

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

3 NORTH CAROLINA STATE)
4 CONFERENCE OF THE NAACP, et al.,)
5 Plaintiffs,)
6 vs.) 1:13CV658
7 PATRICK LLOYD MCCRORY, in his)
8 official capacity as Governor)
9 of North Carolina, et al.,)
10 Defendants.)
11 _____)

12 LEAGUE OF WOMEN VOTERS OF)
13 NORTH CAROLINA, et al.,)
14 Plaintiffs,)
15 and)
16 LOUIS M. DUKE, et al.,)
17 Plaintiffs-Intervenors,)
18 vs.) 1:13CV660
19 THE STATE OF NORTH CAROLINA, et al.)
20 Defendants.)
21 _____)

22 UNITED STATES OF AMERICA,)
23 Plaintiff,)
24 vs.) 1:13CV861
25 THE STATE OF NORTH CAROLINA, et al.,)
Defendants.)
_____)

17 DEPOSITION
18 OF
19 RICHARD HOARD
20 _____

21 12:07 P.M.
22 FRIDAY, MAY 15, 2015
23 _____

24 URBAN MINISTRY CENTER
25 945 NORTH COLLEGE STREET
CHARLOTTE, NORTH CAROLINA

Reported by: Mary L. Labonte, CCR, RPR

Hoard, Richard 20150515

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Also present: John M. Powers

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1 RICHARD HOARD,

2 Having been first sworn or affirmed by the
3 Registered Professional Reporter and Notary
4 Public to tell the truth, the whole truth and
5 nothing but the truth, testified as follows:

6 EXAMINATION

7 BY MR. BOWERS:

8 Q. Good afternoon, Mr. Hoard.

9 A. Good afternoon.

10 Q. We met earlier. My name is Butch Bowers.

11 I'm a lawyer from Columbia, South Carolina and I
12 represent Governor McCrory in the litigation that
13 brings us here today for your deposition.

14 MR. BOWERS: Do you want to put your name
15 on the record?

16 MR. MCFARLAND: Sure. Ernest McFarland
17 for the Department of Justice. And with me is John
18 Powers.

19 MR. BOWERS: Excellent.

20 Q. Mr. Hoard, have you ever had your
21 deposition taken before?

22 A. Yes.

23 Q. Okay. How many times?

24 A. Twice.

25 Q. Okay. Can you tell me briefly what the

1 context of those were?

2 A. One was -- both of them were -- involved
3 insurance. One was our insurance policies in
4 regards to some equipment we had built and the
5 other one was insurance companies that were arguing
6 against the recovery we were looking for at the
7 church for a fallen fresco.

8 Q. So you've been in the situation before
9 where we've got a court reporter taking down your
10 testimony. Right?

11 A. Yes.

12 Q. Okay. Let me just go over a couple of
13 quick ground rules. As I said before we went on
14 the record, I don't think this will take terribly
15 long, but if you need a break at any time, just let
16 me know and we'll take a break.

17 A. Okay.

18 Q. Let me finish my questions so that the
19 court reporter can get everything down and then I
20 will do the same and let you finish your answer
21 before I start speaking. Is that okay?

22 A. Yes.

23 Q. We'll need verbal answers to every
24 question. And if you hear Mr. McFarland start to
25 make an objection, I would just ask that you stop

1 speaking and -- if you've already started, and let
2 him make his objection so it can be noted for the
3 record. Okay?

4 A. Yes.

5 Q. All right. Is there any reason that you
6 are unable or unwilling to give full and truthful
7 testimony today?

8 A. No.

9 Q. Okay. How did you learn about this
10 lawsuit? Let's start with that.

11 A. The Charlotte Observer was my first
12 recollection of it. And we have -- our associate
13 director is very interested in advocacy issues.
14 She's been involved in voter registration for many
15 years with us. And when I saw the article back in
16 February -- I'd heard radio reports, but I saw an
17 article that said that this bill had been passed is
18 my first recognition of it.

19 Q. Okay. And you say you saw an article in
20 the Charlotte newspaper?

21 A. Yes, Charlotte Observer.

22 Q. In February of what year?

23 A. 2014.

24 Q. Okay. And then how did you -- is that
25 your first -- the first time that you became aware

1 that the law had been passed?

2 A. No. I'm sure that I heard about it on
3 NPR.

4 Q. Okay. How did you come to be sitting
5 here, be spending your time during hot-lunch
6 Friday --

7 A. Okay.

8 Q. -- sitting with us instead of doing your
9 job?

10 A. Our associate director, who's active on
11 the advocacy side, was interested in what the law
12 was, saw that it had a free ID. Here at this
13 center, I probably had the most experience of those
14 people onsite with obtaining IDs and so she asked
15 me about it.

