

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

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

Plaintiffs,)

vs.)

1:13-CV-658

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,)

vs.)

1:13-CV-660

Case No:

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

Defendants.)

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

1:13-CV-861

Case No:

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

Defendants.)

VIDEOTAPED DEPOSITION
OF
CHARLOTTE BOYD-MALETTE

1 VIDEOTAPED DEPOSITION
2 OF
3 CHARLOTTE BOYD-MALETTE
4

5 10:07 A.M.

6 TUESDAY, MAY 19, 2015
7

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
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1 A. No.

2 Q. Other than the transcript, did you review any
3 documents to prepare for today's deposition?

4 A. Yes.

5 Q. Do you remember what you reviewed?

6 A. A few of the exhibits.

7 Q. Okay. Anything else?

8 A. Not that I can recall.

9 Q. Okay. Do you remember which exhibits you
10 looked at?

11 A. No, I don't.

12 Q. Other than the meeting with your attorneys and
13 Ms. Manley and Ms. Bucholtz, did you talk with
14 anybody else about the deposition?

15 A. No, I didn't.

16 Q. You're currently employed by the North Carolina
17 DOT; is that right?

18 A. Yes.

19 Q. How long have you been working for the DOT?

20 A. 14 years.

21 Q. What's your current position at DOT?

22 A. Assistant director of field services.

23 Q. And is that part of the Division of Motor
24 Vehicles?

25 A. Yes.

1 Q. How long have you held that position?

2 A. Since June 7, 2014.

3 Q. What were you doing at DOT before then?

4 A. I worked in the Office of Civil Rights.

5 Q. How long were you in that office?

6 A. I don't know exactly how long.

7 Q. That's okay. Roughly?

8 A. So approximately a year and a half.

9 Q. So about mid 2013 to mid 2014?

10 A. I went October, it was October of 2011.

11 Q. Okay. So October 2011?

12 A. Yes.

13 Q. Were you in the Office of Civil Rights until
14 June of 2014?

15 A. Yes.

16 Q. Okay. What did you do in that office?

17 A. I worked as an ADA coordinator.

18 Q. Before you worked in the Office of Civil
19 Rights, what were you doing before that?

20 A. I worked at DMV as an administrative hearing
21 officer.

22 Q. Okay. And how long did you have that job?

23 A. I don't know exactly how long it was. Maybe
24 two and a half years.

25 Q. Okay. What did you do as an administrative

1 hearing officer?

2 A. I was responsible for overseeing the hearing
3 officers in the central region for the Division
4 of Motor Vehicles.

5 Q. Okay. What does that mean?

6 A. The administrative hearing officers would
7 review cases for people who had lost or had
8 suspended driver's license, revoked driver's
9 license, they conducted hearings to see if they
10 could be restored.

11 Q. And what was your role as the person who was
12 overseeing those hearing officers?

13 A. Just to manage employees to ensure that they
14 were adhering to policies and procedures.

15 Q. What were the policies and procedures that
16 you're referring to?

17 A. Motor Vehicle Law Chapter 20.

18 Q. Other than the statute, were there other
19 policies or procedures that they were required
20 to comply with?

21 A. Internal policies and procedures.

22 Q. How were those internal policies communicated?

23 A. To the best of my recollection, via memo,
24 e-mail blast.

25 Q. Do you remember anything else?

1 A. Not that I can recall.

2 Q. Are there administrative regulations that they
3 have to comply with also?

4 A. I can't recall.

5 Q. Okay. That's fine. So let's return to the
6 present time in your current position at DMV.

7 You said you were assistant director of
8 field services; is that right?

9 A. Yes.

10 Q. Who reports to you?

11 A. The regional chief driver's license offices.

12 Q. Okay. Anybody else?

13 A. The employees up under them report to them. So
14 those are my three direct reports.

15 Q. There are three regional chiefs?

16 A. Yes.

17 Q. And who did you report to?

18 A. I currently report to Ms. Portia Manley.

19 Q. Did you previously report to someone else?

20 A. Ms. Webb.

21 Q. Do you remember when that transition happened?

22 A. I don't.

23 Q. Can you tell me what your responsibilities are
24 in your current position?

25 A. My current responsibilities are to oversee the

1 driver's license offices across the State of
2 North Carolina, the three chiefs are primarily
3 responsible for making sure those offices are
4 ran as they should be.

5 Q. And so overseeing the driver's license offices,
6 what does that involve?

7 A. That involves the day-to-day operations of the
8 offices, the examiners adhering to policies and
9 procedures and things of that nature.

10 Q. Anything else?

11 A. Just general overall day-to-day operations.

12 Q. Do you spend time in the driver's license
13 offices?

14 A. I occasionally go out to the field.

15 Q. Okay. When you say occasionally, about how
16 often?

17 A. I've only been out to the field maybe three
18 times.

19 Q. So does that mean you're mostly at DMV
20 headquarters?

21 A. Yes.

22 Q. You've been out to the field about three times
23 since you started this position --

24 A. Approximately.

25 Q. -- last June?

1 A. Approximately.

2 Q. So how do you typically communicate with the
3 regional chiefs?

4 A. Meetings, phone conferences and e-mails, in
5 person.

6 Q. Where are the regional chiefs stationed?

7 A. One is in the central, one is in the east and
8 one is in the west.

9 Q. So their offices are not at DMV headquarters
10 with you?

11 A. No, ma'am.

12 Q. Do you ever communicate with the district
13 supervisors?

14 A. Yes.

15 Q. And how do you typically do that?

16 A. E-mail, in person, phone conferences.

17 Q. Okay. Where would the in-person meetings
18 occur?

19 A. They would occur at DMV headquarters; if we
20 have training, in training sessions.

21 Q. Other than training sessions, do you have any
22 other occasion to interact face-to-face with
23 the district supervisors?

24 A. At meetings.

25 Q. Okay. And those meetings are also at DMV

1 Q. Okay. And so what I am wondering is in your
2 role as assistant director of field services,
3 do you have any involvement with the DMV's
4 implementation of that free voter ID process?

5 A. I don't understand that question.

6 Q. Okay. Let me try again.

7 When you're working with the regional
8 chiefs or the district supervisors, does any of
9 that work have to do with the free voter ID?

10 A. Yes.

11 Q. Okay. And how does that typically come up?

12 A. In meetings.

13 Q. Okay.

14 A. A review of the document that was implemented
15 before I got to the department, conversations
16 with the chiefs, the districts, the director.

17 Q. Okay. What's the document that was implemented
18 before?

19 A. The VIVA memo.

20 Q. Okay. So you're continuing to talk about that
21 document with the field services staff today?

22 A. Yes.

23 Q. Okay. So I'd like to ask you a few questions
24 just about driver's licenses generally before
25 we get into more detail on the voter ID

1 A. Excuse me. Required document sheet.

2 Q. Okay. So am I right that for driver's license
3 applicants, they're required to provide two
4 forms of identity from Table 1 of Exhibit 218?

5 MR. FARR: Do you want to take that out
6 of the notebook? Would that be easier for you?

7 THE WITNESS: Yes.

8 MS. RYAN: Why don't we go off the
9 record for one second.

10 THE VIDEOGRAPHER: Going off record at
11 10:25 a.m.

12 (Brief Interruption.)

13 THE VIDEOGRAPHER: Back on record at
14 10:29 a.m.

15 BY MS. RYAN:

16 Q. I'm going to take a step back and start with a
17 different question.

18 Are you familiar with the process for
19 issuing driver's licenses at DMV?

20 A. I am familiar, yes.

21 Q. Okay. And are you familiar with this document
22 that's been marked as Exhibit 218?

23 A. Somewhat.

24 Q. Okay. Is it your understanding that
25 individuals who come in to apply for a

1 North Carolina driver's license are required to

2 present two forms of identification from

3 Table 1?

4 A. Yes.

5 Q. And Table 1 lists 12 types of documents that

6 the DMV will accept to prove identity; is that

7 right?

