

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

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

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

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

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

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

THE STATE OF NORTH CAROLINA, )  
et al., )  
Defendants. )

UNITED STATES OF AMERICA, )  
Plaintiff, )

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

THE STATE OF NORTH CAROLINA, )  
et al., )  
Defendants. )

VIDEOTAPED DEPOSITION  
OF  
PORTIA MANLEY

1 VIDEOTAPED DEPOSITION  
2 OF  
3 PORTIA MANLEY  
4

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5 8:10 A.M.

6 THURSDAY, MAY 21, 2015  
7

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8 OGLETREE DEAKINS NASH SMOAK & STEWART  
9 4208 SIX FORKS ROAD  
10 SUITE 1100  
11 RALEIGH, NORTH CAROLINA  
12  
13  
14  
15  
16

17 By: Denise Myers Byrd, CSR 8340, RPR, CLR 102409-02  
18  
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20  
21  
22  
23  
24  
25

1 Q. Do you remember who was there?

2 A. Yes.

3 Q. Who was there?

4 A. Wil on both days, and I believe it was Tom.

5 Q. Okay. Was anybody else there?

6 A. Yes.

7 Q. Who else was there?

8 A. Charlotte Boyd-Malette and Tracy Bucholtz.

9 Q. Okay. Anybody else besides them?

10 A. No.

11 Q. Did you review any documents to prepare for the  
12 deposition?

13 A. Yes.

14 Q. What did you review?

15 A. I scanned Barbara Webb's deposition.

16 Q. Did you look at any other documents?

17 A. No.

18 Q. Other than the attorneys who you mentioned and  
19 Ms. Bucholtz and Ms. Boyd-Malette, did you  
20 speak with anybody else about the deposition?

21 A. No.

22 Q. You're currently employed at the North Carolina  
23 Department of Transportation; is that right?

24 A. Correct.

25 Q. How long have you worked there?

1 A. 13 years.

2 Q. Okay. What's your current position at DOT?

3 A. Director of -- director of field services.

4 Q. And is that in the Division of Motor Vehicles?

5 A. Yes, it is.

6 Q. How long have you held that position?

7 A. Almost a year.

8 Q. So since, would you say, June 2014?

9 A. June, correct.

10 Q. What was your position before June 2014?

11 A. Acting assistant -- well, acting director for  
12 vehicle services.

13 Q. Okay. How long did you hold that position?

14 A. Less than a year.

15 Q. And what were you doing before that?

16 A. Assistant director of vehicle services.

17 Q. And how long did you hold that position?

18 A. Since 2006 is when I started.

19 Q. And before your assistant director of vehicle  
20 services, were you at DOT before that?

21 A. Yes.

22 Q. And what were you doing?

23 A. Liaison and public relations for the  
24 commissioner.

25 Q. Okay. Have you had any other positions at the

1 those for North Carolina.

2 Q. And when you took over as acting director, were  
3 you covering the same portfolio of topics?

4 A. Yes.

5 Q. Did you have any additional subject areas that  
6 you covered as director?

7 A. No.

8 Q. And in June of 2014, was it, you became  
9 director of field services?

10 A. Yes.

11 Q. And that is -- my understanding is that it's  
12 not just vehicle services that you oversee now;  
13 is that right?

14 A. Correct.

15 Q. What else is under the umbrella for you?

16 A. Driver services.

17 Q. Do you know why driver services and vehicle  
18 services were combined into -- under one  
19 person?

20 A. It was part of the DMV reform where all  
21 customer-facing departments were merged  
22 together so we can service the same customer.

23 Q. Okay. And as director of field services, can  
24 you tell me what your responsibilities are in  
25 this role?

1 A. Okay. The responsibilities are to oversee  
2 vehicle services and driver services as they  
3 relate to the customer and the field offices,  
4 so we have 122 LPAs, 114 driver license office  
5 and mobile units as well as the support  
6 functions within those areas.

7 Q. What's an LPA?

8 A. License plate agency. I'm sorry.

9 Q. That's okay. What happens at a license plate  
10 agency?

11 A. A license plate agency is where a customer can  
12 come in and actually register their vehicle and  
13 purchase plates.