16 Q. What is her name?

17 A. Her name is Liz and then it's a
18 hyphenated name, Clasen, C-l-a-s-e-n, dash, Kelly.

19 Q. Okay. You said it a couple times, I
20 don't recall, what's her title?

21 A. Associate executive director.

22 Q. And what's your title?

23 A. I'm the budget director.

24 Q. And just so the record the clear, the
25 budget director for whom?

1 A. For the Charlotte Center for Urban
2 Ministry.

3 Q. Okay. I'll ask you some questions about
4 that just for my own edification. Could you say
5 that again, the Charlotte --

6 A. Charlotte Center for Urban Ministry.
7 That's our legal name. We also do business as the
8 Urban Ministry Center.

9 Q. Got it. So was it Liz that asked you,
10 hey, would you be willing to sit down for a
11 deposition?

12 A. No. She just asked me to get involved in
13 a telephone call related to it. That came -- the
14 deposition request came later.

15 Q. Okay. When was that telephone call if
16 you recall approximately? I don't need to know --

17 A. Golly.

18 Q. This year?

19 A. I think it was this year.

20 Q. Okay.

21 A. It's been -- it's been a couple, three
22 months ago I think.

23 Q. Okay. And then did you speak with
24 Mr. McFarland, do you recall?

25 A. No. The first person I spoke with

1 personally was Mr. Shapiro.

2 Q. Okay. Are you represented by
3 Mr. McFarland here today?

4 A. No.

5 Q. And do you have an attorney here today?

6 A. No.

7 Q. Okay. Tell me what it is that you
8 understand your testimony is going to cover in this
9 deposition.

10 A. I've had nine years of experience at the
11 center, much of which involved getting IDs for
12 people that have either lost them or were getting
13 them for the first time. And I think my deposition
14 will be involved in the -- will be related to the
15 procedures that you have to follow in order to get
16 an ID in the state of North Carolina.

17 Q. Okay. So this will help us narrow the
18 scope and limit the focus of your deposition, this
19 next series of questions. So you don't intend to
20 testify either here or at trial on the elimination
21 of same-day registration?

22 MR. MCFARLAND: Objection.

23 Q. You can answer.

24 A. I don't know.

25 Q. Okay. You don't know?

1 A. No. I know of the -- that part of the
2 law.

3 Q. Okay. Do you have any knowledge, as you
4 sit here today, on the impact of any segment of
5 society of the elimination of same-day
6 registration?

7 A. No.

8 Q. Okay. How about do you have any
9 knowledge or information about the impact, if any,
10 on any segment of the population of the elimination
11 of out-of-precinct voting?

12 A. No.

13 Q. Okay. Obviously you're here today for
14 your deposition. Do you know if you are going to
15 be called as a witness at trial?

16 A. No.

17 Q. Okay. If either -- strike that. If any
18 party -- there are multiple parties in this lawsuit
19 and we'll talk about that in a second, too. If any
20 party wanted to call you as a witness, would you be
21 willing to do so?

22 A. Yes.

23 Q. Okay. Tell me a little bit about your
24 personal background, the highlights, like where you
25 grew up, where you went to school, that sort of

1 thing, your work history.

2 A. Okay. I was born and raised in Illinois.
3 I went to the University of Illinois, got a degree
4 in engineering. First job was with AT&T in Chicago
5 where I went to night school and got an MBA from
6 the University of Chicago. The company that I was
7 working for in Chicago then sent me to Kansas City
8 briefly and then over to New Jersey. In New
9 Jersey, I was made president of a group of
10 divisions that were in the water treatment
11 business.

12 About, oh, the late 1980s, I was
13 approached by a company from Switzerland to set up
14 a U.S. subsidiary in Charlotte and I accepted that
15 position and came down here.

16 Q. About what time did you come to
17 Charlotte?

18 A. 1990.

19 Q. Okay. And then have you been here
20 continuously since that time?

21 A. Yes.

22 Q. And do you currently reside in Charlotte?

23 A. Yes.

24 Q. Okay. And in 1990 or thereabouts, did
25 you set up that subsidiary?

1 A. Yes.

2 Q. Okay. How long did you work there?

3 A. It lasted three years and then we decided
4 that -- this was building equipment for the
5 pharmaceutical industry. The equipment in the U.S.
6 is -- it's a small part of the pharmaceutical -- I
7 mean processing business and so it was concluded
8 that a sales office would be better. So we closed
9 down the general management of it and I left the
10 company.

11 Q. Okay.

12 A. And retired.

13 Q. And retired?

14 A. Unsuccessfully.

15 Q. How long were you retired?

16 A. I'd say -- if you'd think of it in terms
17 of when I stopped earning and then when I started
18 earning again --

19 Q. Yeah. Let's use that --

20 A. All right.

21 Q. -- as a definition of it.

22 A. It would be from 1994 I retired. In 1996
23 I got involved with the Urban Ministry Center and
24 then in 2006 I joined the staff.

