looking at --
A. I know it goes further on to say because it can't be used for identification, it therefore cannot be used for voting purposes.

Q. So you agree the receipt cannot be used for voting purposes?
A. That's correct.

Q. Who made the determination that the receipt could not be used for voting purposes?
A. The same statute that decided that the receipt could not be used for identification. All the more reason why I want the receipt to eventually have a photo ID on it, and I would hope that the legislators would see this new receipt with a photo ID as an alternate forms of identification that could be used for voting.

Q. But at present, your understanding of the law is that it does not require a receipt to be used for voting purposes?

A. Current law states that the TDC is not for identification purposes.

Q. I'm sorry. TDC?

A. Temporary driving certificate is not authorized for identification purposes.

Q. Nor is a receipt for a no-fee voter ID card, correct?

A. Correct.

Q. Now, if we look back -- and I apologize for mixing around here. I believe it's 246 was the website I marked as the first exhibit when I started my examination.


BY MR. GLICK:

Q. If we look at the bottom of this section of page 2 regarding the no-fee voter ID card, it contains a similar disclaimer regarding the receipt. Do you see that?

A. Yes, sir.

Q. And it says, "All ID cards, including driver's licenses, are mailed to customers, which may take up to 10 days."

Do you see that?

A. Yes.

Q. Can I ask why does it take up to 10 days?

A. Part of that is transit time in the mail. The other part of that is the back-end assessment that the documents submitted are true-person identity, and so we're trying to verify the identify back end before we issue you a license or identification.

Q. So let me ask you, Commissioner Thomas, if a registered voter, somebody's already registered to vote in North Carolina, were to go into the DMV office on the Saturday before general election -- the election is on Tuesday, this is three days -- Saturday before -- to obtain a no-fee voter ID card, the voter would not
receive the card until after election day, correct?

MR. FARR: Objection.

MR. GLICK: You may answer.

THE WITNESS: I don't know when they'll receive it or she'll receive it. All the more reason why I want to issue a temporary receipt with identification -- with a photo ID on it that could be accepted.

I mean, that -- what we're trying to get after. I don't want to prevent anybody from not being able to go to the voter polls because they don't have a voter ID or identification to vote with.

BY MR. GLICK:

Q. I understand your aspirations, the aspirations of your department. I'm asking right now today --

A. Yeah, but today there's not a general election that I'm pressed up against that this has an impact on.

Q. Well, you described just before some back-end requirements and some mail requirements.

A. Correct.

Q. So let's make it a little bit -- Saturday maybe
three days. What if I realize in the Sunday before the election I don't have proper ID and I go in on Monday. If I go in on Monday, I meet the six requirements in Table 4, will I receive my no-fee voter ID card in time to vote in Tuesday's election?

MR. FARR: Objection to the form. You can answer.

THE WITNESS: No. You know what you have, if you wait until the last minute, you have a minute. I mean, I would think that by applying this no-fee voter ID and all the requirements on the 1st of January 2014 and all the effort that we're trying to make so that we provide everybody the opportunity to get that, what am I inhibiting or prohibiting as the commissioner of Motor Vehicles.

MR. GLICK: I'm going to move to strike everything after "no" as nonresponsive.

BY MR. GLICK:

Q. I am going to --

A. I guess I touched a nerve.

Q. I don't know that you touched a nerve. I asked you a question regarding when the ID would arrive and you answered it.
MR. FARR: We'll let the judge decide whether that should be stricken, which I doubt that he will.

THE WITNESS: Thank you, sir.

(WHEREUPON, Plaintiffs' Exhibit 244 was marked for identification.)

BY MR. GLICK:

Q. I am going to hand you what I've marked as Exhibit 244.

MR. EPPSTEINER: I'm sorry. What exhibit are we on?

MR. GLICK: Exhibit 244.

Q. Commissioner Thomas, Exhibit 244 is a press release. At the top it contains the names of the North Carolina State Board of -- names and logos, rather, of the North Carolina State Board of Elections and the North Carolina department -- Division of Motor Vehicles and it's dated January 1st, 2014. Do you see that?

A. I do see it.

Q. I want to focus on the fourth paragraph that states "Applicants will need to present documents that verify their age and identity." Applicants will also need to provide a valid
Social Security number."

Do you see that?

A. Yes.

Q. And then it says, "NCDMV has posted the requirements and documents acceptable for the Voter ID card on its website."

Do you see that?

A. Yes.

Q. And you would agree that the document that is Exhibit 218, DL-231, is posted on the North Carolina DMV website, correct?

A. Correct.

Q. Now, this press release doesn't refer to the alternative list of documents in Exhibit 221, does it?

A. No, sir.

Q. And you're not aware of any other press release ever issued by the Board of Elections or the Department of Motor Vehicles that refers to that alternative document list, correct?