14 Q. Okay. Can you register your vehicle at a  
15 driver's license office?

16 A. No, you cannot.

17 Q. And the driver license offices, that's where  
18 people come in to get a DMV credential; is that  
19 correct?

20 A. Correct.

21 Q. At the mobile units, you can get a DMV  
22 credential, correct?

23 A. Correct.

24 Q. Can you also register a vehicle?

25 A. No.

1                   Who staffs the driver's license  
2                   offices?

3           A.   Can I back up for one minute.

4           Q.   Of course.

5           A.   I do have an assistant and her name is Qwony  
6               Jones, she's my assistant.

7           Q.   Jones, did you say?

8           A.   Jones.

9           Q.   The -- who staffs the DMV offices -- I'm  
10               sorry -- the driver's license offices? Who  
11               works at them?

12          A.   Okay. Thank you. The examiners and senior  
13               examiners, and sometimes if their office is  
14               located there, the district supervisors.

15          Q.   How many district supervisors are there?

16          A.   14.

17          Q.   And you said there are 114 driver's license  
18               offices?

19          A.   Yes.

20          Q.   The examiners interact with customers; is that  
21               correct?

22          A.   Correct.

23                               (Power outage.)

24                               THE VIDEOGRAPHER: Back on record at

25                               8:28 a.m.

1 districts?

2 A. Make sure it's ran properly.

3 Q. Okay. So then do the senior examiners have  
4 responsibility for ensuring that -- I'm sorry,  
5 I said that wrong.

6 The district supervisor, do they have  
7 responsibility for ensuring that the examiners  
8 and senior examiners are following policy and  
9 procedure?

10 A. Yes.

11 Q. Do you ever act with the examiners yourself?

12 A. No, I do not.

13 Q. What about with senior examiners?

14 A. No.

15 Q. Do you ever interact with the district  
16 supervisors?

17 A. Yes, I do.

18 Q. In what context do you interact with district  
19 supervisors?

20 A. When they have, I guess, a quarterly meeting at  
21 headquarters or if there's a concern that I  
22 need to talk with one of them.

23 Q. Let's take the second part first.

24 What kind of a concern are you  
25 referencing?



1 A. Wait time in the offices.

2 Q. Okay. And how would that come up that you  
3 would be talking to a district supervisor about  
4 a wait time?

5 A. Just what is the wait time at your office  
6 today, how are you doing, just questioning,  
7 nothing major concern.

8 As a director, I don't get involved  
9 with the technical part of their business.

10 Q. Okay.

11 A. But sometimes I will pick up the phone to just  
12 say how are you doing.

13 Q. And when you do that, is it typically the  
14 district supervisors who you reach out to?

15 A. Yes.

16 Q. About how often would you say you speak to a  
17 district supervisor about a wait time?

18 A. If once a month, not a lot.

19 Q. Do you have -- let me start over.

20 Is it something -- when you are  
21 speaking to a district supervisor about a wait  
22 time, do you make that phone call because  
23 you've heard something about a wait time in a  
24 particular office?

25 A. Yes.

1 Q. Okay. What would prompt you to make that phone  
2 call?

3 A. Because I've heard something or I got an  
4 e-mail.

5 Q. What kind of something?

6 A. That the wait times are long.

7 Q. Okay.

8 A. And so I want to know why.

9 Q. Is there any reason -- other reason that you  
10 would reach out to a district supervisor to ask  
11 about wait times --

12 A. No.

13 Q. -- in their office? No?

14 A. No.

15 Q. And about how often do you hear about long --  
16 wait times that are long enough for you to  
17 consider placing that phone call?

18 A. Not a lot.

19 Q. Can you give me a rough estimate, like once a  
20 day, once a week?

21 A. Maybe twice a month.

22 Q. Okay. So you mentioned you might give a  
23 district supervisor a call about a longer wait  
24 time. Are there any other types of concerns  
25 that might come up that would prompt you to

1 Q. Would you ever talk to a regional chief about a  
2 wait time concern?

3 A. Yes.

4 Q. Has that happened?

5 A. Yes. On occasion, yes.

6 Q. And when does that happen?

7 A. When it's a -- Charlotte is a hot topic.

8 Charlotte wait times are normally long, and so

9 just asking the same questions, what's going

10 on.

11 Q. And again, do you have that conversation with a  
12 regional chief when you learn of -- that the  
13 line is long right now or is it a more general  
14 check in?

15 A. More general checking in, are you following  
16 procedures, are you sending people out, are you  
17 talking to your district supervisors and trying  
18 to get things covered.

19 Q. Okay. You mentioned the field services re-org  
20 a couple of times. Under the new structure,  
21 who is Barbara Webb reporting to now?