25 Q. Okay. So from -- for about ten years you

1 worked as a volunteer?

2 A. Correct.

3 Q. What kind of things did you do in your
4 volunteer capacity with the Urban Ministry Center?

5 A. Yeah. I started out as what we -- as a
6 volunteer counselor. And that's -- it covers the
7 waterfront. You meet the individual that comes in,
8 generally homeless or at least poor, and they have
9 an issue. We would ask, you know, how can we work
10 with you on this and that opens the dialogue and
11 then you proceed from there.

12 Q. Did you have any training --

13 A. No.

14 Q. -- to do that? Did they -- once you
15 started doing that, did you receive any training
16 for that type of counseling?

17 A. When you -- counseling for us is not that
18 we have specific knowledge of the solution to your
19 issue but that we can help you connect with the
20 agency or the ministry or somebody that in fact has
21 the skills. So we have a bluebook, what we refer
22 to as a bluebook, which has a number of references.
23 So if it was a medical issue, I could look that up
24 and we could discuss the various alternatives. So
25 the training was more in terms of listening,

1 getting the story straight, trying to get them to
2 focus on the particular issue that was bothering
3 them, and then trying to connect them with an
4 appropriate group to help them.

5 Q. How did you get involved with the Urban
6 Ministry Center in the first place?

7 A. My pastor suggested that I would find
8 this work interesting and I did.

9 Q. Which church is that, if you don't mind
10 me asking?

11 A. Saint Peter's Catholic.

12 Q. Here in Charlotte?

13 A. Yes.

14 Q. Are you still a parishioner?

15 A. Yes.

16 Q. Same priest still there?

17 A. Oh, no, no, no. It's administered by the
18 Jesuits and we change every three to five years.

19 Q. So started off as a volunteer, counseling
20 folks as you described it. And then what other
21 types of things did you do during your volunteer
22 period?

23 A. There are several volunteer opportunities
24 here so I counseled, then I also took a turn at
25 what we call the front desk work, which is the

1 initial signup of people for services. Shortly
2 after -- well, about four years after I had started
3 counseling, I went on the board. And I served on
4 the board from 2002 until 2006, when I went on
5 staff. And we don't have staff and board members,
6 you know, at the same time.

7 Q. Okay. And then you started -- you went
8 on staff?

9 A. 2006.

10 Q. 2006. Okay. And you've been on staff
11 continually since then?

12 A. Yes.

13 Q. What was your first position?

14 A. Budget director.

15 Q. So you've only held one position --

16 A. Yes.

17 Q. -- the whole time? Okay. What are your
18 primary duties and responsibilities as budget
19 director?

20 A. I go two ways. The simple answer to that
21 is to manage the budget and the finances of the
22 agency. One of the requirements that we have of
23 anyone that comes on staff is that they must have
24 some work with the neighbors, which are the people
25 that come here for services. And so when I went on

1 staff as the budget director, we really thought of
2 that as a part-time job and then it morphed into
3 full time because one of the key staff members was
4 absent for a significant period of time and she had
5 been the counseling director. So I served in her
6 capacity as well as the budget director when I
7 first joined the staff in 2006.

8 Q. How many people are on staff?

9 A. Well, in 2006, we had I think eight or
10 nine. Presently we've got 36 full-time and several
11 part-time.

12 Q. Is the location we're sitting in today,
13 is this the only location?

14 A. No.

15 Q. Where are the other locations?

16 A. The other location is the Moore Place
17 Apartment Complex, which is up on Moretz and Lucena
18 on the northwest side of Charlotte.

19 Q. Okay. Is the Urban Ministry Center part
20 of a broader network of like organizations or is it
21 just itself, its own entity?

22 A. We are just ourselves. Now, all of the
23 agencies that work with the poor are generally part
24 of what we call the homeless services network,
25 which is not a formal organization. It's an

1 informal group that the executive directors attend.

2 Q. Tell me --

3 A. But we're --

4 Q. What's that called again, homeless --

5 A. Homeless services network.

6 Q. And is that homeless services network, is
7 that unique to Charlotte or is that broader than --

8 A. I don't know.

9 Q. Okay. You said 36 staff members?

10 A. Uh-huh, 36 full-time.

11 Q. Who's the head of the organization?

12 A. Dale Mullennix, the executive director.

13 Q. Is there a board?

14 A. Yes.

15 Q. How's the board selected?

16 A. It's a rotating board. The existing
17 board looks at itself and tries to determine what
18 needs it has then approaches the community through
19 various means to find people that might be
20 interested in being part of it.

21 Q. How many people are on the board?

22 A. Eighteen I think. There may be 19 right
23 now, but 18 is the number that we generally --

24 Q. Did you ever serve on the board?

25 A. Oh, yes. I served on the board from 2002

1 until I went on staff in 2006.