A. Not that I know of.

Q. I want to turn to a document -- sorry -- turn to a document that I'll mark as Exhibit 245.

(WHEREUPON, Plaintiffs' Exhibit 245 was marked for identification.)
Q. And I'll have that for eight years?
A. Correct.
Q. Until March 3rd of 2023?
A. Provided you're not 65.
Q. Does the Department of Motor Vehicles conduct any training related to the detection of fake IDs?
A. They do. We also teach it nationally at AMMVA. In fact, this past year the license and theft bureau went to the regional convention and taught it there.
Q. Who receives the training related to fake IDs in North Carolina?
A. All examiners and all license and theft persons. We've been asked to instruct it -- the State Highway Patrol. In our rollout of this new identification will teach the State Highway Patrol and other law enforcement agencies what the new identification looks like.
Q. Does the Department of Motor Vehicles plan to conduct any training for poll workers or election officials to detect fake IDs?
A. I haven't been asked, but I'm sure we could consider it.
03:02  1 Q. But you haven't been asked right now?

03:02  2 A. No, sir.

03:02  3 Q. There's no current plan to conduct any such

03:02  4 training?

03:02  5 A. I haven't been asked to conduct any plan.

03:02  6 Q. So there's no current plan to conduct any such

03:02  7 training?

03:02  8 A. We have not been asked to prepare a plan to

03:02  9 conduct any such training.

03:02 10 Q. Well, that's a little bit different than

03:03 11 whether or not there is a plan in place to

03:03 12 conduct such training. So if you can answer my

03:03 13 question.

03:03 14 Is there a plan in place to conduct

03:03 15 training by the Department of Motor Vehicles of

03:03 16 poll workers or election officials to detect

03:03 17 fake identifications?

03:03 18 A. I know of no such training.

03:03 19 Q. I wanted to talk a little bit about the mobile

03:03 20 sites that you referenced earlier. Well, let

03:03 21 me start.

03:03 22 My first question is: Are they mobile

03:03 23 sites or mobile units?

03:03 24 A. The vehicle is a mobile unit. The location of

03:03 25 stop is a mobile site.
Q. Do all the mobile units have the capability to distribute no-fee voter IDs?
A. Yes.

Q. Do all of the mobile units have the same capabilities of a brick-and-mortar location?
A. No. They don't have a waiting room.

Q. What is the waiting room for a mobile location?
A. Whatever the customer -- wherever the customer is standing outside the mobile unit.

Q. Does the Department of Motor Vehicles post the hours of mobile locations on its website?
A. I think we post it by county location. I don't think we have a consolidated list of the mobile sites, no. I think it's listed by county location.

Q. And it's listed on the DMV website?
A. Yes.

Q. Are the locations of mobile units advertised anywhere else that you're aware of?
A. We do have a public release. I don't know how often it is. And we also issue a public release if we have to modify the mobile unit schedule. An example of that was last week during the snow fall we had to modify the mobile unit because they could not operate in
return to the same location each time? That may be a little sloppy. Let me strike that.

If you advertise that a mobile unit will be in a particular county, will it return to the same location in that county each time it goes to that mobile location?

A. Yes, because it's tied to a 220 outlet that's built into that site for it to use power from.

Q. And customers waiting to use the mobile unit have to wait outside in the elements to use that mobile unit?

A. Or in their cars.

Q. If they're waiting in their car, how are they told when it's their turn in line?

A. I don't know.

Q. Does the department keep statistics on how many citizens or what proportion of citizens within the state are within a certain distance of a mobile unit or brick-and-mortar location?

A. I discussed a little bit earlier this GIS mapping that we're working with will highlight the number of citizens within that area or that location, and when you overlay the mobile unit or the brick-and-mortar site, it will highlight, one, proximity, but, two, when you...
Fair for the full 10 or 11 days that the State Fair is operational.

Q. Aside from the events, the specific events that you laid out such as NASCAR races or Azalea Festival, is there a -- is there a mobile location within the state that has recurring as in weekly Saturday coverage?

A. Not that I know of today.

Q. And when you gave your stat a minute or two ago of 89 to 90 percent of individuals being within 20 minutes of a brick-and-mortar or mobile location, that was -- could be just one day a week, correct?

A. Could be.

Q. Have you been involved in any efforts as the commissioner of the Department of Motor Vehicles to obtain additional funding for mobile units?

A. I have.

Q. Have those units been as successful as you'd like?

A. We're not on the road with them yet, but we did receive some funding last assembly to help with the technologies of it, and I currently have a request up through DOT asking for some lap
Q. Okay. But earlier today you referred to discussions with SBOE to extend hours for no-fee voter ID purposes. Do you recall that?