8 A. Yes.

9 Q. Do you know what happens if the name on a
10 document that an individual presents to prove
11 their identity doesn't match that individual's
12 current name?

13 MR. FARR: Objection to form.

14 You can answer the question if you can.

15 THE WITNESS: Ask me the question
16 again, please.

17 BY MS. RYAN:

18 Q. Sure. If I came into the DMV and I said, My
19 name is Elizabeth Ryan but I present, say, a
20 birth certificate with a different name on it,
21 would I be able to use that birth certificate
22 as proof of identity?

23 MR. FARR: Objection to form.

24 THE WITNESS: I think so.

25 BY MS. RYAN:

1 got married, so I'm struggling to come up with
2 another example.

3 But does the DMV need to verify first

4 name, middle name and last name?

5 A. The full name is required.

6 Q. Okay. Go ahead.

7 A. Unless your middle name is A. If A is your

8 middle name, then that is your middle name, so

9 the full name is required.

10 Q. Okay. So if my driver's license has my full

11 first name, middle name, last name and any

12 piece of that doesn't match with the Social

13 Security Administration, is that not verified

14 then?

15 A. We would ask for additional documentation.

16 Q. Okay. The DMV charges fees for issuance of a

17 driver's license; is that right?

18 A. Yes.

19 Q. And it's -- for individuals who are under 65,

20 it's \$32 for a driver's license; is that right?

21 A. Yes.

22 Q. And for people who are 65 and over it's \$20?

23 A. I believe that's correct.

24 Q. Does DMV waive driver's license fees for people

25 who can't afford the fee?

1 A. Not to my knowledge.

2 Q. If you take a look at Exhibit 218, Table 9,
3 it's on the second page at the bottom, which
4 says Proof of Insurance, if you're coming in
5 for a driver's license, do you have to provide
6 proof of insurance even if you're not
7 registering a vehicle?

8 A. Yes.

9 Q. Okay. So the insurance requirement applies
10 just to everybody who's applying for a driver's
11 license?

12 A. Yes.

13 Q. Okay. Do you know what a fleet vehicle is?

14 A. I'm not really sure what it is.

15 Q. Okay. Do you have any idea?

16 A. A part of a number of vehicles. I would think
17 that's what a fleet is, one of many vehicles.

18 Q. I've seen it -- I didn't bring a document with
19 me. I've seen it referred to in some of the
20 DMV materials about you limiting driving to
21 fleet vehicles. Do you have any idea what that
22 refers to?

23 A. I'm not really sure what it refers to.

24 Q. Okay. When an individual goes into the DMV for
25 a driver's license, it's my understanding that

1 they don't walk out that very day with the

2 license in their hand; is that right?

3 A. Yes.

4 Q. They leave with a temporary driving

5 certificate?

6 A. Yes.

7 Q. Okay. Does the temporary driving certificate

8 have a photo on it?

9 A. No.

10 Q. Are there -- does DMV plan to add a photo to

11 the temporary driving certificate?

12 A. Yes.

13 Q. Do you know what the timeline is for that

14 addition?

15 A. I do not.

16 Q. You don't know when they'll start having photos

17 on them?

18 A. I don't know.

19 Q. Do you have -- do you know whether they expect

20 that to start happening in 2015?

21 A. I'm not sure.

22 Q. Okay. We've been talking about driver's

23 license specifically for -- DMV also issues

24 non-operator ID cards, right?

25 A. Yes.

1 Q. What does an individual who applies for a
2 non-operator ID card, what do they walk out of
3 DMV with on that day?

4 A. A receipt upon request.

5 Q. Is the -- does the receipt have a photo on it?

6 A. No.

7 Q. Do you know whether DMV has any plans to add a
8 photo to the receipt?

9 A. No, not the receipt. I don't think there are
10 plans to add a photo to the receipt.

11 Q. Okay. And you said the receipt is issued upon
12 request. Is the temporary driving certificate
13 issued automatically?

14 A. Yes.

15 Q. I'm going to back up for one second. We were
16 talking about the -- my painful hypothetical
17 about the woman with the name change and we
18 were -- we were talking about driver's license
19 applicants.

20 Would the same process apply for a
21 person applying for a non-operator ID card?

22 A. You said the process. Yes, I believe it would.
23 Yes.

24 Q. An individual applying for a driver's license
25 has to come into a DMV office; is that right?

1 A. It depends.

2 Q. Okay. What does it depend on?

3 A. If you're applying for the first time, yes.

4 Q. Okay. In what circumstances would you not have
5 to come into a DMV office?

6 A. If you're applying for a duplicate license.

7 Q. Can you apply for a duplicate license online?

8 A. Yes.

9 Q. Can you apply for a duplicate non-operator ID
10 online?

11 A. I don't think so. I don't know.

12 Q. Okay. Do you know whether you can apply for a
13 duplicate voter ID online?

14 A. You cannot.

15 MR. FARR: What was the answer? I
16 didn't hear you.

17 THE WITNESS: You asked if I could
18 apply for a duplicate voter ID. Is it with
19 DMV? Are you talking about with DMV or are you
20 talking about with the State Board of
21 Elections?

22 BY MS. RYAN:

23 Q. With DMV?

24 A. No.

25 Q. I'm sorry.

1 A. I'm sorry.

2 Q. So you're saying an individual cannot apply for
3 a duplicate voter ID online from DMV?

4 A. No, they cannot.

5 Q. And I think you said with respect to the other
6 forms of non-operator ID you weren't sure
7 whether you could get a duplicate online.

8 A. That's correct.

9 Q. But driver's license you can apply for a
10 duplicate online?

11 A. Yes.

12 Q. Do you know how -- do you -- when you do the
13 duplicate process online, do you receive
14 anything immediately that you can print out to
15 use in place of the driver's license?

16 A. No.

17 Q. Okay. So there's -- there's not an equivalent
18 of the temporary driving certificate for the
19 online duplicate process?

20 A. No.

21 Q. About how long does it take for duplicates to
22 be mailed out to customers who request them
23 online?

24 A. I'm not sure.

25 Q. Have you heard of any problems with delays in

1 the mailing of duplicate licenses that were
2 requested online?

3 A. I have not.

4 Q. Can you renew a driver's license online?

5 A. No.

6 Q. Does DMV have plans to begin offering online
7 renewal for driver's licenses?

8 A. Yes.

9 Q. Do you know when that is scheduled to take
10 effect?

11 A. I do not, no.

12 Q. Do you know whether it's scheduled to take
13 effect in 2015?

14 A. I don't know.

15 Q. Does -- can you renew a non-operator ID online?

16 A. I'm not sure.

17 Q. What about a voter ID, can a voter ID be
18 renewed online?

19 A. No.

20 Q. Does DMV have any plans to begin online renewal
21 of voter ID?

22 A. I'm not sure.

23 Q. Going back to duplicates for a second, am I
24 right there's a \$10 fee for duplicate driver's
25 licenses?

1 A. Yes.

2 Q. Is there also a \$10 fee for duplicate
3 non-operator IDs?

4 A. Ask me the question again, please, or rephrase.

5 Q. Sure, sure. For the -- you might get a
6 duplicate if you lost your driver's license,
7 right?

8 A. Right. Yes.

9 Q. And you might get a duplicate non-operator ID
10 if you lost your non-operator ID, right?

11 A. Yes.

12 Q. Would there be a charge for the issuance of the
13 duplicate non-operator ID?

14 MR. FARR: Is this the no-fee ID or the
15 non-operator ID?

16 BY MS. RYAN:

17 Q. So my understanding is there are a few
18 non-operator IDs where DMV doesn't charge a fee
19 for issuance; is that right?

20 A. You're talking about an ID card?

21 Q. Uh-huh.

22 A. Yes.

23 Q. And then there's a regular non-operator ID that
24 DMV does charge a fee for; is that correct?

25 A. I don't understand your question.

1 Q. Okay. Does the DMV ever charge a fee for a
2 non-operator ID card?

3 A. You say non-operator, I'm getting confused.

4 For an ID card, there is a \$10

5 duplicate fee.