2 Q. Okay. And what are the board's
3 responsibilities, similar -- let me back up to make
4 it easier. Are the board's responsibilities
5 similar to any board with any organization, just
6 oversight and --

7 A. Uh-huh.

8 Q. -- policy and that sort of thing?

9 A. Yeah. If you would add nonprofit board
10 to that --

11 Q. Okay. Yeah.

12 A. -- I think that's -- yeah. It's a
13 fiduciary responsibility principally but then to
14 work with the organization and with the executive
15 director.

16 Q. Okay. Your nonprofit is a nice segue to
17 my next line of questions. The Urban Ministry
18 Center is a nonprofit organization?

19 A. Yes.

20 Q. So 501(c)(3)?

21 A. 501(c)(3).

22 Q. What is the annual budget approximately?

23 A. This year, it's about \$4.7 million.

24 Q. And where does that money come from?

25 A. Right now, we're about 30- to 35-percent

1 individual contributions. We're about 30-percent
2 government principally with our housing group. The
3 other 60, we've got an even distribution between
4 corporations and congregations and I'd say they're
5 both in the 10- to 15-percent range. Then we've
6 got foundations that give us money. That's, you
7 know, that's generally our --

8 Q. In your time with the center, either as a
9 volunteer or on staff, have you ever worked with
10 folks on voting matters?

11 A. I have not worked directly with them. By
12 that I say we would have -- we've worked on voter
13 registration here onsite. I would be involved in
14 getting that set up just because I work a lot of
15 the things that are onsite. But that's about the
16 extent of my voter connection with it.

17 Q. Okay.

18 A. Because we have another person, you know,
19 Liz, would be the principal person directing that
20 activity.

21 Q. Okay. When you say you were involved in
22 getting it set up, was that literally just like
23 getting the table set up --

24 A. Yeah.

25 Q. -- and getting the forms and all that

1 kind of stuff?

2 A. Not getting forms but getting --

3 Q. A place?

4 A. When you just came in, you saw that we
5 were -- we get a large crowd so finding a place
6 where they could set up and notifying the people
7 it's there if you wish to use it, it's always a
8 challenge.

9 Q. So the center does have -- has, at least
10 in the past, done some voter registration
11 assistance to folks?

12 A. Yes, we have.

13 Q. Okay. Is that an ongoing thing?

14 A. Yes, it is now.

15 Q. Okay. And are there any other election
16 or voter-related services that you-all provide?

17 A. We have for the past, oh, more -- I can't
18 tell you exactly how many years, but we sponsor a
19 candidate forum in the fall.

20 Q. Okay.

21 A. And we get good participation.

22 Q. Good participation from the candidates --

23 A. Uh-huh.

24 Q. -- or from visitors?

25 A. Both. Candidates is the one that we

1 worry about.

2 Q. What was -- you used this earlier and I
3 apologize for not remembering, but the term of art
4 you used for folks that come and use the services?

5 A. Neighbors.

6 Q. Neighbors?

7 A. Uh-huh.

8 Q. Thank you.

9 A. Uh-huh.

10 Q. Is it okay if I use that word?

11 A. Yes, please.

12 Q. Okay. Do you-all ever provide rides to
13 the polls?

14 A. Yes.

15 Q. Okay. Is that -- tell me how that works
16 if you know.

17 A. Well, we first were working with them on
18 becoming registered to vote. And then when the --
19 when the polls opened for early voting so that the
20 crowds wouldn't be so big, we would announce
21 downstairs that we were going to take a van to one
22 or more of the precincts where we knew we had
23 neighbors that were registered. And it was -- you
24 know, they decided whether or not they wanted to
25 go. We would certainly encourage them over the

1 loudspeaker --

2 Q. Sure.

3 A. -- but it was a voluntary effort on their
4 part.

5 Q. And for those types of -- strike that.
6 Would you agree with me that that specific service
7 of rides to the polls, that's not a continuous
8 program, that's more episodic by the nature of
9 voting. Right?

10 A. Correct. I was going to say it happens
11 when there are --

12 Q. Right.

13 A. Elections, yes.

14 Q. Right. So is there a line item in the
15 budget for rides to the polls or voter-related
16 services?

17 A. No.

18 Q. Okay. Do you just like -- for the vans
19 that go to the polls, is that just -- that's just
20 absorbed in the 4.7 million --

21 A. Correct.

22 Q. Annual budget?

23 A. Right.

24 Q. So you-all don't -- is it fair to say
25 that you-all do not go out and raise additional

1 funds for voting-related matters? Is that

2 accurate?

3 A. Yes, yes.

4 Q. Okay. Have you ever worked in a polling

5 place?

6 A. No.

7 Q. Have you ever worked as a polling place

8 monitor for a candidate or a party?

9 A. No.

10 Q. