

Ex. 1

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF NORTH CAROLINA, *et.*
al.,

Defendants.

Civil Action No. 13-cv-861

PLAINTIFF UNITED STATES' FIRST SET OF REQUESTS FOR ADMISSION

Pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure, Plaintiff the United States of America requests that Defendants the State of North Carolina, the North Carolina State Board of Elections, and Kim Strach, in her official capacity as Executive Director of the North Carolina State Board of Elections (collectively "Defendants") answer the following requests for admissions within thirty (30) days. These requests are continuing in nature as provided in Rule 26(e) of the Federal Rules of Civil Procedure.

INSTRUCTIONS AND DEFINITIONS

As required by Rule 36(a), if a matter is not admitted, the answer must specifically deny it or state in detail why the answering party cannot truthfully admit or deny it.

When good faith requires a party qualify an answer or deny only part of a matter, the answer must specify the part admitted and qualify or deny the rest.

For the purpose of the United States' request for admission, the following definitions apply:

1. "The State" or "North Carolina" as used herein means the State of North Carolina and any of its agents, representatives, employees, or other person acting or purporting to act on its behalf.
2. The "State Board of Elections" or "SBOE" means the North Carolina State Board of Elections and any of its agents, representatives, employees, members, or other persons acting or purporting to act on its behalf.
3. "HB 589" as used herein means North Carolina House Bill 589 (2013-2014 Legislative Session), which was passed by the North Carolina General Assembly on July 25, 2013.
4. "S.L. 2013-381" as used herein means North Carolina House Bill 589 (2013-2014 Legislative Session), which was signed into law on August 12, 2013.
5. "S.L. 2013-381 accepted identification" as used herein means identification cards accepted for voting in person under S.L. 2013-381 §2.1.
6. "SBOE-DMV ID Analysis" as used herein means the document dated April 17, 2013 entitled "April 2013 SBOE-DMV ID Analysis" which was produced to the plaintiffs with Bates numbering SBE-P-00002590 through SBE-P-00002607.

7. “SBOE March 2013 registered voter file” as used herein means the March 2013 voter statistics available at http://www.ncsbe.gov/webapps/voter_stats/.

8. “Effects of Reducing One-Stop Voting in North Carolina Analysis” as used herein means the document dated March 11, 2013, entitled “Effects of Reducing One-Stop Voting in North Carolina” and produced to the plaintiffs with Bates numbering SBE-P-00047891 through SBE-P-00047893.

9. “Legislator” as used herein means a current or former elected member of the North Carolina House of Representatives or the North Carolina State Senate, including employees, staff, interns, consultants, representatives, designees, agents, or any persons acting or purporting to act on behalf of the North Carolina House of Representatives or the North Carolina State Senate, any committee thereof, or any elected member of the North Carolina House of Representatives or the North Carolina State Senate.

10. “General Assembly” means any elected member of the North Carolina House of Representatives or the North Carolina Senate, or any committee thereof in office between January 2013 and August 2013.

11. “Out-of-precinct provisional ballot” as used herein means a provisional ballot cast by a voter who is voting in a precinct other than his or her precinct of residence.

12. “Suspended” as used herein means the suspension of a licensee’s driving privilege.

13. “Surrender” as used herein means to relinquish the physical possession of a NC DMV-issued driver’s license or special identification card to a North Carolina Government Agency.

14. “Revoked” as used herein means the revocation of a licensee’s driving privilege.

15. “Licensee” as used herein means the recipient of a NC DMV-issued driver’s license.

16. “North Carolina Government Agency” means any branch of government, government agency, or third-party vendor that conducts business on behalf of the State of North Carolina and has the authority to possess, obtain, accept, or retrieve a suspended or revoked North Carolina driver’s license.

17. “NC DMV” as used herein means North Carolina Division of Motor Vehicles.

18. “NC DMV-issued driver’s license” as used herein means a photo identification card issued by the North Carolina Division of Motor Vehicles that identifies the card holder as a lawful operator of any type of vehicle.

19. “NC DMV-issued ID”, “NC DMV-issued photo ID” or “Photo Identification” as used herein means any photo identification card issued by the NC DMV which can be used as voter identification under N.C.G.S. § 163-166.13(e), as amended by HB 589 § 2.1(e) and S.L. 2014-111 § 7.