6 Q. Okay. And that does not apply to a no-fee ID

7 card?

8 A. It's no-fee.

9 Q. Okay. So there's no \$10 duplicate fee for the

10 no-fee ID cards?

11 A. That's correct.

12 Q. For an individual who already has a

13 North Carolina driver's license but they change

14 their name for whatever reason and they want to

15 update their North Carolina driver's license

16 with their new name, what is the process for

17 doing that?

18 A. A name change?

19 Q. Uh-huh.

20 A. They would be required to bring in a document

21 to support the name change.

22 Q. So that individual would have to appear in

23 person at a driver's license office?

24 A. You can do a name change online --

25 Q. Okay.

1 A. -- I believe.

2 Q. What sort of document can the person provide to
3 support the name change?

4 A. If you're changing your name based on marriage,
5 your marriage license. If you're going through
6 the court to do it, a court document.

7 Q. Okay. How do you -- how do you -- how does the
8 individual prove the name change if they do it
9 online?

10 A. I'm not sure. I want to go back to the
11 question you asked if they could do it online.
12 I said I believe so, but I'm not really sure.

13 Q. Okay. I think I saw somewhere that there is an
14 option for completing an affidavit if you need
15 to do a name change. Is that your
16 understanding?

17 A. I believe, yes.

18 Q. Do you know if there's an additional fee for
19 relying on the affidavit?

20 A. I believe it's a \$2 fee.

21 Q. Okay. A name change is considered a duplicate;
22 is that right?

23 A. Yes.

24 Q. So for any of the fee-based cards there would
25 be a \$10 fee for the name change?

1 A. Yes.

2 Q. So if an individual comes into a driver's
3 license office to do the name change, does she
4 walk out that day with the new driver's license
5 reflecting the name change?

6 A. No.

7 Q. What does she walk out with?

8 A. For a driver's license, a temporary driving
9 certificate.

10 Q. Okay. And for an ID card, would it be the
11 receipt?

12 A. Yes.

13 Q. If a person needing to do the name change
14 relied on the affidavit instead of providing a
15 document proving the name change, you said it's
16 a \$2 fee for using the affidavit?

17 A. I believe that's true.

18 Q. And that applies for driver's license, right?

19 A. Yes.

20 Q. Would it also apply to the fee-based ID cards?

21 A. Yes.

22 Q. Do you know whether if you're doing a name
23 change for a no-fee ID, would you still have to
24 pay that \$2 affidavit fee?

25 A. I don't think you would.

1 vote?

2 MR. FARR: Objection.

3 THE WITNESS: I don't know.

4 BY MS. RYAN:

5 Q. If I need to update my address on my driver's

6 license, is that also considered a duplicate?

7 A. Yes.

8 Q. And so is it a \$10 fee for any duplicate?

9 A. Yes.

10 MR. FARR: Any duplicate of a driver's

11 license?

12 BY MS. RYAN:

13 Q. For any of the fee-based credentials, it's a

14 \$10 fee for a duplicate?

15 A. It's \$10 for a duplicate license, \$10 for an ID

16 card.

17 Q. Okay. When an individual comes into a DMV
18 office to update their address, does DMV update
19 the individual's voter registration as well?

20 A. The question is asked.

21 Q. Is it the same process that we just discussed
22 for name changes, for updating the voter
23 registration?

24 A. In the office?

25 Q. Uh-huh.

1 this, so I don't know.

2 BY MS. RYAN:

3 Q. You're not sure?

4 A. I'm not sure.

5 Q. Okay. When you were working as -- when you
6 were reviewing the hearing officers, did you
7 ever have occasion to look at the documentation
8 that DMV sent to customers whose licenses were
9 suspended?

10 A. I did.

11 Q. Okay. And is it your recollection that
12 generally when a license has been suspended
13 that there's a fee for restoration of the
14 license?

15 A. Yes.

16 Q. Does that fee vary or is it consistent?

17 A. I'm not sure.

18 Q. Okay. What's your recollection of what the
19 restoration fee is?

20 A. \$50 in some cases. Like I said, I'm not really
21 sure because I believe fees have changed, so
22 I'm not sure what the fees currently are.

23 Q. Okay. And the restoration fee, is that in
24 addition to any licensing fees for issuance of
25 the new license?

1 A. Yes.

2 Q. Okay. I understand that individuals whose
3 licenses have been suspended may have to turn
4 them in to DMV. Is that your understanding?

5 A. From this letter, yes.

6 Q. Okay. Other than what you read in Exhibit 476,
7 do you know whether individuals who have had
8 their driver's license suspended have to turn
9 the license in?

10 A. Ask me that again. I'm sorry.

11 Q. Sure. Do you have any independent knowledge
12 other than what you saw in this letter of
13 whether an individual whose driver's license
14 was suspended, whether that individual has to
15 turn the license in?

16 A. I can't remember.

17 Q. Okay. If you look at the -- I think it's five
18 paragraphs down about the middle of the page in
19 Exhibit 476, the paragraph that starts with if
20 you've not complied with this citation by the
21 effective date of this order, you'll be -- you
22 will be required to mail your current
23 North Carolina driver's license, if applicable,
24 to the division, and then it says "Failure to
25 do so may result in an additional \$50 service

1 fee."

2 Do you have any idea what that's
3 referring to?

4 A. No, I don't.

5 Q. Going up to the first paragraph in Exhibit 476,
6 which says, "Your North Carolina driving
7 privilege is scheduled for an indefinite
8 suspension" and it cites a general statute for
9 failure to pay a fine, do you know what this
10 suspension is for?

11 A. I do not.

12 Q. Okay. You don't know what that refers to in
13 that first paragraph of the letter?

14 A. I don't.

15 Q. What do you remember about the reasons why a
16 driver's license might be suspended?

17 A. The driver's license suspension part is an
18 adjudication process, and I don't recall a lot
19 of that process. That's in adjudications, not
20 driver's license.

21 Q. Okay. Do you remember any of the reasons why
22 somebody's driver's license might be suspended?

23 A. For speeding, failure to pay fine as indicated
24 on this letter here, DWI.

25 Q. Do you know what kind of fines somebody could

1 renewed?

2 A. Ask me again, please. Rephrase the question.

3 Q. Can you renew a driver's license that's

4 expiring if it's in suspended status?

5 A. No.

6 Q. So I understand that in SADLS there are --

7 there are codes that tell you what an

8 individual -- individual's driver status is.

9 Is that your understanding?

10 A. Yes.

11 Q. I'm going to hand you Exhibit 210. This is a

12 previously marked exhibit, and it starts with a

13 long e-mail thread. It's an e-mail that I --

14 I'm Elizabeth Ryan, I received this from

15 counsel for Governor McCrory and there's an

16 attachment to this document which is what I

17 wanted to ask you about, excuse me, an

18 attachment to the e-mail.

19 So if you flip a few pages back, it --

20 the attachment begins with United States v

21 North Carolina. Yes, that's it. I'm sorry

22 there aren't page numbers on this part of the

23 exhibit.

24 MR. FARR: It's the last four pages.

25 MS. RYAN: One, two -- last three

1 where there's two sentences, the second
2 sentence of that paragraph.

3 A. Okay.

4 Q. So the question is: Do you know what would
5 cause an ID card to become inactive?

6 A. I don't.

7 Q. If a customer turns in their driver's license
8 and requests an ID card, does the \$10 fee apply
9 in that circumstance, assuming they're not
10 requesting one of the no-fee ID cards?

11 A. The cost for the ID would be required, yes.

12 Q. So I'd like to transition to talking about
13 VIVA, voter ID specifically a little bit more.
14 So I think we're probably done with those two
15 exhibits.

16 So an individual who's applying for a
17 voter ID card must appear in person at a
18 driver's license office; is that right?