A. I did.

Q. And --

A. I do.

Q. Okay. You recall that?

A. I do.

Q. Now, was that discussion separate and apart from the extended hours that you believe DMV is providing now?

A. Yes.

Q. So my question is: Has DMV provided those additional hours specific to the no-fee voter ID program?

A. DMV is prepared to extend hours, if required, based on SBOE's requirement to issue of no-fee voter IDs.

Q. Okay. You are prepared to do so but you have not done so yet, correct, sir?

A. I am prepared to listen to SBOE's request for extended hours.

Q. My question is not about prepared to listen.

My question is: Has DMV extended hours
specifically for the no-fee voter ID program?

A. Above what we currently provide, no.

Q. Okay.

A. Am I making this hard?

MR. FARR: You're doing fine.

BY MR. GLICK:

Q. You referred earlier to an online renewal program. You recall that?

A. Okay.

Q. And when you were talking about the online services, just to be clear, you can only renew a license online today, correct? You can't obtain a new one?

A. You can't -- you can't renew your license online today.

Q. Okay. When do you intend to roll out online renewal?

A. You can renew your license online renewal on 1 April.

Q. April 1st, 2015?

A. Correct.

Q. And that's, again, only for renewal, not for obtaining a new license, correct?

A. Correct.

Q. And you can't obtain a no-fee voter ID card
regarding the woman Alice Rogers. Do you have that exhibit in front of you, 241?

A. Okay.

Q. In the e-mail that you wrote on the top of the page where it says "Will ask DS to confirm,"

what does DS mean?

A. District supervisor.

Q. Do you recall whether you asked a district supervisor what happened to Ms. Rogers?

A. I'm sure I forwarded it to -- I did. When I cc'd Portia Manley, that was a directorate that would have asked the district supervisor.

Q. So by this e-mail, this e-mail is asking Portia Manley to follow up regarding Alice Rogers?

A. Correct.

Q. So Portia Manley would be the person to ask about whether this request was followed up on and what the result of that follow-up was?

A. Yeah, unless she called me. I don't remember getting a follow-up on it.

Q. Okay. So to your knowledge, you don't recall anything else post this e-mail, correct?

A. I don't recall, no.

Q. Commissioner Thomas, I know you were asked some questions about Exhibit 218 and Exhibit 221.
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03:40 1 Do you have those documents in front of you?
03:40 2 A. Yes.
03:40 3 Q. And I'll try to be brief with these questions.
03:40 4 I'm just trying to understand clearly what your
03:40 5 answers are.
03:40 6 Is your testimony that the requirements
03:40 7 to obtain a voter ID for voting are contained
03:40 8 within the entire text of the gray box on
03:40 9 Table 4 in addition to Numbers 1 through 6 on
03:40 10 Table 4 in addition to the documents listed on
03:40 11 the back of Exhibit 221?
03:40 12 A. Yes.
03:40 13 Q. And I believe you testified that the additional
03:40 14 documents that are located on the back of
03:41 15 Exhibit 221, the availability of those
03:41 16 documents is inferred in Table 4; is that
03:41 17 correct?
03:41 18 A. Yeah.
03:41 19 In Table 4 -- I know it wasn't a
03:41 20 question, but can I answer?
03:41 21 Q. Sure.
03:41 22 A. DMV will review documents that you have in your
03:41 23 possession. Again, that's clearly reference to
03:41 24 meet my intent. I want to take whatever
03:41 25 document I can take. So instead of having a
limited list of authorized documents, the alternative document list is an example of those items that we believe the examiners could be looking for, should be looking for, but technically, if you show up with documents, that's what I want the examiners to do. I want the public to bring what they've got so we can help formulate the identification for a no-fee voter ID.

Q. And how would a voter know what those additional documents are?

A. How would they know besides what's listed on the 231?

Q. Yes, sir.

A. If they happen to speak to somebody on the phone and ask the examiner what other documents, the examiner should rattle off some of the list that's on the alternate list forms as an example.

Q. But you previously testified that this -- the particular document, Exhibit 221, to your knowledge is not a public document, correct?

A. No, that's correct.

Q. And counsel for the NAACP asked you some questions about where this document wasn't on
Q. Do you know how many employees of the DMV are employed with the North Carolina driver's license offices?

A. There's 500 or so, 550 driver examiners.

Q. So there's 500 to 550 examiners. Does that include the -- for example, the senior examiners and the district supervisors?

A. Yes.

Q. Okay.

A. Does not include the administrative clerk that may be at the driver's license office.

Q. So how many employees -- if there's 500 to 550 driver's license office examiners at all of the driver's license offices, how many would you estimate to be the total number of North Carolina employees that are there in addition to those administrative staff that you said?