20. “Voter identification card” or “Voter ID card” as used herein means an identification card issued pursuant to S.L. 2013-381 §2.1(2).

21. “Voter Impersonation Fraud” as used herein means impersonating someone else at an early voting location or an Election Day voting location in order to vote.

22. “Brick and Mortar office” as used herein means all North Carolina Division of Motor Vehicles offices that are immobile.

23. “Mobile Unit” as used herein means all North Carolina Division of Motor Vehicles offices that can be moved between addresses.

24. “NC DMV driver license office” as used herein means all NC DMV offices that accept applications for NC DMV-issued ID.

25. “Regular Business Hours” as used herein means Monday, Tuesday, Wednesday, Thursday, and Friday between 8:00 a.m. and 5:00 p.m., excluding state and federal holidays.

26. “Extended Business Hours” as used herein means open Monday-Friday between 8:00 a.m. and 5:00 p.m. and every Saturday between 8:00 am and noon, excluding state and federal holidays.

27. “Limited Extended Business Hours” as used herein means open from 8:00 a.m. to noon the first Saturday of each month, only open from 8:00 am to noon the first Wednesday of each month, and otherwise open Monday-Friday from 8:00 am to 5:00 p.m., excluding state and federal holidays.

28. “NC DMV Customer” or “Customer” as used herein means an individual who enters a North Carolina driver’s license office to obtain any form of photo identification issued by the North Carolina Division of Motor Vehicles and the NC DMV issues photo identification.

29. “NC DMV Applicant” or “Applicant” as used herein means an individual who enters a North Carolina driver’s license office to obtain any form of photo identification issued by the North Carolina Division of Motor Vehicles and is unable to complete the application for NC DMV-issued photo identification.

30. “Driver’s License Offices” as used herein means any North Carolina Division of Motor Vehicles office where an individual can obtain a North Carolina driver’s license or special photo identification card as identified in N.C.G.S. §§ 20-7 and 20-37.7.

31. “Examiner” as used herein means an employee of the North Carolina Division of Motor Vehicles who initiates the process for issuing a North Carolina driver’s license in the SADLS database.

32. “SADLS” as used herein means State Automated Driver License System.

33. “Facilitator” as used herein means an examiner who has an intake role as described in Defendants’ response to United States’ Interrogatory number 7.

34. “In-Person Voter” as used herein means an individual who appears at a polling place or precinct on Election Day or during the Early Voting Period in order to cast a ballot.

35. “Required Documents List” as used herein means Webb Deposition Exhibit 218.

36. “SEIMS” as used herein means State Election Information Management System.

37. “Election Day” as used herein means the date of an election, excluding the Early Voting Period.

38. “Early Voting Period” as used herein means the days before Election Day when one-stop voting is available.

39. “Assigned Precinct” as used herein means the voting precinct recorded in SEIMS as the precinct where the voter is eligible to cast a ballot based on the residential address of the voter as recorded in SEIMS.

40. “Current Precinct” as used herein means the voting precinct where a voter would be assigned based on the residential address announced by the voter to an election official when the voter appears to vote.

41. “Assigned Voting Location” as used herein means the voting location for the voter’s assigned precinct.

42. “Central Transfer Location” as used herein means a central location in a county, chosen by a county board, where a voter can change his/her address and vote on Election Day.

REQUESTS FOR ADMISSION

1. Admit that the North Carolina State Board of Elections issued the SBOE-DMV ID Analysis.
2. Admit that the SBOE-DMV ID Analysis sought to determine how many North Carolina registered voters had a NC DMV-issued photo ID.
3. Admit that the SBOE-DMV ID Analysis reported the number of registered voters that the SBOE believed would have access to a NC DMV-issued photo ID.
4. Admit that the SBOE-DMV ID Analysis reported the number of registered voters that the SBOE was unable to confirm had a NC DMV-issued photo ID.
5. Admit that the SBOE-DMV ID Analysis relied on customer data from the NC DMV that was accurate as of March 22, 2013.
6. Admit that the SBOE-DMV ID Analysis relied on registered voter data from SEIMS that was accurate as of March 25, 2013.
7. Admit that the SBOE-DMV ID Analysis reported that there were 172,613 white registered voters for whom the SBOE could not identify a matching NC DMV-issued photo ID.
8. Admit that according to the SBOE March 2013 registered voter file, the 172,613 white registered voters for whom the SBOE could not identify a matching NC DMV-issued photo ID was approximately 3.8 percent of all white registered voters.