19 A. Yes.

20 Q. Do you know what a DCR is?

21 A. Yes.

22 Q. What is it?

23 A. A Data Change Request.

24 Q. Okay. And what does that mean?

25 A. It's a request for information from IT or,

1 of acceptable documents in Table 1."

2 Did I read that correctly?

3 A. Yes.

4 Q. It's my understanding that DMV -- that --
5 excuse me -- an examiner is allowed to issue a
6 voter ID to an applicant who has only one
7 document to prove their identity; is that
8 correct?

9 MR. FARR: Objection to the form.

10 THE WITNESS: I'm not sure about that.

11 BY MS. RYAN:

12 Q. Do you know whether voter ID customers must
13 present two documents to prove their identity?

14 A. Can you ask me again, please.

15 Q. Sure. If an individual comes into a driver's
16 license office for a voter ID card, is that
17 individual required to present two documents
18 proving their identity in order to obtain the
19 ID card?

20 MR. FARR: You're asking about a no-fee
21 ID card?

22 MS. RYAN: Correct.

23 THE WITNESS: Based on this
24 information, it says two forms of
25 identification from the list of acceptable

1 documents in Table 1.

2 BY MS. RYAN:

3 Q. Okay. When -- when you're -- I think you said
4 earlier that you have meetings with the
5 regional chiefs sometimes; is that right?

6 A. Yes.

7 Q. And sometimes with the district supervisors?

8 A. Yes.

9 Q. And I should -- generally when you're talking
10 with the regional chiefs, are you guys ever
11 talking about the voter ID process?

12 A. Occasionally.

13 Q. And do you ever talk with the district
14 supervisors about the voter ID process?

15 A. Yes.

16 Q. Do you ever -- or have you ever talked with
17 them about what documents a customer must
18 present in order to obtain a voter ID?

19 A. No.

20 Q. Okay. What do you recall talking to them about
21 the voter ID process?

22 A. I recall talking to them about the VIVA memo
23 that I was made aware of, we discussed that
24 memo.

25 Q. About how many times have you talked with the

1 picture.

2 Q. Okay. So that's -- the photograph is the next
3 step?

4 A. Yes.

5 Q. Is it right that there's one camera per DMV
6 office right now?

7 A. Yes. Let me change that. There is -- the new
8 South Charlotte office has multiple cameras, I
9 believe. I think they did install multiple
10 cameras, I said I think. But other than that
11 one, yes, most of them have one camera.

12 Q. Okay. Is DMV tracking how long I have to wait
13 to get -- before it's my turn to get my picture
14 taken?

15 A. Yes. Yes.

16 Q. Okay. Is that through the QFlow program?

17 A. Yes.

18 Q. And what happens after I get my picture taken?

19 A. After the photo is taken, the TDC -- after the
20 photo is taken, the TDC, your temporary driver
21 certificate is printed, the customer receives
22 the temporary driver certificate for review.
23 If it's accurate, the customer leaves with the
24 temporary driver certificate.

25 Q. Okay. And does the QFlow system track how long

1 I wait for that to print as well?

2 A. I'm not sure.

3 Q. In the South Charlotte office, did they install
4 cameras at each examiner station?

5 A. I wanted to say cameras at each examiner's
6 station is part of optimization, but now that
7 I'm thinking about it, I think we still have
8 one camera because all of the cameras did not
9 come in. I think they still have one camera,
10 but the plan is to have a camera with each.

11 Q. Okay. So at the South Charlotte office, you
12 mean you think they still only have one camera
13 currently?

14 A. That's correct.

15 Q. I'm handing you what's been previously marked
16 as Exhibit 221, and I want to ask you some
17 questions about the list on Page 18 of the
18 document. I guess -- you know, before I do
19 that, the probably better thing to do is ask
20 you: Have you seen this document before?

21 A. I believe so, yes.

22 Q. And can you tell me what it is?

23 A. It is the verification of voter information
24 memorandum, VIVA.

25 Q. Is that what we've been referring to as the

1 VIVA memo?

2 A. I believe so.

3 Q. Okay. And do you know whether -- Exhibit 221
4 is dated August 6, 2014. Do you know whether
5 this is the most current version of the memo?

6 A. It's the version that I've seen. I don't --
7 it's the version that I've seen.

8 Q. Is it the version that DMV is currently using?

9 A. I believe so, yes.

10 Q. If you could flip to Page 18 which says at the
11 top Identity Documents Exception List. Have
12 you seen this list before?

13 A. Yes.

14 Q. Can you tell me what it is?

15 A. It's the exception list, Identity Document
16 Exception List.

17 Q. What does that mean?

18 A. Additional documents that an examiner or
19 customer could provide for the voter ID.

20 Q. Okay. So these are documents that an examiner
21 may accept from a voter ID applicant; is that
22 right?

23 A. Right.

24 Q. And these are documents that voter ID
25 applicants can use to prove their identity?

1 A. Yes.

2 Q. To your knowledge, have there been any changes
3 to the list on Page 18 of Exhibit 221 since
4 August 2014?

5 A. Ask me again, please. I'm sorry.

6 Q. Sure. Have there been any changes to the list
7 printed here on Page 18 since August 2014?

8 A. Not that I'm aware of.

9 Q. These are alternative documents that a voter ID
10 applicant can use. A voter ID applicant can
11 also rely on the documents listed in
12 Exhibit 218 as well, right?

13 A. Yes.

14 Q. Other than these two lists, can a voter ID
15 applicant rely on any other documents to prove
16 their identity?

17 A. I believe there are documents that are not
18 listed -- and let me clarify. The examiners
19 are trained to go through every extent to try
20 to prove the identity for a customer requesting
21 a voter ID, so there may be other documents
22 that they may ask just to see if they can
23 provide the customer with a voter ID.

24 Q. So there are some circumstances when the
25 examiner would accept something other than

1 what's listed on Exhibit 218 or Exhibit 221?

2 A. Yes.

3 Q. And when an examiner accepts a document other
4 than one that is listed in Exhibit 218, that's
5 considered a deviation; is that right?

6 A. I wouldn't call it a deviation. I would call
7 it an attempt to service the customer.

8 Q. Okay. Is the -- does the examiner do anything
9 to document the fact that he or she accepted a
10 document other than the one that's on the
11 required documents list on page -- Exhibit 218?

12 A. The document would go into SADLS into comments
13 and note the comments of the documents they
14 took.

15 Q. I just want to make sure I understand. I'm
16 sorry, could you explain that again.

17 A. Ask me your question again.

18 Q. Yeah. I was asking does -- is the examiner
19 expected to document the fact that he or she
20 accepted an alternative identity document?

21 A. Before accepting an alternative document, they
22 have to get approval from a senior or district
23 supervisor or chief, and once it's approved,
24 they go into what's called the comment screen
25 and make comments regarding what additional

1 documents or alternative document they

2 received.

3 Q. Okay. Is the examiner required to do that if
4 the applicant provides identity documents from
5 the list in Table 1 of Exhibit 218?

6 A. They're trained to go into the comment screen
7 to note what documents they take.

8 Q. Okay. You said the examiner, before accepting
9 the document, must get approval from his
10 supervisor; is that right?

11 A. Yes.

12 Q. Who -- who do they have to get approval from?

13 A. They would start with their entry level and
14 that would be the senior examiner, and if the
15 senior examiner had questions, they would
16 escalate it to the district supervisor and
17 normally the district supervisor is able to
18 resolve. If not, it goes to the chief and then
19 to me.

20 Q. How long does that take?

21 A. It depends.

22 Q. So does the examiner have to wait to hear back
23 from somebody in his chain of command approving
24 the acceptance of the alternative identity
25 document?

1 A. Normally it's instantly, there's a phone call.
2 So anything outside of a phone call, it's
3 instantaneously, I would say. If they can't
4 reach one level, they continue to go up the
5 line, and I'm always available via -- they have
6 cell phones so they can answer via cell phone,
7 but it's pretty quick.

8 Q. Okay. And if the examiner wasn't able to reach
9 anybody, what would happen?

10 A. I don't know.

11 MR. FARR: Objection.

12 Has that happened?

13 THE WITNESS: I don't know that it has.
14 That's what I was going to say, I'm not aware
15 of an instance where that's occurred.

16 BY MS. RYAN:

17 Q. So you said the examiner has to get approval
18 before accepting one of these documents on
19 Exhibit 221. If the examiner's not able to
20 reach somebody in that moment, what is the
21 examiner trained to do?

22 MR. FARR: Objection.

23 You can answer if you can.

24 THE WITNESS: I need -- can you ask the
25 question again because I think I'm confused.

1 know how often they were doing it, when they
2 started doing it. I'm not sure of that because
3 that was prior to me coming on board.

4 Q. Okay. So you came on board in I think it
5 was -- you said June of 2014; is that right?

6 A. That's correct.

7 Q. So between June of 2014 and March of 2015,
8 what -- what was DMV doing to keep track of
9 voter ID applicants who weren't issued a voter
10 ID?

11 A. Based on the information I received via e-mail
12 sometime in March, they were sending the
13 information via e-mail. Some of them were
14 sending information on a spreadsheet of sorts.

15 Q. Okay. Anything else?

16 A. Not that I'm aware of.

17 Q. Okay.

18 MS. RYAN: We've been going for about
19 an hour. Why don't we take a quick break.

20 MR. FARR: Okay.

21 THE VIDEOGRAPHER: Going off record at
22 2:38 p.m.

23 (Brief Recess.)

24 THE VIDEOGRAPHER: Back on record at
25 2:53 p.m.

1 (WHEREUPON, Plaintiffs' Exhibit 481 was
2 marked for identification.)

3 MR. FARR: What number is this, please?

4 THE REPORTER: 481.

5 BY MS. RYAN:

6 Q. Ms. Boyd-Malette, I just handed you
7 Exhibit 481. Have you had a chance to look it
8 over?

9 A. I'm reading it now.

10 Yes.

11 Q. Have you seen this document before?

12 A. I have.

13 Q. What is it?

14 A. It's an e-mail that I sent out to my chiefs.

15 Q. These are the regional chiefs?

16 A. Yes.

17 Q. And who's in the cc line?

18 A. Portia Manley.

19 Q. She's the director?

20 A. She's the director of field services. Tracy
21 Bucholtz, who is the supervisor of the DMV help
22 desk and also the SBOE liaison, and Patricia
23 Polito who is my assistant.

24 Q. And what information were you attempting to
25 gather through this e-mail?

1 A. I was asking for information with respect to
2 how they were capturing the no-fee issuances --
3 issues. I know it started in January sometime,
4 and I found out they were supposed to be
5 collecting stuff, I didn't know exactly what,
6 when or how. That's what I spoke about
7 earlier, the e-mails and that memo.

8 And so I was just trying to get an idea
9 of what, if anything, they were doing.

10 Q. And you said what, if anything, they were doing
11 to capture no-fee -- I'm sorry -- voter ID
12 issuances?

13 A. The non-issuances that they had.

14 Q. Okay. And before this March 7, 2015, e-mail,
15 had you asked for information from the field
16 about non-issuances before?

17 A. I don't think that I had. I can't recall.

18 Q. You don't recall ever asking for it before?

19 A. I don't.

20 Q. Do you know if anybody else at DMV headquarters
21 had asked for non-issuances before?

22 A. I believe they had because this was implemented
23 in January. So it's my understanding that Mike
24 Jarman and Barbara Webb, who was the director
25 at that time, had asked them for information or

1 asked them to track it.

2 Q. And when you say January, you mean

3 January 2014?

4 A. Yes.

5 Q. But you don't know what information, if any,

6 they had received?

7 A. The information that I received based on this

8 e-mail was information I provided to Wil, and

9 those were the e-mails, some sheets, that's

10 basically what I received.

11 Q. Okay. Do you -- but do you know what

12 Mr. Jarman or Ms. Webb had received information

13 about non-issuances?

14 A. I don't know what they specifically received.

15 I'm just -- I just knew what the e-mails -- the

16 e-mails were directed to them, so those are the

17 only things that I'm aware of.

18 Q. Okay. And so before you sent this e-mail in

19 March of this year, are you aware of what DMV

20 had been doing to track non-issuances?

21 A. Can you rephrase that.

22 Q. Yeah. Do you know in what way the DMV had been

23 tracking non-issuances of voter IDs?

24 A. The only thing that I'm aware of is those

25 e-mails and the sheets that I provided to Wil.

1 I don't know of anything else.

2 Q. So after you sent -- you sent this e-mail on
3 March 7th. What did you learn from the three
4 chiefs about what they were doing to track
5 non-issuances?

6 A. What I learned was not specifically from the
7 chiefs but from the district supervisors that
8 were supposed to be tracking this information
9 was that they received a directive and some
10 continued to do it, some did not do it, they
11 were not consistent in the way they were
12 reporting it and they were reporting in
13 different fashions.

14 Q. Okay. So was it the district supervisors who
15 filled you in on what they had been doing?

16 A. The district supervisors provided the e-mails
17 and the sheets that they were -- and I want to
18 restate or reiterate, I know that they were
19 tracking or there was a directive given to
20 track it. When I got the e-mails and the
21 spreadsheets, it just showed the method they
22 were using to track it.

23 Q. And so were you able to get a complete record
24 of the non-issuances since January 2014?

25 A. I don't know that the record was complete.

1 something was turned away. So I don't know if
2 it was an issuance or a non-issuance. I can't
3 specifically speak to what that one is.

4 Q. Okay. So with the information provided in
5 Exhibit 482, you don't know how many voter ID
6 non-issuances these districts had. Is that
7 fair?

8 A. Yes.

9 Q. Okay. After you sent the request -- or strike
10 that.

11 Do you know how many non-issuances of
12 voter IDs all of the offices had had since
13 January 2014?

14 A. I do not.

15 Q. Okay. Were you able to collect that
16 information in any complete way?

17 A. Can you rephrase that, please.

18 Q. Yeah. I just want to be clear. I don't mean
19 this as a memory test. I'm not saying do you
20 remember the number. What -- what I wonder is
21 were you ever able to determine how many
22 non-issuances the offices had.

23 A. Specifically I was not able to really determine
24 how many because I didn't have a clear idea of
25 what was being represented.

1 Q. Okay. Do you know whether -- is there anybody
2 else at DMV who would know the total number of
3 non-issuances of voter ID since January 2014?

4 A. I would say maybe the deputy commissioner,
5 Randy Dishong, would know.

6 Q. How would he know that?

7 A. He has been more involved in the process than I
8 have.

9 Q. Do you know -- you know, what are the sources
10 of information he would look to to determine
11 how many non-issuances of voter IDs there had
12 been?

13 A. I don't know what sources, what they would be,
14 no.

15 Q. Do you know any of the sources? Like if you
16 needed to figure out how many voter IDs had
17 been applied for but not issued, where would
18 you go to try to figure that out?

19 A. For what timeframe?

20 Q. From January 2014 to the present.

21 A. I would know where to go from January until the
22 time that I started tracking, which was in
23 March, so prior to that I would not know.

24 Q. Who would you ask if you needed to try to
25 figure that out?

1 A. I would start with Tracy Bucholtz.

2 Q. Okay. And you said Mr. Dishong might know the
3 total number of non-issuances. Who would
4 report that information to him?

5 A. I'm not sure.

6 Q. Are you currently reporting that information to
7 him?

8 A. I am providing the information to the director,
9 Ms. Portia Manley.

10 Q. Okay. Do you know is anybody reporting to
11 Mr. Dishong the number of non-issuances of
12 voter ID?

13 A. I don't know.

14 Q. When did you start reporting the non-issuances
15 to Ms. Manley?

16 A. I don't know the specific data. We started
17 this in March and we asked them to report at
18 the end of the month, so it would have to be
19 around April -- April -- for the month of April
20 we were able to collect all of April, so it
21 would have been this month.