22 A. I believe she reports to the same three  
23 commissioners.

24 Q. The same three who you report to?

25 A. Correct.

1 A. No. We will have another one -- I don't know  
2 the exact date -- in Huntersville.

3 Q. That's an office, Huntersville office?

4 A. Yes.

5 Q. Are you familiar for the -- with the process  
6 for issuing driver's licenses at DMVs?

7 A. Not really.

8 Q. Okay. Do you know whether the driver's license  
9 that's issued to a non-citizen looks any  
10 different from the driver's license that's  
11 issued to a citizen?

12 A. Not really, I do not know.

13 Q. Okay. And is it correct when a customer goes  
14 into a driver's license office for a driver's  
15 license, they don't actually leave with the  
16 credential that very day; is that right?

17 A. Correct.

18 Q. And they leave with a temporary driving  
19 certificate?

20 A. Correct.

21 Q. Currently the TDC has no photo, correct?

22 A. Correct.

23 Q. Do you know when DMV will begin printing them  
24 with photos?

25 A. When the new credential is implemented. I

1 Q. Okay.

2 A. And I keep saying that because the target has  
3 changed, so I don't want to give an exact date.

4 Q. Okay. How has the target changed?

5 A. With the implementation.

6 Q. Do you mean it was meant to be earlier and the  
7 dates been pushed back?

8 A. Correct.

9 Q. I see. About -- has it happened more than once  
10 in this process?

11 A. I don't -- I can't recall.

12 Q. I wanted to ask you a couple of questions about  
13 online services.

14 A. Okay.

15 Q. Are you familiar with the DMV's online service  
16 with credential issuance?

17 A. Somewhat.

18 Q. A customer can get a duplicate driver's license  
19 online; is that right?

20 A. Correct.

21 Q. Can you get a duplicate ID card online?

22 A. I believe so.

23 Q. For a customer who orders a duplicate online,  
24 about how long does it take for the customer to  
25 receive the duplicate card?

1 A. 10 to 20 days.

2 Q. Okay. So the same --

3 A. Same as a regular driver's license.

4 Q. Same as if you come into the office?

5 A. Correct.

6 Q. Okay. And are you aware of any customer  
7 complaints about delays in receiving duplicates  
8 that were ordered online?

9 A. Not really.

10 Q. Have you had discussions with anybody about --  
11 excuse me, let me start over.

12 Have you had discussions with anybody  
13 at DMV about delays in customers receiving  
14 duplicates that they've ordered online?

15 A. No.

16 (WHEREUPON, Plaintiff's Exhibit 510 was  
17 marked for identification.)

18 BY MS. RYAN:

19 Q. Ms. Manley, I have handed you an exhibit which  
20 has been marked as Exhibit 510. I'd like you  
21 to look it over, an e-mail with an attachment.  
22 Just let me know when you're ready.

23 A. Okay.

24 Q. Have you seen this Exhibit 510 before?

25 A. It was sent to me.

1 A. I believe she's over that area.

2 MS. RYAN: We've actually been going  
3 for about an hour now, so why don't we take a  
4 break.

5 THE VIDEOGRAPHER: Going off record at  
6 9:21 a.m.

7 (Brief Recess.)

8 THE VIDEOGRAPHER: Back on record at  
9 9:32 a.m.

10 BY MS. RYAN:

11 Q. Ms. Manley, a driver's license can be  
12 suspended; is that right?

13 A. Yes.

14 Q. And DMV sends letters to customers whose  
15 driver's license has been suspended; is that  
16 correct?

17 A. I believe so.

18 Q. Are you familiar with the letters that DMV  
19 sends?

20 A. Not all of them.

21 Q. Have you seen some of the letters?

22 A. Some.

23 Q. And I guess I should be more specific. Have  
24 you seen any of the suspension-related letters?

25 A. No.

1 Q. Okay. Do you know what some of the reasons are  
2 that a license may be suspended?

3 A. Yes.

4 Q. What are some of the reasons?

5 A. DWI comes to mind.

6 Q. Do you know any other reasons why a license  
7 would be suspended?

8 A. No.

9 Q. Do you know if a license can be suspended for a  
10 lapse in liability insurance?

11 A. I don't know.

12 Q. And it's correct that a suspended driver's  
13 license can't be used to drive?

14 A. Correct.

15 Q. Do you know whether a law enforcement agent can  
16 confiscate a suspended license?

17 A. I do not.

18 Q. Are you familiar with SADLS?

19 A. Somewhat.

20 Q. Are there codes in SADLS that indicate the  
21 status of a customer's driver's license?

22 A. I believe so.

23 Q. Do you know what the codes are?

24 A. No, I do not.

25 Q. Is it correct that a customer may not have both



1 relating to voter registration?