9. Admit that the SBOE-DMV ID Analysis reported that there were 107,681 black registered voters for whom the SBOE could not identify a matching NC DMV-issued photo ID.

10. Admit that according to the voter registration statistics for March 23, 2013 available on the SBOE website, the 107,681 black registered voters for whom the SBOE could not identify a matching NC DMV-issued photo ID constituted approximately 7.4 percent of all black registered voters.

11. Admit that the protocol used in the SBOE-DMV ID Analysis was developed by the SBOE with input from Rep. Thom Tillis, who was the Speaker of the North Carolina House of Representatives in March 2013, and from Rep. David Lewis, who was the chairman of the Elections Committee of the North Carolina House of Representatives in March 2013.

12. Admit that the SBOE-DMV ID Analysis was transmitted to representatives of Speaker Tillis and to Chairman Lewis on or about April 17, 2013.

13. Admit that the SBOE issued the Effects of Reducing One-Stop Voting in North Carolina Analysis.

14. Admit that on or about March 11, 2013, the Effects of Reducing One-Stop Voting in North Carolina Analysis was transmitted to members of the Appropriations Subcommittee on General Government of the North Carolina House of Representatives.

15. Admit that the Effects of Reducing One-Stop Voting in North Carolina Analysis was before the North Carolina General Assembly when it reduced the maximum number of early voting days from 17 to 10 under S.L. 2013-381.

16. Admit that the North Carolina General Assembly was aware of the disproportionately high percentage of the African American electorate who used same day registration when the General Assembly eliminated same day registration under S.L. 2013-381.

17. Admit that the Governor of North Carolina was aware of the disproportionately high percentage of the African American electorate who used same day registration when he eliminated same day registration by signing S.L. 2013-381.

18. Admit that S.L. 2005-2 expressly states that the North Carolina General Assembly took “note of the fact that” a “disproportionately high percentage” of the out-of-precinct provisional ballots were cast by voters who “were African-American.”

19. Admit that S.L. 2005-2 was a provision of the North Carolina General Statutes as of July 25, 2013.

20. Admit that S.L. 2005-2 was a provision of the North Carolina General Statutes as of August 12, 2013.

21. Admit that the version of HB589 that passed the North Carolina House on April 24, 2013, included a non-exhaustive list of acceptable photo identification that could be presented for voting.

22. Admit that no county in the State of North Carolina offered fewer than 13 early voting days during the 2008 General Election.

23. Admit that no county in the State of North Carolina offered fewer than 13 early voting days during the 2010 General Election.

24. Admit that no county in the State of North Carolina offered fewer than 13 early voting days during the 2012 General Election.

25. Admit that under S.L. 2013-381 the maximum number of early voting days a county can offer is 10.

26. Admit that 13 counties offered 8 early voting days during the 2014 General election.

27. Admit that 78 counties offered 9 early voting days during the 2014 General election.

28. Admit that the county boards of election, not the NC SBOE, enter information from voter registration applications into SEIMS.

29. Admit that a North Carolina Government Agency can order a license holder to surrender his/her license if the license is suspended or revoked.

30. Admit that under N.C.G.S. §20-4.20, a NC DMV-issued driver's license can be suspended if the license holder fails to comply with a driving citation issued outside the state of North Carolina.

31. Admit that under N.C.G.S. §20-4.20, if a NC DMV-issued driver's license is suspended for failure to comply with a driving citation issued outside the state of North

Carolina, it remains suspended until the license holder documents compliance with the citations issued outside the state of North Carolina.

32. Admit that a NC DMV-issued driver's license can be suspended if the registered voter receives a driving citation outside the State of North Carolina and pays the fine associated with the out-of-state traffic violation.

33. Admit that under N.C.G.S. §20-24(a), when a NC DMV-issued driver's license is revoked because of delinquent child support payments, the NC DMV is notified by the clerk of court or the child support enforcement agency.

34. Admit that under N.C.G.S. §20-17(b), the NC DMV will ensure that a registered voter cannot renew his/her expired NC DMV-issued driver's license if a court revokes the voter's driver's license because of delinquent child support payments.

35. Admit that under N.C.G.S. § 20.30, it is unlawful for a registered voter to present a suspended NC DMV-issued driver's license to an election official at a voting place.