A. Depends on if there's a hearing officer in the office. Depends if there's license and theft in the same building.

Q. I guess what I was asking for was the total. I didn't know if you -- you said 500 to 550 driver's license examiners. I didn't know if
Q. Is the NEMO-Q technology in any of the mobile units?
A. No.

Q. Are there plans for it to be incorporated into the mobile units?
A. Not that I'm aware of.

Q. You previously testified about some previous complaints to the DMV that you called Draconian. Do you know the time period for those particular complaints that you're referring to?
A. This -- as I came into the job, people told me that we are Draconian in the method by which we treat our customers. Let me give you an example.

November, December of 2014 we did an external customer survey. We did it at two levels: Customers across the state and our partners in our business. Survey came back in January and described DMV as popular with the customers just barely above the IRS. Okay. We were hoping they saw us as the Dwarf House in Chick-fil-A, but that's not how they see us. In their description of how DMV deals with customers, the word Draconian, the word
unhappy, the word unpleasant, the word disrespectful was used to describe of how DMV treats our customers. Okay. So that was the first survey that we apparently have done in a long time looking at ourselves and our partners looking at us.

So the top three things that came out of the survey that the State of North Carolina, the customers wanted, they wanted a customer friendly service. We call it first class customer service. They wanted no wait time and they wanted easier explanation or understanding of how DMV operates. Those are the three things they want.

So the first thing I could tackle was ask North Carolina DMV when was the last time you got customer service training, and I found out we had never done customer service training. So the 700 contract employees that do license plate agencies who are the face of state government have had no customer service training. Our examiners who deal with customers daily and issuance of license had no training. So we partnered with Wake Community
Q. Has there been a follow-up survey to see what customers now think of the waiting times at the DMV offices?

A. That's why I'm saying our whole survey follow-up is going to be this November. I mean, I would like to think that -- as an Army general, I used to be able to make things happen pretty quickly.

As a commissioner of the Division of Motor Vehicles, it takes me a little bit longer to get things executed.

So as much as I want to say make this happen immediately, in order to change the culture of DMV and how we deal with our customers, it's taken a little time. So if we did a survey 20 days after you completed the training, I'm not sure that we've got the full benefit yet of the training.

So, again, this past December we finished 1800. We now do a makeup. So those employees who may have missed it over the last year because they were out for leave or even new hires who hadn't been on our rolls do the makeup training, and it's level 101.

Again, George, I don't know how to
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NORTH CAROLINA STATE CONFERENCE
OF THE NAACP, EMMANUEL BAPTIST
CHURCH, BETHEL A. BAPTIST
CHURCH, COVENANT PRESBYTERIAN
CHURCH, BARBEE'S CHAPEL
MISSIONARY BAPTIST CHURCH, INC.,
ROSANELL EATON, ARMENTA EATON,
CAROLYN COLEMAN, JOCELYN
FERGUSON-KELLY, FAITH JACKSON,
MARY PERRY and MARIA TERESA
UNGEL PALMER,
Plaintiffs,

vs.

PATRICK LLOYD MCCORY, in his
official capacity as the
Governor of North Carolina, KIM
WESTBROOK STRACH, in her
official capacity as Executive
Director of the North Carolina
State Board of Elections, JOSHUA
B. HOWARD, in his official
capacity as Chairman of the
North Carolina State Board of
Elections, RHONDA K. AMOROSO, in
her official capacity as
Secretary of the North Carolina
State Board of Elections, JOSHUA
D. MALCOLM, in his official
capacity as a member of the
North Carolina State Board of
Elections, PAUL J. FOLEY, in his
official capacity as a member of
the North Carolina State Board
of Elections and MAJA KRICKER,
in her official capacity as a
member of the North Carolina
State Board of Elections,

Defendants.

Case No: 1:13-CV-658

Thomas, Kelly 20160113
have another program called MILES, which is your state vehicle inspection system. And basically, then, the last session is the Medical Review Program.

So of these five major programs, the modernization of each one of those is in the program director's job title to help oversee, synchronize and integrate.

Notice that she's not the IT expert. We have a complete group that does just IT. She's the one that, as a business manager, helps synchronize all those functions.

Q. So do you understand that you've been designated to testify on behalf of the Division of Motor Vehicles today?

A. Yes, ma'am.

Q. Okay. And you are obviously currently employed by the Department of Transportation, correct?

A. Yes, ma'am.

Q. How long have you worked at DOT?

A. I arrived the 1st of October 2013. A little over two years now.

Q. What is your current position at DOT?

A. I'm the Commissioner of Motor Vehicles. I was hired to be the lead change agent to change DMV
across the state. So they hired me to put in place customer service initiatives, change the bureaucracy of which DMV had been accustomed to -- or the citizens of North Carolina believe that the DMV was a bureaucratic process in policy and eliminate those things, and that's what they brought me here to do.