2 A. No.

3 Q. I'd like to transition to talking a little more  
4 about the voter ID program.

5 A. Okay.

6 Q. Do you know whether any voter IDs have been  
7 issued from a mobile unit?

8 A. I believe so.

9 Q. Do you know about how many?

10 A. No, I do not.

11 Q. How would you figure that out?

12 A. How would I figure it out?

13 Q. Uh-huh.

14 A. I would have to ask someone.

15 Q. Who would you ask?

16 A. Our IT staff.

17 Q. Okay. And do you know what they would do to --  
18 to determine how many voter IDs have been  
19 issued from a mobile unit?

20 A. I believe they would look through the SADLS  
21 system.

22 Q. Okay. Is it correct that an examiner is  
23 allowed to -- I'm sorry, let me back up.

24 When a customer comes into the DMV for  
25 a credential, they're required to provide proof

1 of their identity; is that right?

2 A. Correct.

3 Q. And driver's license customers are required to  
4 provide two documents to prove their identity;  
5 is that right?

6 A. Correct.

7 Q. Do you know whether an examiner can issue a  
8 voter ID to a customer who provides only one  
9 document to prove their identity?

10 A. I believe they can.

11 Q. Does the examiner need supervisor approval  
12 before issuing a voter ID to a customer who  
13 presents just one document to prove their  
14 identity?

15 A. If they're not clear on it, they probably would  
16 ask.

17 Q. What do you mean if they're not clear on it?

18 A. Well, if they're not clear on the procedure, if  
19 they are question their own ability, they would  
20 probably ask.

21 Q. Is the examiner required to get supervisor  
22 approval before issuing a voter ID when the  
23 customer presents just one document?

24 A. I believe so.

25 Q. The DMV hasn't publicly announced that it will

1 accept one document from a voter ID customer;

2 is that right?

3 A. Not to my knowledge. I can't say.

4 Q. You don't know one way or the other?

5 A. Correct.

6 Q. So when a customer comes into a DMV office for  
7 a credential, am I right that the DMV -- excuse  
8 me -- the examiner will run the customer's  
9 name, date of birth and Social Security number  
10 against the Social Security Administration  
11 database; is that right?

12 A. I believe so.

13 Q. Are you familiar with this process at all?

14 A. Not at all.

15 Q. Okay.

16 A. Somewhat.

17 Q. Somewhat.

18 A. You have to understand, I came from the vehicle  
19 services side and I'm learning driver's.

20 Q. Okay. Well, I'm going to ask you a few  
21 questions about this and we'll see what you  
22 know.

23 Is it correct that the examiner -- that  
24 this check happens when the customer is with  
25 the examiner?

1 A. What check?

2 Q. When the name, date of birth and Social  
3 Security number are run against the Social  
4 Security Administration database, does that  
5 happen while the customer is with the examiner?

6 A. I believe so.

7 Q. Does the examiner run the full nine-digit  
8 Social Security number?

9 A. That I don't know.

10 Q. Okay. Do you know about how long this check  
11 with the Social Security Administration  
12 database takes?

13 A. I would think in seconds or at least a minute.  
14 I don't --

15 Q. Sorry, go ahead.

16 A. I don't know the exact amount of time.

17 Q. But is it your understanding that it's fairly  
18 immediate?

19 A. Realtime.

20 Q. Okay. Are there ever -- are there ever  
21 circumstances in which it can't happen in  
22 realtime?

23 A. Most likely, but I don't know. I can't give  
24 you a circumstance, no.

25 Q. Okay. If the customer -- the customer's name

1 on whatever document he has presented to the  
2 examiner doesn't match the name that's on file  
3 with the Social Security Administration, can  
4 the DMV issue the credential that the customer  
5 has come in for?

6 A. I don't believe so.

7 Q. And is that the case for a driver's license  
8 customer, if the person's applying for a  
9 driver's license and the name on their document  
10 does not match the name in the Social Security  
11 Administration database, is it true that the  
12 DMV can't issue that driver's license?

13 A. I believe so.

14 Q. Is that also true for a customer coming in for  
15 a voter ID?

16 A. I believe so.

17 Q. If the customer's date of birth doesn't match  
18 the date of birth that's on record with the  
19 Social Security Administration, can the DMV  
20 issue a driver's license?

21 A. I don't know.

22 Q. Okay. In that circumstance, could the DMV  
23 issue a voter ID card?

24 A. I don't know.

25 Q. Okay. If the Social Security number that the

## EXAMINATION

1  
2 BY MR. EPPSTEINER:

3 Q. Ms. Manley, I'm George Eppsteiner. I'm  
4 representing the League of Women Voters  
5 plaintiffs in this matter.

6 First I want to thank you for taking  
7 time to be here today and for your patience  
8 throughout the morning so far, so first thank  
9 you. I have a few questions for you.