22 Q. Okay. Did you collect at the end of March?

23 A. I think we were going through this process
24 trying to figure out what had been done prior
25 to asking about the memo, so no.

1 Q. So end of April was the first time you
2 collected this information?

3 A. First time I reported it, yes.

4 Q. Okay. To Ms. Manley?

5 A. Yes.

6 Q. And is April the first month that the new
7 system for reporting was in place?

8 A. Yes.

9 Q. Okay. And do you know how many non-issuances
10 were reported to you for the month of April?

11 A. I can't remember an exact number. I'm sorry.

12 Q. In what form did you receive that report?

13 A. In the form of a spreadsheet --

14 Q. From whom?

15 A. -- an Excel spreadsheet.

16 The information was sent from the
17 district supervisors from all of their offices
18 to Ms. Polito, who is my assistant, and she put
19 together the chart and provided it to
20 Ms. Manley.

21 Q. Okay. And the monthly chart -- I guess you've
22 done only one chart so far. Excuse me.

23 Are you reporting just how many that
24 month were not issued or is it a cumulative
25 total?

1 A. It's the first month we've done it, so it is
2 just that month's information. The following
3 month would be the -- for April -- I'm sorry --
4 for April and May.

5 Q. And I think you said you don't remember how
6 many non-issuances there were. Can you give me
7 a ballpark?

8 A. One or two.

9 Q. Okay. So something less than ten?

10 A. I believe so.

11 Q. Okay. And the spreadsheet that your -- that
12 you've now asked the district supervisors to
13 compile and send to you, is that everybody who
14 comes in for a voter ID or do you have to get
15 to a certain stage in the application process
16 before you make it into that spreadsheet?

17 A. If I'm not -- if the examiner was not able to
18 issue, that goes on the spreadsheet.

19 Q. For individuals who come in for a voter ID and
20 who aren't able to obtain one, what does DMV do
21 to follow up with those customers?

22 A. Can you rephrase the question, please.

23 Q. Sure. Is DMV doing any followup with
24 individuals who come in seeking a voter ID but
25 for whatever reason aren't able to get one?

1 A. The district supervisors have been asked to
2 work with the senior examiners. If there is an
3 individual who's on that list that wasn't, for
4 whatever reason, able to get an ID card,
5 they've been asked to follow up, see what
6 happens. If it was -- because we're keeping
7 information into SADLS on the customer service
8 screen or customer comment screen with respect
9 to what happened. So they're asked to follow
10 up with the customer to see what happened, if
11 they could assist.

12 Q. When did DMV initiate this follow-up procedure?

13 A. I asked my district supervisors and chiefs to
14 do it -- I mean district supervisors and chiefs
15 and senior examiners to work with field staff.

16 I don't know what was in place prior to
17 me so it would have been right around the time
18 I sent this memo when I first was aware of this
19 being done.

20 Q. So March 2015 is when DMV implemented this
21 follow-up procedure?

22 A. I don't know if it was just then implemented.
23 They may have been doing it prior to me, but I
24 am aware of it happening since March with me.

25 Q. Have you heard of any kind of follow-up

1 procedure that they were taking before this

2 directive in March?

3 A. I have not, but that's not to say it hasn't

4 happened.

5 Q. So you said you asked your -- is it the senior
6 examiners to do followup?

7 A. When I say I'm asking, there's a chain, so I'm
8 conveying information to my chiefs who's
9 conveying it to the district supervisors, who
10 works for the chiefs, and the district
11 supervisors are conveying it to the seniors and
12 then the seniors who have examiners reporting
13 directly to them are conveying the same
14 information, so it's a chain of conveying
15 information, if you will.

16 Q. And who in that chain is doing the followup?

17 A. The district supervisors and the seniors and
18 the chiefs.

19 Q. Okay. And what are they doing to follow up?

20 A. Follow up with respect to?

21 Q. Voter ID applicants who were not issued a voter
22 ID.

23 A. Following up with the team, they are saying,
24 you know, if you're seeing a name on the --
25 what are you doing, make sure you complete the

1 painfully.

2 Let's go back to Exhibit 221, the VIVA

3 memo. This Exhibit 221 is an internal DMV

4 document; is that right?

5 A. I believe so.

6 Q. Okay. So it's not distributed to the public?

7 A. I don't know.

8 Q. You don't know?

9 A. No, I don't know if anyone in the public knows

10 this document.

11 Q. And Page 18, the Alternative Identity Documents

12 List, that's not distributed to the public?

13 A. Not as of yet.

14 Q. You said not as of yet. Are there plans to

15 distribute it to the public?

16 A. I'm not sure if there are plans. There has

17 been some discussions.

18 Q. Okay. What kind of discussions?

19 A. Just discussion about what we could do to be

20 better, to do better with servicing and making

21 our customers aware of this identity list.

22 Q. Okay. Who's been involved in those

23 discussions?

24 A. I've been talking with Mr. Smith here, but I'm

25 not sure who else has been involved in the

1 conversation. I was just made aware of it.

2 Q. Okay. Are you aware of any plans to publish
3 this list publicly?

4 A. We were discussing. I don't know what the
5 plans are.

6 Q. On Page 2 of Exhibit 221, there's the table in
7 the middle of the page there that says VIVA
8 Photo Identification Documents. What is --
9 what is this -- what information is in this
10 table?

11 A. It's a list of documents acceptable by VIVA for
12 voting. That's what this Figure 1 indicates it
13 is.

14 Q. So these are the types of photo IDs that will
15 be accepted for voting under VIVA. Is that
16 your understanding?

17 A. I assume so, yes.

18 Q. Well, how do the examiners use this table?

19 A. I don't know how they -- how they use it. Can
20 you ask the question again?

21 Q. Yeah. So this -- this list is here and it's --
22 why is this list here?

23 A. I believe this is a list that they use to
24 explain if you have these documents, the list
25 of items that you can use to register to vote

1 filtered through her or to her.

2 Q. As far as you know, would the denial of voter
3 registration prevent the voter ID card being
4 mailed to the customer?

5 A. I'm not sure.

6 Q. Let's flip to Page 15. Oh, I'm sorry, Page 13,
7 Scenario 15.

8 MR. FARR: What scenario are you on?

9 MS. RYAN: 15 on Page 13.

10 BY MS. RYAN:

11 Q. Is this talking about the homebound program?

12 A. I'm still reading. Can I finish reading it?

13 Q. Uh-huh.

14 A. Thanks. Yes, it is.

15 Q. Okay. Am I right that -- what is the homebound
16 program?

17 A. The homebound program is a program for those
18 people who are medically unable to leave their
19 house.

20 Q. And --

21 A. I say medically, incapable of leaving their
22 house.

23 Q. And somebody from DMV will visit their home to
24 assist them in completing service; is that
25 right?

1 A. That is correct.

2 Q. Is this program only available to individuals
3 who currently have a photo on file at DMV?

4 A. Currently it is.

5 Q. Okay. So it would apply to existing DMV
6 customers?

7 A. Yes.

8 Q. Are there plans to expand it beyond existing
9 DMV customers?

10 A. Yes.

11 Q. Can you tell me about those plans?

12 A. I haven't been in all of the meetings. The
13 meeting that I was privy to, we discussed the
14 ability for our vendor to capture an image to
15 upload it into our system.

16 Q. Okay. The vendor is Morpho Trust?

17 A. Correct.

18 Q. And who was involved in that meeting?

19 A. I think Barbara Webb, I was involved in one or
20 two, I believe, Portia Manley, Paula Winowitz
21 (phonetic), DMV staff, Tracy Bucholtz and
22 anyone that would be initiating the process.
23 So we've done a lot of reform, reorganizing, so
24 we're trying to determine where the homebound
25 program best lies.