36. Admit that under N.C.G.S. §20.30, it is unlawful for a registered voter to present a suspended NC DMV-issued driver's license for any purpose, including satisfying the identification requirement of S.L. 2013-381.

37. Admit that under N.C.G.S. § 20.30, it is unlawful for a registered voter to present a cancelled NC DMV-issued driver's license to an election official at a voting place.

38. Admit that under N.C.G.S. §20.30, it is unlawful for a registered voter to present a cancelled NC DMV-issued driver's license for any purpose, including satisfying the identification requirement of S.L. 2013-381.

39. Admit that under N.C.G.S. § 20.30, it is unlawful for a registered voter to present a revoked NC DMV-issued driver's license to an election official at a voting place.

40. Admit that under N.C.G.S. §20.30, it is unlawful for a registered voter to present a revoked NC DMV-issued driver's license for any purpose, including satisfying the identification requirement of S.L. 2013-381.

41. Admit that a voter cannot use an inactive NC DMV-issued driver's license as S.L. 2013-381 accepted identification for voting.

42. Admit that under N.C.G.S. §20.30, the NC DMV has the authority to take possession of any NC DMV-issued driver's license upon the expiration, revocation, cancellation, or suspension of that license.

43. Admit that under N.C.G.S. §20-45, the NC DMV informs holders of suspended NC DMV-issued driver's licenses of their obligation to surrender a suspended license.

44. Admit that under N.C.G.S. §20-45, the NC DMV informs holders of revoked N.C. DMV-issued driver's licenses of their obligation to surrender a revoked license.

45. Admit that under N.C.G.S. § 20-45, the NC DMV informs holders of cancelled N.C. DMV-issued driver's licenses of their obligation to surrender a cancelled license.

46. Admit that a North Caroling Government Agency informs holders of suspended NC-DMV issued driver's licenses of their obligation to surrender a suspended license if the NC DMV is not responsible for notifying the license holder.

47. Admit that a North Carolina Government Agency informs holders of revoked NC-DMV issued driver's licenses of their obligation to surrender a revoked license, if the NC DMV is not responsible for notifying the license holder.

48. Admit that a North Carolina Government Agency informs holders of cancelled NC DMV-issued driver's licenses of their obligation to surrender a cancelled license, if the NC DMV is not responsible for notifying the license holder.

49. Admit that a North Carolina Government Agency will accept or receive surrendered NC DMV-issued driver's licenses.

50. Admit that a photograph on a non-expired North Carolina driver license may be up to as 8 years old.

51. Admit that the photograph on a non-expired United States passport may be up to 10 years old.

52. Admit that under S.L. 2013-381, election officials have discretion to determine if an in-person voter reasonably resembles the photograph on the identification presented to the election official.

53. Admit that a voter identification card (voter ID card) is a special identification card pursuant to N.C. G.S. §20-37.7.

54. Admit that all the documents that can be used to obtain a voter ID card are not publicly disclosed at [http://www.ncdot.gov/NC DMV/driver/id/](http://www.ncdot.gov/NC%20DMV/driver/id/).

55. Admit that a facilitator is not available at all NC DMV office locations.

56. Admit that a facilitator may use discretion to determine whether the documentation presented by a potential applicant for a no fee voter ID card is sufficient to meet the requirements of proving identity and age.

57. Admit that an examiner may use discretion to determine whether the documents presented by a potential applicant for a no fee voter ID card is sufficient to meet the requirements of proving identity and age.

58. Admit that when an examiner determines that an individual does not possess adequate documentation to prove identity and age, the examiner will not start an application for a no fee voter ID card in SADLS.

59. Admit that a NC DMV-issued voter ID will not be mailed to an individual who registers to vote at the NC DMV until the North Carolina State Board of Elections identifies that individual as a registered voter.

60. Admit that an individual who visits a NC driver license office and completes an application for a NC DMV-issued id will not receive S.L. 2013-381 § 2.1 accepted identification the same day the application is completed.

61. Admit that a NC DMV-issued photo identification card is delivered to a NC DMV customer through the mail.

62. Admit that no NC DMV-issued photo identification card is mailed to a registered voter before a third-party vendor (MorphoTrust) completes the process necessary to mail the NC DMV-issued photo id.

63. Admit that the NC DMV informs customers seeking a NC DMV-issued photo identification card that it may take up to 20 days before the customer receives the NC DMV-issued photo identification card in the mail.