Q. Okay. And in October 2013, when you took the position Commissioner of Motor Vehicles, was that your first position at DOT?

A. Yes, ma'am. I retired from the Army as a brigadier general on 30th of September, and so 1 October was my first opportunity to become a civilian and again become a servant of the state and that's what I wanted to do.

Q. So I am going to ask you a few more questions about your role at DMV. And I apologize, I may ask you some questions that you covered with Ms. Garrett last year. I just want to make sure we get any changes or updates clear between us.

So what are your responsibilities as Commissioner of Motor Vehicles?

A. I oversee the issuance of identification, vehicle registration, recovery of theft
property across the state. Again, it's 256 locations, touch point brick-and-mortar locations across the state that we provide DMV services.
The DMV services are as much as driver license or identification issuance to vehicle registration, titling of vehicle properties, recovery of lost or stolen vehicles, registration of those vehicles if they're custom or antique vehicles.
I have hearing officers across the state that will hear citizens who had a loss or break in insurance liability that need a reinstatement or had a DWI and now it's time to be reinstated or they drive with ignition interlock for their re-issuance. All of those are functions that are within my responsibility within the Division of Motor Vehicles.
I spend a lot of time, again, reviewing the general statute which governs my responsibilities and how they can be streamlined and improved.
So again, I hope that helps understand a little bit -- I also -- the day I assumed the duties I was informed I'm also the state tax
collector because we had combined tax and tags together. That started the month before I became the commissioner.

Q. Okay. Is there any other areas generally that you would say fall within your responsibility that you haven't just listed?

A. There's several different, you know, aspects of REAL ID compliance is a federal mandate. CDL compliance is a federal mandate that takes me outside of the North Carolina general statute that I'm also responsible for.

Q. You said a minute ago that when you were hired in October of 2013 you were hired to be the lead change agent. Do you remember that?

A. Yes, ma'am.

Q. What was it that needed to be changed about DMV when you were hired in 2013?

A. The biggest thing was whether DMV interfaced with the citizens of North Carolina was favorable or not. The opinion of a customer voice survey that we conducted in December of 2013 highlighted that the citizens thought of DMV in their -- as far as favorable response, we were placed just above the IRS whether the citizens liked us, and our goal was to be more
like Amazon or Chick-fil-A that had a very favorable customer response. And so that's been my goal. Thankfully the secretary nor the governor told me my left limit was don't change license plate agencies or don't change the general statute. They have not given me a limit. They told me to change all of it. And so with that as the guidance and their support, that's what we've been able do. And if we have opportunity during the questioning, I'll be glad to describe many of those initiatives that are on way now, that are in flight now that we've been able to accomplish.

Q. I was just going to say can you tell me about some of the things you've done to try to change -- make changes that you think are responsive to the needs that you identified.

A. Today we have 21-extended-hour services offices across the state. A year ago that number was 19 that provided extended hours. Extended hours, as you can imagine, help the citizens gain access to DMV either outside their normal workday schedules or half a day on Saturday.
(WHEREUPON, Plaintiffs' Exhibit 729 was marked for identification.)

BY MS. RYAN:

Q. Commissioner Thomas, are you familiar with this document that has been marked as Exhibit 729?

A. Yes, ma'am.

Q. What is it?

A. It's a North Carolina Driver's Handbook.

Q. Okay. Would you please turn to Page 2. I think you've gone past it. It's double-sided, the document. I apologize.

A. Okay.

Q. So on Page 2 of Exhibit 729, is that your signature there?

A. Yes, ma'am.

Q. Did you approve this document before it was published?

A. Yes, ma'am.

Q. What is the purpose of the North Carolina Driver's Handbook?

A. I understand its purpose is to help inform the citizens have access to DMV and those things that they need to do to obtain our services.

Q. If you flip to the back of the document,
Exhibit 729, in about the middle of the page, it says that it was revised in October 2015. Do you see that?
A. Yes, ma'am.
Q. What prompted DMV to revise the handbook?
A. It's my understanding it's revised annually.
Q. Do you know what changes were made to the prior version of the handbook?
A. In general, we had fee changes that would be applicable to this handbook. We had online driver's license renewal capabilities that would have changed in this handbook.
Q. Do you know any other revisions that were made?
A. Ma'am, I don't recall the markup between the last version and this version, no.
Q. Okay. So Exhibit 729, I printed this off the DMV website on January 10th. Am I correct that this is the most current version of the DMV handbook?
A. As far as I know, yes, ma'am.
Q. Do you know when DMV plans to revise it again?
A. I think it will be in 2016.
Q. Okay. So as far as you know, are there any active plans? Are you in the process of revising it right now?
A. Yes, ma'am.

