UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Civil Action No. 1:20-cv-457

DEMOCRACY NORTH CAROLINA, THE
LEAGUE OF WOMEN VOTERS OF NORTH
CAROLINA, DONNA PERMAR, JOHN P.
CLARK, MARGARET B. CATES, LELIA
BENTLEY, REGINA WHITNEY EDWARDS,
and ROBERT K. PRIDDY, II,

Plaintiffs,

v.

THE NORTH CAROLINA STATE BOARD OF
ELECTIONS; DAMON CIRCOSTA, in his
official capacity as CHAIR OF THE STATE
BOARD OF ELECTIONS; STELLA
ANDERSON, in her official capacity as
SECRETARY OF THE STATE BOARD OF
ELECTIONS; KEN RAYMOND, in his official
capacity as MEMBER OF THE STATE BOARD
OF ELECTIONS; JEFF CARMON III, in his
official capacity as MEMBER OF THE STATE
BOARD OF ELECTIONS; DAVID C. BLACK,
in his official capacity as MEMBER OF THE
STATE BOARD OF ELECTIONS; KAREN
BRINSON BELL, in her official capacity as
EXECUTIVE DIRECTOR OF THE STATE
BOARD OF ELECTIONS; THE NORTH
CAROLINA DEPARTMENT OF
TRANSPORTATION; J. ERIC BOYETTE, in
his official capacity as TRANSPORTATION
SECRETARY; THE NORTH CAROLINA
DEPARTMENT OF HEALTH AND HUMAN
SERVICES; MANDY COHEN, in her official
capacity as SECRETARY OF HEALTH AND
HUMAN SERVICES,

Defendants.

Pursuant to 28 U.S.C. § 1746, the undersigned declares, under penalty of perjury, as
follows:
1. I am over 21 years of age, have not been declared incompetent, and make the statements contained herein based upon the facts presently known to me.

2. I am currently the NC FAST Director of PMO, Information Technology Division. I have been employed in this capacity since January 18, 2018 and have been employed by NCDHHS since August 1, 2009.

3. This position is responsible for the following:
   
   • Providing strategic leadership and guidance to all projects under the NC FAST Program
   • Reviewing all project management artifacts following the practices and guidelines from PMI's PMBOK
   • Assist with vendor contract management oversight, negotiations, and approvals of deliverables
   • Developing detailed state and federal budget requests and monitoring expenditures
   • Developing and maintaining all required State CIO and federal project documentation
   • Serving as an IT management liaison to the business clients to include DHHS divisions and all 100 local county Department of Social Services
   • Reviewing and analyzing the business and technical environments
   • Supervising program and operations and maintenance implementation activities
   • Ensuring that project plans and schedules are established and maintained
   • Ensuring that deliverables are completed timely and accurately
   • Supervising staff (state employees, temporary staff, and contractors)
Ensuring that appropriate program level and project level controls are instituted
Developing state, legislative, and federal documents, procurement documents, and executive level status documentation

4. Programs of Public Assistance in North Carolina are administered by the County Departments of Social Services ("County DSS") in accordance with State laws, and the rules and policies adopted by the Social Services Commission and NCDHHS. The County DSS offices are responsible for determining eligibility for these programs (Medicaid, Food and Nutrition Services, Work First, Special Assistance, Refugee Assistance, Child Care, and Energy) using NC FAST, which is operated statewide among North Carolina’s 100 counties. The County DSS offices are also responsible for renewal of Public Assistance benefits.

5. The NC FAST guided interview requires county staff to ask about voter registration status as part of the application process. All 100 counties utilize NC FAST for the application process. All applicants throughout the State are routinely asked about voter registration, and a voter registration form is provided if requested by the individual. The individual has the option to complete and “sign” the form at that time, or the individual may choose to take the voter registration form with them to complete later. If the form is taken home by the individual to complete at a later time, the form instructs the individual to mail the completed form to County Board of Elections Office.

6. The NC FAST ePASS portal, which allows individuals to apply for public assistance benefits electronically, also includes questions regarding voter registration.

7. Pursuant to the Action NC Settlement Agreement signed in June of 2018, the following changes were made to the ePASS portal:

3
• When a client makes a covered transaction in ePASS the portal will offer the client the option to register to vote. If the client chooses to register to vote a voter registration application is mailed to the client’s address.

• ePASS has a downloadable voter registration form on its home page in English and Spanish.

• County DSS Offices were instructed to mail a voter registration form to all clients who used ePASS for a covered transaction and indicate that he/she would like to register to vote or failed to answer the voter preference question in ePASS.

8. NC FAST does not possess a “wet ink” signature that can be used for online voter registration. The ePASS system collects an electronic signature for applications. The user submitting applications selects checkboxes attesting that the information they have provided is accurate, and that by typing in their name (First name, Last name), they are electronically signing the application form.

9. To create online voter registration through ePASS would be a major undertaking. The State Board of Elections would have to agree to accept electronic signature in lieu of a “wet signature”. The NC DHHS will need to establish an MOU with State Board of Elections regarding online voter registration including ongoing maintenance to support this functionality. A change request to add the online voter registration functionality will need to be submitted and prioritized with other NC FAST and COVID-19 activities by the business stakeholders. The requirements need to be defined in coordination with State Board of Elections. Once the requirements are finalized, NC FAST would design and build the process, screens, and system interfaces to meet the requirements. The new voter registration functionality would be tested internally, and the
interface verified to ensure the collected voter registration information is submitted to the State Board of Elections for processing.

As shown above, NC FAST could not implement an online voter registration as requested by Plaintiffs by the November 2020 election.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct.

This the 25th day of June, 2020.

[Signature]
Tonya Prince
NC FAST Director of Project Management Office
Information Technology Division
North Carolina Department of Health and Human Services