64. Admit that the NC DMV has neither records nor knowledge of the average number of cards that have not been mailed to a NC DMV customer within 48 hours of a photo identification card issuance in the SADLS database.

65. Admit that all NC DMV driver license offices that accept applications for a NC DMV-issued ID are designated on the NC DMV website as offices that offer “driver license” services.

66. Admit that some of North Carolina’s 100 counties do not have a NC DMV driver license office available during regular business hours every weekday.

67. Admit that NC DMV mobile units are not available in all of North Carolina’s 100 counties.

68. Admit that in counties where a NC DMV mobile unit is the only available NC DMV location that issues photo identification cards, the NC DMV mobile unit is not

available during regular business hours every weekday, excluding federal and state holidays.

69. Admit that in counties where a NC DMV mobile unit is the only available NC DMV location that issues photo identification cards, the NC DMV mobile unit does not have extended business hours.

70. Admit that the Division of Motor Vehicles has 114 brick and mortar offices that issue NC driver's licenses.

71. Admit that the NC DMV has 5 mobile units.

72. Admit that only 84 of North Carolina's 100 counties have brick and mortar offices that issue photo identification cards.

73. Admit that there are five counties in North Carolina that have no NC DMV driver license office.

74. Admit that there are 16 counties in North Carolina that have no brick and mortar NC DMV driver license office.

75. Admit that there are no locations at which a mobile unit serves as a NC DMV driver license office for more than three days per month.

76. Admit that there is only one location at which a mobile unit serves as a NC DMV driver license office for more than two days per month.

77. Admit that there are only five locations at which a mobile unit serves as a NC DMV driver license office for more than one day per month.

78. Admit that no NC DMV driver license office is available after 6:00 pm on any day.

79. Admit that no NC DMV driver license office is available on any Sunday.

80. Admit that no NC DMV driver license office is available after 12:00 noon on any Saturday.

81. Admit that no mobile unit that serves as a NC DMV driver license office is available on a Saturday.

82. Admit that of the 114 brick and mortar NC DMV driver license offices, 95 are not available on any Saturday.

83. Admit that of the 114 brick and mortar NC DMV driver license offices, only 11 are available every Saturday.

84. Admit that when processing each provisional ballot, a county board of elections must provide a reason that the provisional ballot was issued, which is recorded in SEIMS.

85. Admit that when a provisional ballot is issued to a voter who changed his or her residence at least 30 days before an election without notifying the county board of elections, the county board of elections records the reason for issuing the provisional ballot as “unreported move.”

86. Admit that when a voter who does not have an unreported move appears at a voting location in his or her county of residence that is not his or her assigned voting

location, the county board records that the reason for issuing the provisional ballot is “incorrect precinct.”

87. Admit that the only “unreported move” provisional ballots cast on Election Day that may be counted are those cast by voters at their assigned voting location, at the voting location for their current precinct, or at a central transfer location.

88. Admit that S.L. 2013-381’s photo identification requirement can only prevent voter fraud when the fraud involves impersonating someone else at the polls in order to vote.

89. Admit that no person in North Carolina has been convicted of voter impersonation fraud in the last five years.

90. Admit that no person in North Carolina has been convicted of voter impersonation fraud in the last ten years.

91. Admit that no person in North Carolina has been indicted for voter impersonation fraud in the last five years.

92. Admit that no person in North Carolina has been indicted for voter impersonation fraud in the last ten years.

93. Admit that no person in North Carolina has been charged with a crime involving allegations of voter impersonation fraud in the last five years.

94. Admit that no person in North Carolina has been charged with a crime involving allegations of voter impersonation fraud in the last ten years.

95. Admit that S.L. 2013-381's photo identification requirement does not prevent a person from registering to vote in more than one place.

96. Admit that S.L. 2013-381's photo identification requirement does not prevent certain persons not qualified to vote in NC elections (such as a person convicted of a felony who has not completed his or her sentence or a person who is not a citizen of the United States of America) from voting when those persons vote in their own name (i.e., without impersonating someone else at the polls).

Dated: February 18, 2015

RIPLEY RAND
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Respectfully submitted,
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CERTIFICATE OF SERVICE OF DISCOVERY

I hereby certify that on February 18, 2015, I served the foregoing **United States'**
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the consent of the parties:

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