10 First I want to show you an exhibit.  
11 This was marked as Exhibit 494.

12 Can we go off the record for a minute.

13 THE VIDEOGRAPHER: Off record at  
14 10:57 a.m.

15 (Brief Interruption.)

16 THE VIDEOGRAPHER: Back on record at  
17 10:58 a.m.

18 BY MR. EPPSTEINER:

19 Q. Ms. Manley, this exhibit has been marked as  
20 Exhibit 494. I can represent to you that this  
21 is a printout from the North Carolina  
22 Department of Transportation website dated  
23 May 18, 2015.  
24 Have you had a moment to review the  
25 document?

1 A. If you give me a chance, I will.

2 Q. Okay. I just want you to quickly glance at it  
3 and tell me if you have any reason to disagree  
4 that that's what this document is.

5 A. That's what it appears to be.

6 Q. Do you have any reason to dispute that this  
7 isn't a printout from the North Carolina DOT  
8 website?

9 A. No.

10 Q. So I want you to look at the portion of the  
11 document that begins on Page 2. It's  
12 double-sided, so -- and it's under the header  
13 Requirements and Documents to Obtain a No-Fee  
14 Voter ID Card. Can you take a moment to review  
15 that portion of the document, please, and let  
16 me know when you're ready.

17 Are you ready?

18 A. Yes, I am.

19 Q. If you look at the portion of the document  
20 entitled Requirements and Documents to Obtain a  
21 No-Fee Voter ID Card, in that particular  
22 section, there are subsections in bold that are  
23 indented within that particular section that  
24 are labeled Proof of Age and Identity, Valid  
25 Social Security Number and Proof of Citizenship

1 and Residency; is that right?

2 A. Correct.

3 Q. After reviewing that document, do you have any  
4 reason to disagree with any of the information  
5 contained within that section?

6 A. No.

7 Q. Ms. Manley, do you recall the questions from  
8 the attorney for the United States Department  
9 of Justice regarding a temporary driving  
10 certificate?

11 A. Somewhat.

12 Q. Okay. Would you agree that a temporary driving  
13 certificate is the document you received when  
14 you complete a transaction to obtain a  
15 North Carolina driver's license?

16 A. Yes.

17 Q. And currently there's no photo on that  
18 document, correct?

19 A. Correct. Correct.

20 Q. Have you seen what a temporary driving  
21 certificate looks like?

22 A. The current one or the future?

23 Q. The current one.

24 A. Yes.

25 Q. What is the title of the document when it



1       prints out? Does it say Temporary Driving

2       Certificate or is it titled something else?

3       A. You know, I think it says Temporary Driving

4       Certificate, I think. It's not like I see it

5       every day.

6       Q. But based upon your experience, you believe

7       that that's what it says, Temporary Driving

8       Certificate?

9       A. I believe that's what it says.

10      Q. Because that's what the document is, right?

11      A. Correct.

12      Q. A temporary driving certificate is not a

13      North Carolina learner's permit, right?

14      A. No.

15      Q. A temporary driving certificate is not a

16      provisional North Carolina driver's license,

17      right?

18      A. No.

19      Q. And a temporary driving certificate is not a

20      North Carolina driver's license, right?

21      A. It's a temporary driving certificate that

22      represent that you did apply for a driver's

23      license.

24      Q. So it represents that you applied for a

25      driver's license, but that document isn't the

1 North Carolina driver's license. Is that fair?

2 A. That's a fair statement.

3 Q. Does Charlotte Boyd-Malette report to you?

4 A. Yes, she does.

5 Q. Is Charlotte Boyd-Malette the designated person  
6 regarding voter ID type complaints?

7 A. No, she isn't.

8 Q. Who would be?

9 A. Tracy Bucholtz has been identified as that  
10 person point of contact.

11 Q. As to all complaints related to voter ID  
12 issues?

13 A. Majority of them, yes.

14 Q. Are there any types of voter ID issues from  
15 customers that Tracy Bucholtz wouldn't be the  
16 point person for?

17 A. Yes.

18 Q. And what would those be?

19 A. The ones that just come to us through e-mail.

20 Q. And when you say come to us from e-mails --

21 A. From the commissioner.

22 Q. From the commissioner's office?

23 A. Correct.

24 Q. So if there's a complaint that comes from  
25 Commissioner Thomas's office, does that include

1 from his executive assistant?