Q. So talking about the website generally, is it a source of accurate information for customers or potential customers of the DMV?

A. That is the intent of it, yes, ma'am.

Q. What does DMV do to ensure that the information that you post on the website is current and accurate?

A. We post the most current and accurate documents to it.

Q. Okay. So is it routinely updated?

A. If there are updates, it is routinely updated.

Q. Is there a person or a team of people who are responsible for managing the website?

A. Yes, ma'am. The website's managed by DOT communications.

Q. And with respect to information pertaining to DMV services, who contributes content to the website?

A. If I understand your question, all the responsible directorates inside DMV would be responsible for updating that content.

Q. I'm going to introduce another exhibit, although I will probably come back to 729.

(HEREUPON, Plaintiffs' Exhibit 730 was
BY MS. RYAN:

Q. So, Commissioner Thomas, looking at Exhibit 730, does it appear to be a printout from the North Carolina DOT website?

A. That's what it appears to me, yes, ma'am.

Q. And if I were to represent to you that this is a printout that I made on January 11th, would you have any reason to disagree with that just looking at it?

A. I have no reason to disagree.

Q. If you'll turn to Page 3 of Exhibit 730, see there's a table toward the top of the page? Do you see that?

A. Okay.

Q. Does this table list the current fees that DMV charges for driver's licenses and permits?

A. As effective 1 January, yes, it does.

Q. And that's January 1, 2016?

A. Yes, ma'am.

Q. These fees are charged for new issuances; is that correct?

A. They're charged for new issuances and renewals.

Q. Okay. I'm going to come back to that.

And then let me first show you one more
WHEREUPON, Plaintiffs' Exhibit 731 was marked for identification.)

BY MS. RYAN:

Q. Commissioner Thomas, does this appear to be a printout from the North Carolina DOT website?

A. I believe so, yes.

Q. If you'll look under Step 1 of Exhibit 731, do you see that?

A. Yes, ma'am.

Q. I think in the second sentence there it says: "To apply, you must appear in person at one of the state's driver license offices and take the required tests."

Do you see that?

A. Yes, I do.

Q. And that's referring to apply for a driver's license; is that correct?

A. Correct.

Q. And is that a correct statement?

A. Yes, ma'am.

Q. And to apply -- so I understand in addition to issuing driver's licenses, the DMV issues state identification cards as well; is that right?
number?
A. Correct.
Q. They must be registered to vote or register to
vote at the time; is that right?
A. Correct.
Q. They must sign a declaration stating that they
don't already have some other acceptable form
of ID for voting; is that right?
A. Correct.
Q. And is there any other requirement for an
individual applying for a no-fee voter ID?
A. Not that I'm aware of.
(WHEREUPON, Plaintiffs' Exhibit 732 was
marked for identification.)
BY MS. RYAN:
Q. Commissioner Thomas, I've handed you what's
been marked Exhibit 732. Do you have that in
front of you?
A. Yes, ma'am.
Q. Does Exhibit 732 appear to be a printout from
the DOT website?
A. Yes, it does.
Q. If I represent to you this is a printout that I
made on January 11th relating to voter IDs,
would you have any reason to dispute that
characterization?

A. No, ma'am.

Q. If you would take a minute to just review the paragraphs that are on Page 2 to 3 under the heading Requirements and Documents to Obtain a No-Fee Voter ID Card.

A. Okay.

Q. These paragraphs that you just reviewed in Exhibit 732, are they an accurate description of the requirements for obtaining a no-fee voter ID card?

A. I believe they are. I would have to compare it against the verbiage that's used in the DL-231, May 2015 document.

Q. So let's see if we can get to that a little bit. So if you'll look at -- let's see. Under the category on Page 2 where it says Proof of Age and Identity, do you see that?

A. Yes, ma'am.

Q. The website says that applicants must provide two documents from this category that provide your full name and date of birth; is that correct?

A. I believe it is correct. Yes, ma'am.

Q. And then at the end of that paragraph under
Proof of Age and Identity, the website says:

"Documents that you may present as proof of age and identity, provided they include your full name (including your middle name) are listed in Table 1."

Is it your understanding that reference to Table 1 is referring to Table 1 of the Required Documents list?

A. Yes, ma'am.

Q. And we have Exhibit 218 as the November 2014 version of the Required Documents list; is that right?

A. Correct.

Q. And there's a link right under that paragraph that's titled Acceptable Documents. Do you know what document is linked there?