1 Q. Okay. And for individuals who don't have any
2 documents with them, what can the examiner do
3 to assist that person?

4 A. If they have absolutely nothing and there
5 hasn't been -- every effort has been made to
6 assist the customer and they can't establish
7 identity, they offer the customer an
8 appointment -- they go through the identity
9 list, the ID list, to ensure that the customer
10 can find something on that list so that when
11 they come back during their appointed time,
12 their appointment, that we can issue without
13 them waiting in line again.

14 Q. And will the examiner, you know, provide the
15 customer any information about how to obtain
16 additional documents to prove identity?

17 A. I'm not aware that they have been trained to do
18 that. Sometimes you have those examiners who
19 are stellar who may go above and beyond, but
20 they're trained to just go to the extent of the
21 list, asking the questions and just making
22 every effort.

23 Q. Okay. Do they have training on where these
24 identity documents could be obtained?

25 A. Not that I'm aware of.

1 or do you suggest that they should have
2 received it within five to ten days?

3 A. They should have received it within five to ten
4 business days.

5 Q. Okay. Have you heard -- in the course of your
6 employment, have you heard of any problems with
7 delays in that process?

8 A. I have not.

9 Q. Okay. And then it's the same ten business days
10 for the non-operator ID cards?

11 A. Yes.

12 Q. You also mentioned that for any fee-based card
13 there's a \$10 fee for a name change.

14 A. Yes.

15 Q. Is there any circumstances where this fee can
16 be waived?

17 A. The first question was it was \$10 -- you asked
18 me if it was \$10 for the -- can you ask the
19 question again, please.

20 Q. Yeah. Well, I believe you said before that if
21 they -- for non- -- or for fee-based cards, if
22 they want to change their name, there's a \$10
23 fee, I believe it's for duplicates; is that
24 correct?

25 A. Yes.

1 Q. Is there -- under any circumstances can that
2 fee be waived?

3 A. Not that I'm aware of.

4 Q. Okay. All right. You also talked about two
5 meetings in or around March 2015 about the
6 voter ID program and the VIVA memo. You said
7 that you didn't know what prompted the first
8 meeting. Do you know what prompted the second
9 meeting?

10 A. I'm not sure I understand your question.

11 Q. Meaning you said that you reiterated some
12 things -- the purpose of the second meeting was
13 to reiterate some things that you discussed at
14 the first meeting. Was there any events that
15 occurred that required -- that made such a
16 reiteration necessary?

17 A. Not that I'm aware of.

18 Q. Okay. All right. I'm looking at Exhibit 221
19 again. Is that still in front of you?

20 MR. FARR: I think it's this right
21 here.

22 THE WITNESS: I have it.

23 BY MR. WENZINGER:

24 Q. All right. Good. On Page 18, that's the list
25 of documents that if the person says I have two

1 MR. EPPSTEINER: Before we take a
2 break, I'm just confirming does counsel for the
3 NAACP have no questions that they're going to
4 ask this witness.

5 MS. BAUSCH: Sorry. No, no questions.

6 MR. EPPSTEINER: Thank you. Let's take
7 a break.

8 THE VIDEOGRAPHER: Going off record at
9 4:19 p.m.

10 (Brief Recess.)

11 THE VIDEOGRAPHER: Back on record at
12 4:31.

13 EXAMINATION

14 BY MR. EPPSTEINER:

15 Q. Ms. Boyd-Malette, again, my name is George
16 Eppsteiner. I'm counsel for League of Women
17 Voters plaintiffs in this matter and I have
18 some questions for you. And so far I
19 appreciate your time and your patience
20 throughout the course of the day, so first,
21 thank you.

22 I wanted to follow up first on some
23 questions that were asked of you previously.

24 Would it be considered a non-issuance
25 of a voter ID if someone shows up to a driver's

1 license office and they don't have the
2 documents they need and then they make a
3 follow-up appointment to come back?

4 A. Yes.

5 Q. Does the DMV keep track of non-issuances for
6 other ID cards other than voter IDs?

7 A. No, not that I'm aware of.

8 Q. So, for example, just a regular ID card that
9 costs \$10, you're not aware of the DMV keeping
10 track of non-issuances of those?

11 A. I'm not aware.

12 Q. Or driver's license?

13 A. No.

14 Q. Or other free IDs such as if you're over 70,
15 for example?

16 A. No.

17 Q. Are you aware of any way to get a voter ID
18 directly from the State Board of Elections?

19 A. No.

20 Q. I believe you testified that Tracy Bucholtz
21 handles e-mail inquiries regarding issues as to
22 obtaining a voter ID; is that right?

23 A. Yes.

24 Q. Have you been on e-mails regarding customers
25 that have gone into a DMV office and have had

1 forms of identification because each
2 read either Jan S. Richter or Charles O.
3 Cranford."

4 What this -- the body of this e-mail is
5 describing is an experience of customers
6 attempting to get a driver's license from the
7 DMV and presenting various forms of
8 identification but not having the full middle
9 name. Is that your understanding of the
10 language in that e-mail?

11 MR. FARR: Objection to the form.

12 THE WITNESS: I would have to read -- I
13 just listened to you read. I would have to
14 read it again.

15 MR. EPPSTEINER: Okay. Well, why don't
16 we go off the record for a minute so you can
17 read the full e-mail.

18 Can we go off the record briefly.

19 THE VIDEOGRAPHER: Going off record at
20 4:52 p.m.

21 (Brief Recess.)

22 THE VIDEOGRAPHER: Back on record at
23 4:57 p.m.

24 BY MR. EPPSTEINER:

25 Q. So we're back on the record after the witness

1 reviewed in full Exhibit 486.

2 Ms. Boyd-Malette, again I'm going to
3 paraphrase here because it's a long e-mail, but
4 is essentially the issue that a couple went to
5 a DMV office and they had various forms of
6 identification and they were trying to get a
7 driver's license but the forms of
8 identification that they had with them did not
9 have their full middle names so they weren't
10 issued a driver's license at that first visit?
11 Is that fair?

12 A. Yes.

13 Q. And I believe if you look through the e-mail
14 chain that this issue presented itself by -- by
15 Rosalie Calarco of the North Carolina House
16 forwarding the issue to the executive assistant
17 to Commissioner Thomas; is that correct?

18 A. It appears so.

19 Q. And if you look at -- and is that consistent
20 with your testimony previously in the
21 deposition where you talked about if you don't
22 have documents with your full middle initial,
23 you would need some document with the full
24 middle name in order to receive a driver's
25 license credential?

1 MR. FARR: Objection.

2 THE WITNESS: Can you rephrase because
3 I don't understand what you're asking me.

4 BY MR. EPPSTEINER:

5 Q. Sure. Is the issue here where the couple
6 didn't have a document with their full middle
7 name on it, is that consistent with your
8 testimony previously about what a document
9 needs to contain on it as to the middle name
10 when you try to get a DMV credential?

11 A. I believe so.

12 Q. And if you look at the first page of the
13 document, which is an e-mail from Daniel Ervin
14 to Teresa Crudup, which you're copied on, if
15 you look at the third sentence, it says, quote,
16 "The examiner followed policy to the letter."
17 Do you believe that means they followed
18 DMV policy perfectly?

19 MR. FARR: Objection to the form.

20 THE WITNESS: I don't know what it
21 means.

22 BY MR. EPPSTEINER:

23 Q. Do you have any idea what, quote, "the examiner
24 followed policy to the letter" means?

25 MR. FARR: She didn't write the e-mail,

1 A. It goes to my assistant, so whatever the last
2 working day of the month that information is
3 recorded. We can't provide an accurate count
4 until the last hour or the last minute or the
5 last customer is served. So whatever the last
6 day of the month, the next working day would --
7 the report should be received.