2 A. Yes.

3 Q. If a customer complaint regarding a voter ID  
4 card comes from Commissioner Thomas or from his  
5 executive assistant, who's in charge of  
6 handling that?

7 A. Well, at times he or she could send it directly  
8 to Charlotte, he or she could send it directly  
9 to me and copy Charlotte and others, so it  
10 depends on how he decides to send it out.

11 Q. And you don't recall responding to any voter ID  
12 complaints yourself, right?

13 A. Not responding personally. I would have sent  
14 it to someone to research and I might have sent  
15 the answer back to the commissioner, but it did  
16 not come directly from me. It was researched  
17 first from other people.

18 Q. Do you recall any circumstances where you did  
19 communicate back to Commissioner Thomas about a  
20 voter ID card complaint?

21 A. Yeah, I can recall some.

22 Q. What are those examples that you recall?

23 A. The one that I just mentioned where it was  
24 researched by someone else and then I would  
25 send an e-mail up to him that says from Portia

1 to the commissioner with other people copied,

2 so...

3 Q. And so I'm trying to understand a little bit  
4 more about that circumstance that you recall.  
5 So what were the specifics of that particular  
6 complaint that you recall?

7 A. What was -- what was going to be researched?

8 Q. What was the customer complaint and then how  
9 was it responded to?

10 A. Well, the one that's on my mind freshest is the  
11 mobile unit.

12 Q. And can you give me a little more detail about  
13 what that issue involved. What was the nature  
14 of the complaint?

15 A. I believe that one was where the customer  
16 stated that he -- it was a she, I believe took  
17 her son and did not receive the ID. They asked  
18 if the ID was free and didn't receive an ID, so  
19 that's the one that we sent out for research.  
20 That's the freshest one on my mind.

21 Q. So a customer went with her son to try to get a  
22 free voter ID card?

23 A. Correct.

24 Q. And they weren't able to get one?

25 A. Correct.

1 Q. And in researching and responding to that  
2 complaint, what did you find out?

3 A. Researching I believe -- let me just think, a  
4 lot of e-mails going through my brain.

5 Q. Take your time.

6 A. I will. I believe that one the customer had  
7 never been issued or the customer -- I  
8 can't -- it's foggy, I really can't remember.

9 Q. Do you recall what information you provided  
10 back to Commissioner Thomas about if the issue  
11 was resolved or if it was still ongoing?

12 A. I provided some information back to him because  
13 he had asked particular questions, you know,  
14 where -- where did it stop, was it correct or  
15 whatever, and so I provided that based on the  
16 examiner's statements. And based on that,  
17 another e-mail came back out that said from the  
18 deputy commissioner, he would talk to the  
19 commissioner about it because he had already  
20 met with Charlotte and Angela regarding that.

21 Q. And what --

22 A. So I don't know the outcome.

23 Q. I apologize for interrupting you.

24 And what were -- the examiner who  
25 handled the customer experience, what were the

1 examiner's comments about what happened or what  
2 transpired?

3 A. I believe they stated the customer did come in  
4 with a son and that they asked for -- if IDs  
5 were free. They did not ask if voter ID was  
6 free. They just asked if IDs were free.

7 Q. And how did the examiner respond to that  
8 inquiry?

9 A. And he said -- I believe from the statement  
10 that, no, they're not free.

11 Q. So customer comes in with her son, asks if IDs  
12 are free?

13 A. Uh-huh.

14 Q. The examiner responds no.

15 A. I believe so.

16 Q. And in that circumstance, were -- was the  
17 examiner's conduct correct per DMV policies and  
18 practices?

19 A. Well, he answered correctly in one sense  
20 because ID cards are not free, but in the other  
21 sense he did not probe because some IDs are  
22 free. So if they have probed, maybe he would  
23 have gotten exactly what they were looking for.

24 Q. So the examiner could have done more to further  
25 the inquiry?

1 A. I believe so.

2 Q. So other than that circumstance where you  
3 reported back to Commissioner Thomas -- or  
4 sorry, let's stick with that for a moment.

5 So -- so there was some discussion  
6 about the examiner could have followed up on  
7 the inquiry a bit more and it was reported back  
8 that the assistant commissioner and Charlotte  
9 Boyd-Malette were going to communicate further  
10 about it and that's where your involvement  
11 ended?