Q. And I think you said that was posted yesterday, which was January 12th.

Is it your understanding that as of -- up until January 11th, it was the November 2014 version of DL-231 that was available at that link?

A. Yes.

Q. So still on the website, Exhibit 732, under
Q. Okay. Let's look first at Exhibit 735. Do you have that in front of you?
A. Yes, ma'am.
Q. Do you know what this is?
A. I don't know what this one is.
Q. Okay. And let me just say something. I don't want to confuse you. This is just the first two pages of a much longer document. I didn't have the ability to print the whole thing.
A. Is this the document list of all issued credentials since January --
Q. So that's what I was going to ask you. Have you seen this before, understanding that this is just the first two pages of a longer --
A. If this is the first of about an inch thick documents, yes.
MR. FARR: Can we take a break and see if I can find a copy and we can mark the actual document.
MS. RYAN: Sure. Let's take a break.
(Brief Recess: 12:41 to 12:43 p.m.)

BY MS. RYAN:
Q. So, Commissioner Thomas, you now have in front of you Exhibit 735, the complete printout. Can
you please tell me what this is.

A. I believe this was at the request of the deposition was a list of all the voter IDs that have been issued and to whom. There was a couple other data points it asked for.

Q. So does this list include all voter IDs issued since January 2014?

A. Yes, ma'am.

Q. And until when?

A. I don't know when they ran this report. It may have been Monday. It may have been last Friday. I'm not sure what date of this report exactly.

Q. Is it fair to say it was sometime within the last week?

A. Oh, yes, ma'am. Yes, ma'am.

Q. So you have seen this Exhibit 735, this document, before?

A. Yes.

Q. I'm going to ask you a few questions about the headers so to be sure that I understand what they mean.

The first column says CUST ID. What does that refer to?

A. It's a customer's identification number.
Q. In the SADLS database?
A. In the North Carolina database, yes, ma'am.
Q. And that's the database that's used for driver license issuances, among other things?
A. And all identification, yes, ma'am. It also generates a number -- and I know this is off -- way off base, but if you get a speeding ticket in the State of North Carolina and you're licensed in another state, we enter a North Carolina identification number based on that ticket. So you may enter -- you may get into North Carolina's database for a violation in this state.
Q. I see. So you could have a customer number even if you don't have an issuance?
A. Yes, ma'am, you could.
Q. The second column is Sex. Is that the sex of the customer?
A. Yes, ma'am.
Q. The third column is Race. Is that the race of the customer?
A. Yes, ma'am.
Q. And what does "B" stand for?
A. Black, I believe.
Q. Do you know what "I" stands for?
A. I don't. I should know, but I don't know.

Q. Do you know what "W" stands for?

A. White.

Q. The fourth column is titled Form ID. Do you know what that refers to?

A. I'm not sure I have all the abbreviated codes or listings in there, but this is for a voter ID.

Q. Does this column record the type of document that the customer presented?

A. Yes, ma'am.

Q. And is it the type of document they presented to prove their identity?

A. Yes, ma'am.

Q. Do you know whether these abbreviations that are used in this column, have they changed in the last year?

A. Ma'am, I don't know. I don't think so.

Q. Let's move on to the next column, the fifth column over. It's titled Residency. What's captured in that column?

A. How they establish their residency.

Q. So this column would capture what the document that the customer provided to prove their identity?
Q. Excuse me. I'm sorry. I misspoke. To prove their residency.

A. Yes, ma'am. What document did we accept from the citizen identifying their residency.

Q. Okay. And the final column Station ID, what is that?

A. 114 sites across the state have an ID identifying them by the site. I can't tell you that Site Number 105 is Lumberton. I'm not familiar enough with all the site numbers to tell you where they are, but that's where this originated from.

Q. Have any IDs been issued from mobile units?

A. I'm sure they have. I don't know their station ID number either, ma'am.

Q. Okay. But they do have a station ID?

A. Yes, ma'am.

Q. So it's possible that one of the station IDs on this list refers to a mobile unit?

A. Oh, yes.

Q. But you don't know which one or ones?

A. Ma'am, I don't know the numbers.

Q. Okay. Let's turn to Exhibit 736 which says at the top DCR 1095 Report B - Application Only
Voter ID Cards.

Do you have that in front of you?

A. Yes, ma'am.

Q. What is Exhibit 736?

A. This is another report that was run within the past week for those citizens that started the process with us but were unable to complete it for a voter identification.

Q. Okay. This list on Exhibit 736, am I right that it reflects applications that were saved in the SADLS system?

A. Yes, ma'am.

Q. So it would not include, for example, an individual who came in and inquired about a voter ID but the examiner didn't initiate an application; is that correct?