8 Q. Have there been occurrences where a DMV
9 customer has tried to get a voter ID card but
10 wasn't able to do so?

11 A. I would say yes if I had the non-issuance.

12 Q. Have there been occurrences where a DMV
13 customer was given misinformation regarding the
14 voter ID card or regarding the voter ID
15 requirement?

16 A. Based on what I've read today, I would say yes.

17 Q. And based upon your independent knowledge of
18 your position at DMV, would you also agree that
19 that's the case?

20 A. What's the case?

21 Q. That misinformation has been given to DMV --
22 some DMV customers regarding either the voter
23 ID requirement or regarding the voter ID card
24 for voting?

25 MR. FARR: Objection to the extent that

1 procedure put in writing?

2 A. It was a verbal.

3 Q. A verbal from you?

4 A. A verbal from me, yes.

5 Q. Did it occur at a district supervisors's
6 meeting?

7 A. I can't remember when it occurred.

8 Q. When you say you can't recall when, you mean
9 you don't know the timeframe about when that
10 was communicated?

11 A. It would have been around the March timeframe
12 when we started talking about these to tighten
13 up the process and to make sure we were making
14 every effort for customers to receive the
15 no-fee ID for voting, so it would have been
16 communicated during that time.

17 Q. I'll show you what's going to be marked as
18 Exhibit 490 to your deposition.

19 (WHEREUPON, Plaintiffs' Exhibit 490 was
20 marked for identification.)

21 BY MR. EPPSTEINER:

22 Q. If you could review -- I'm going to be asking
23 you about the first page of this e-mail, so if
24 you could review that first page and let me
25 know when you're finished.

1 MR. FARR: She's going to have to read
2 the whole thing, George, because it refers to
3 an attached e-mail.

4 MR. EPPSTEINER: Okay. If we could go
5 off the record.

6 MR. FARR: Let's do that.

7 THE VIDEOGRAPHER: Going off record
8 5:47 p.m.

9 (Brief Recess.)

10 THE VIDEOGRAPHER: Back on record at
11 5:49 p.m.

12 BY MR. EPPSTEINER:

13 Q. Ms. Boyd-Malette, this is an e-mail from Alma
14 Montemayor to yourself dated September 22,
15 2014; is that correct?

16 A. Yes.

17 Q. And within that e-mail chain, it looks as
18 though there were some questions regarding the
19 homebound program that were asked by
20 representatives of the State Board of
21 Elections. Is that fair?

22 A. Yes.

23 Q. And it looks as though there were some initial
24 questions and then there were some follow-up
25 Questions 1 through 3 that are listed on Page 1

1 of the document. Is that fair?

2 A. Yes.

3 Q. And as to Question 2, the question is, quote:

4 "Is this applicable to a no-fee ID,"

5 in other words -- or, "i.e., can a

6 homebound customer get a no-fee DMV

7 special ID for voting purposes with this

8 procedure?"

9 And I believe your answer to the

10 question is right after the question mark; is

11 that correct?

12 A. The response, yes.

13 Q. And your response reads as follows:

14 "The homebound ID and voter ID are

15 different. Homebound applicants are

16 not able to leave their homes, etc, due

17 to extreme medical conditions that are

18 documented by a physician. If they are

19 unable to leave their home to get an ID

20 in most cases, they are unable to get to

21 the voting polls."

22 Is that what your response to that

23 question is?

24 A. That's the response there, yes, but can I

25 clarify?

1 Q. Sure.

2 A. This response here was generated and sent to me
3 by Tracy Bucholtz who is over the homebound --
4 or was over the homebound program, so that
5 information was provided by her to me which I
6 provided to Alma.

7 Q. But that was the answer that was provided?

8 A. Yes.

9 Q. So are you the point of contact for homebound
10 ID questions?

11 A. I am not. Tracy Bucholtz is.

12 Q. Has she always been the contact for homebound
13 ID questions?

14 A. I don't know about always, but when I returned
15 to DMV, I was told that she was and still is
16 the homebound contact person.

17 Q. Have you ever been the point of contact for
18 homebound ID inquiries?

19 A. Not the point of contact, no.

20 Q. I'm going to show you what's going to be marked
21 as Exhibit 491 to your deposition.

22 (WHEREUPON, Plaintiffs' Exhibit 491 was
23 marked for identification.)

24 BY MR. EPPSTEINER:

25 Q. So if you could look at both pages of the

1 about the -- I don't remember. I can't
2 remember the specific details, but it was
3 something with respect to how customers that
4 didn't have transportation could get to DMV or
5 if DMV provided assistance with getting them to
6 a DMV office to be serviced, something of that
7 nature.

8 Q. Is DMV providing transportation to certain
9 customers to get to a DMV office currently?

10 A. Not that I'm aware of.

11 Q. Are you aware of the State Board of Elections
12 providing transportation for customers to a DMV
13 office?

14 A. I think during one meeting it was about a
15 special event that they were -- we were having,
16 and I can't remember the specifics where I
17 believe it was Brian said that, if needed, he
18 would, but I can't remember the specifics.

19 Q. But you don't recall any regular program of the
20 State Board of Elections that's providing
21 transportation to DMV customers to driver's
22 license offices?

23 A. I don't. I don't recall. That's not to say it
24 hasn't happened, but I don't recall it.

25 Q. Are you familiar with the information that's

1 displayed on the DMV website regarding the
2 voter ID card that's issued by the DMV?

3 A. Not specifically.

4 Q. I'm going to show you what's going to be marked
5 as Exhibit 494 to your deposition.

6 (WHEREUPON, Plaintiffs' Exhibit 494 was
7 marked for identification.)

8 BY MR. EPPSTEINER:

9 Q. Ms. Boyd-Malette, I would like you to generally
10 review the document and let me know when you're
11 finished. If we could go off the record for a
12 minute.

13 THE VIDEOGRAPHER: Off record at
14 6:19 p.m.

15 (Brief Recess.)

16 THE VIDEOGRAPHER: On record at
17 6:23 p.m.

18 BY MR. EPPSTEINER:

19 Q. Back on the record after the witness has
20 reviewed Exhibit 494 in full.

21 Ms. Boyd-Malette, does this appear to
22 be a printout of information from the
23 North Carolina Department of Transportation
24 website?

25 A. Based on the address here, it looks like it is.

1 Q. And based upon the information within the
2 document, if I were to represent to you that
3 this was a printout of information from the
4 North Carolina Department of Transportation
5 website from yesterday regarding ID cards,
6 would you have any reason to disagree with
7 that?

8 A. No.

9 Q. Do you see the section on the second page of
10 the document entitled Requirements and
11 Documents to Obtain a No-Fee Voter ID Card?

12 A. Yes.

13 Q. And it appears that within that section or
14 subsections regarding Proof of Age and
15 Identity, Valid Social Security Number, Proof
16 of Citizenship and Residency, do you see that?

17 A. Yes.

18 Q. The information contained within that
19 Requirements and Documents to Obtain a No-Fee
20 Voter ID Card section, do you have any reason
21 to disagree with any of the language within
22 that section that's on the DOT website?

23 A. After a general read, I would say no.

24 Q. Well, if you need to read it again, you can.

25 I'm just curious if you disagree as to anything

1 within that document.

2 A. No.

3 Q. Was that "no"?

4 A. "No."

5 Q. Have you received complaints from customers who
6 state that they registered to vote at a DMV
7 office when obtaining a DMV credential but that
8 registration was never received by the Board of
9 Elections?

10 A. Have I received, I may have. I can't recall
11 specifically what -- if I have because most of
12 those go through Tracy Bucholtz.

13 Q. Based upon your recollection of the types of
14 complaints that customers provide, is that a
15 complaint received by the DMV?

16 A. Yes.

17 Q. By your recollection of the type of complaints
18 received by the DMV, is that something -- is
19 that a complaint that you've received or
20 reviewed more than once, for example?

21 A. If I had to speculate, maybe more than once or
22 twice.

23 Q. And you said who is the point of contact as to
24 customer complaints regarding voter
25 registration issues while at the DMV?