12 A. Correct.

13 Q. Do you know how the situation was resolved back  
14 to the customer?

15 A. I do not.

16 Q. Do you know if the customer ended up getting an  
17 ID card?

18 A. I do not.

19 Q. Who -- would Charlotte Boyd-Malette know that?

20 A. It's a possibility.

21 Q. Are you aware of customer complaints regarding  
22 customers who registered to vote at the DMV but  
23 were not found on the voter registration rolls?

24 A. I've heard about it, yes, but not involved in  
25 it.

1 A. It could have been. I just can't recall them  
2 right this second. The ones that I recall are  
3 the ones that I spoke to you about earlier.

4 Q. So there may have been other complaints of this  
5 nature, you just aren't -- you just don't  
6 recall at this time?

7 A. Correct.

8 Q. Ms. Manley, I'm going to show you what has been  
9 previously marked Exhibit 485.

10 MR. EPPSTEINER: Can we go off the  
11 record for a minute.

12 THE VIDEOGRAPHER: Off record at  
13 4:39 a.m.

14 (Brief Recess.)

15 THE VIDEOGRAPHER: Back on record at  
16 11:39 a.m.

17 BY MR. EPPSTEINER:

18 Q. The witness has in front of her Exhibit 485.

19 Ms. Manley, can you review that  
20 document and let me know when you're finished,  
21 please.

22 A. Yes.

23 Q. Are you finished?

24 A. I'm finished.

25 Q. If you look at the first page of the document,



1 this is an e-mail that you sent to Charlotte

2 Boyd-Malette dated March 11, 2015; is that

3 right?

4 A. Correct.

5 Q. And the -- within the e-mails is described a

6 customer complaint regarding a voter ID card.

7 Is that fair?

8 A. Correct.

9 Q. Do you recall this particular complaint?

10 A. Yes, I do.

11 Q. Is this one of the complaints that we

12 previously talked about?

13 A. Yes. Yes, it is.

14 Q. Was this the complaint where it was the male

15 who went on his own and then his mother

16 complained and you had a conversation with the

17 mother?

18 A. Correct.

19 Q. One of my questions is if you look at Page 3 of

20 the document --

21 A. Okay, I'm there.

22 Q. And I'm looking in the substance of the

23 complaint. It says -- and I'm just quoting

24 from the middle of the e-mail -- "the son then

25 paid the \$10 for the DMV card."

1                   And I thought when you were describing  
2                   the complaint you had thought that his license  
3                   was suspended. He says he asked for a free ID  
4                   card and he couldn't get one because he was  
5                   told he couldn't get one, but when you  
6                   researched it, your office found that he just  
7                   asked if he could get his driver's license.

8                   So I'm wondering, does your  
9                   recollection change based upon the language in  
10                  this e-mail because this e-mail says that he  
11                  got a \$10 ID card, right?

12                 A. Okay. Yes.

13                 Q. Does this refresh your recollection --

14                 A. Yes, it does.

15                 Q. So based upon this document, what is your  
16                  recollection of what the mother's complaint was  
17                  for her son?

18                 A. Just like it says, she was complaining that she  
19                  took her son there after getting a push card,  
20                  that's what she called it, and she wanted him  
21                  to get a free one. When he went in, he did not  
22                  get a free one because his license were  
23                  suspended and the examiner charged him \$10.

24                 So I remember this one because she got  
25                  a refund of her \$10.

1 Q. She got a refund?

2 A. Yes.

3 Q. So I recall you saying about this particular  
4 complaint that the examiner did everything  
5 right.

6 A. Correct.

7 Q. Do you still think that even though \$10 was  
8 refunded to the mother?

9 A. Well, I would have to see the investigation,  
10 but I do know that the mother did receive the  
11 \$10 back. So I can't say right now unless I  
12 see the report.

13 Q. But since \$10 was refunded to the mother and  
14 based upon the nature of the complaint that you  
15 read, do you believe that the ID card should  
16 have been free?

17 MR. PETERS: Objection to the form.

18 THE WITNESS: As I stated earlier, I  
19 would have to see the report.

20 BY MR. EPPSTEINER:

21 Q. Are refunds given to customers for IDs that --  
22 for free ID cards that shouldn't have been  
23 free?

24 A. Not necessarily they're not.

25 Q. Other than what I asked you about what the

1 nature of the complaint was, does this document  
2 refresh your recollection as to your particular  
3 conversation with the mother?

4 A. Yes.

5 Q. So what -- after looking at the document, what  
6 do you recall about your conversation with the  
7 mother who made the complaint?

8 A. That we will research it and if -- if it went  
9 out -- because she was saying she did not want  
10 to get the examiner in trouble, that was her  
11 number one thing and the fact that she had paid  
12 the \$10.