A. I don't know, ma'am. If they started the process, that's this report that you see here on Exhibit 736. Exhibit 736 a month ago may have been 34 people, but today it's 30 because those other four people are now on the issued list.

So this is a snapshot in time of as of today, we have this number of applicants that have not completed the transaction.
have except for this question about the
training materials. So why don't we take a
break and see if we can get copies of them.

THE WITNESS: 737 is one of them. I'm
convinced it is, but let's just verify.

MR. FARR: Okay.

(Lunch Recess: 1:23 to 2:40.)

MS. RYAN: Commissioner Thomas, I don't
have any further questions for you at this
time. I'm going to pass -- pass it off to my
colleague, Ms. Lieberman.

I think what I'll do, though, is
introduce this exhibit since she's not here to
do that.

(WHEREUPON, Plaintiffs' Exhibit 739 was
marked for identification.)

MS. LIEBERMAN: I'm sorry. Was that
739?

MR. FARR: Yes.

MS. LIEBERMAN: Is that the e-mail or
is that the training?

MS. RYAN: It is the e-mail from
Thomas -- excuse me -- from Ryan Boyce to
Thomas Farr dated Wednesday, January 13, 2016,
at 9:07 a.m. And the subject line is forward
BY MS. LIEBERMAN:

Q. Commissioner Thomas, good afternoon.

A. Good afternoon.

Q. My name is Denise Lieberman with Advancement Project, and I represent the NAACP plaintiffs in this matter, and I have a few questions for you related to the NCDMV training that is referenced in Exhibit 739 that I believe has just been handed to you.

A. Yes, ma'am, I'm looking at it on the laptop.

Q. Okay. First I'd like to call your attention to Exhibit 739 which is an e-mail chain.

A. Okay.

Q. Correct?

A. Yes, ma'am.

Q. Do you have that in front of you?

A. I do.

Q. Okay. And beginning at the beginning of the e-mail chain appears to be an e-mail from Tracy Bucholtz to Eugene Murray dated Friday, April 24, 2015, at 8:31 a.m. Do you see that?
A. Yes, ma'am.

Q. And the content says:

"Eugene, I am reaching out to you to inquiry about the status of the VIVA script. How are things go? Tracy."

Do you see that?

A. Yes, ma'am.

Q. Mr. Thomas, who is Eugene Murray?

A. It appears that he's an employee at ITRE North Carolina State University.

Q. And do you know Mr. Murray?

A. I don't personally know him, no, ma'am.

Q. And do you know why Tracy Bucholtz was reaching out to him regarding the VIVA script?

A. Ma'am, we contracted ITRE to prepare an online training program for us for driver license examiners.

Q. Okay. So Mr. Murray would be one that comes from ITRE who was involved in preparing that training?

A. That appears that, ma'am. I didn't know who had prepared it from ITRE until this evidence was given to me.

Q. Okay. So the next e-mail in that chain is from Eugene Murray to Tracy Bucholtz and Deanna
Sevits dated Monday, April 27, 2015, at 7:01 a.m. Do you see that?

A. Yes, ma'am.

Q. Okay. And it reads, in part:

"Tracy and Deanna, Good morning.

With sincere apologies for the delay,

this weekend I was able to complete the remaining edits to the VIVA training presentation. Here is a link to view the revised presentation from our test web server:"

And there's a URL. Do you see that?

A. Yes, ma'am.

Q. And just for future reference, that is the -- is that URL a link to the training program that's described in that e-mail?

A. Ma'am, I don't know what it links to. I was not able to pull it up on my laptop.

Q. Okay. Have you seen the training program that it's referenced in that e-mail?

MR. FARR: We'll stipulate that the training program that's referring to is -- the link is www4.ncsu.edu/ and then I got no idea what that symbol is, but it's eemurra2/ncdmv/viva/ and that that -- we have
opened that link on a computer that's sitting in this conference room right now.

MS. LIEBERMAN: Perfect.

BY MS. LIEBERMAN:

Q. And, Commissioner Thomas, is that link what you have opened in front of you, is that the training that was prepared for the DMV employees?

A. I believe it is, ma'am.

Q. Okay. And then following up, the next e-mail is from Tracy Bucholtz to Ryan Boyce with a cc to William Smith dated today, January 13, 2016, at 9:02 a.m. Do you see that?

A. Yes, ma'am.

Q. And the text reads "Please see the link below."

Who is Ryan Boyce?

A. He's a deputy general counsel for DOT and DMV.

Q. And who is William Smith?

A. Another deputy general counsel to DOT.

Q. Okay. And then following up from that we see at 9:07 a.m. this morning an e-mail from Ryan Boyce to Thomas Farr with you cc'd with the same e-mail, is that correct, forwarding that e-mail?

A. Yes, ma'am.