13 And so I can't say, well, I will give  
14 you the \$10 back until we research it, so  
15 that's why I said if we gave her the \$10 back,  
16 it was something in the report that requires us  
17 to do that, and I don't have the report in  
18 front of me so I can't say what it was.

19 Q. Right, but by your recollection of the  
20 complaint, you believe \$10 was refunded to the  
21 mother?

22 A. Yes, I know for a fact it was.

23 Q. Have you heard complaints from customers who  
24 try to get some type of photo ID credential --  
25 and so when I use that term, I just want to

1 record for a minute.

2 THE VIDEOGRAPHER: Going off record at  
3 11:54 a.m.

4 (Brief Recess.)

5 THE VIDEOGRAPHER: Back on record,  
6 12:01 p.m.

7 BY MR. EPPSTEINER:

8 Q. Ms. Manley, I'm showing you what has been  
9 previously marked as Exhibit 484. It's a  
10 lengthy document, but what I'm particularly  
11 going to be asking you about is the substance  
12 of the information located on page -- Pages 11  
13 and 12. So can you take a look at Pages 11 and  
14 12 and let me know when you're finished. When  
15 I say 11 and 12, I'm talking about the bottom  
16 of Page 11 and top of Page 12.

17 A. Okay.

18 Q. If you just turn to the first page, just for  
19 clarity of the record, I'm asking you about an  
20 e-mail that you received from Tracy Bucholtz  
21 dated January 15, 2015; is that right?

22 A. Correct.

23 Q. And if you look at Pages 11 and 12, it  
24 describes a customer complaint to the DMV  
25 regarding a voter ID card; is that right?

1 A. Correct.

2 Q. And I'm just going to read into the record the  
3 second paragraph of the e-mail, since it's  
4 short, on the bottom of Page 11.

5 "One of my board members works with  
6 an agency that helps disabled/special  
7 needs people. They took one of their  
8 clients to get a DMV-issued photo ID.  
9 DMV charged the person \$10 and told them  
10 that the ID is not free to people who are  
11 already registered to vote. The free ID  
12 only applies to people who need it to  
13 register."

14 Is that the nature of the complaint?

15 A. That's what it states, yes.

16 Q. And this complaint was forwarded to the  
17 Division of Motor Vehicles from the State Board  
18 of Elections, right?

19 A. Yes, it was.

20 Q. Do you recall this complaint?

21 A. Not particularly, no.

22 Q. If you look at Page 2 of the document, it's an  
23 e-mail from yourself to Charlotte Boyd-Malette,  
24 and the e-mail says in full:

25 "Charlotte, please get with Deanna

1 and discuss, maybe this can be addressed

2 during a training class for examiners."

3 A. Correct.

4 Q. When you say maybe this can be addressed, what

5 needed to be addressed during a training class

6 for examiners?

7 A. The whole voter ID issue that we are having

8 that -- based on what customer says and what

9 the policies are.

10 Q. So based upon what the customer said and what

11 the policies are, DMV examiners needed to be

12 trained on the proper policies and procedures

13 for issuing a DMV card?

14 A. A refresher course.

15 Q. Based upon this complaint, the examiners needed

16 a refresher course on the policies and

17 procedures for issuing a free voter ID card?

18 A. Free ID card, credentials, period.

19 Q. And so this e-mail -- the first e-mail was sent

20 on January 15, 2015, and there's talk about

21 discussing this at the next district

22 supervisor's meeting.

23 A. Correct.

24 Q. I believe you testified previously that

25 sometimes you were present at those meetings;

1 is that right?

2 A. Correct.

3 Q. Do you recall a supervisor's meeting where this  
4 particular complaint was discussed?

5 A. No. Not particularly, no.

6 Q. Do you recall whether -- Ms. Bucholtz yesterday  
7 talked about the continuing education course  
8 that was very recently held for examiners, and  
9 I believe you said you attended that training;  
10 is that right?

11 A. Some parts of it, yes.

12 Q. Did you attend Tracy Bucholtz's part?

13 A. Yes.

14 Q. Do you recall whether she discussed this  
15 particular complaint at that training?

16 A. Not this particular complaint, no.

17 Q. Did she discuss other complaints?

18 A. No.

19 Q. So she discussed DMV policies and procedures  
20 but not individual customer complaints?

21 A. Correct.

22 Q. Ms. Manley, are you aware of whether at any  
23 time when a customer went to a driver's license  
24 office for a service and they registered to  
25 vote that the system at the driver's license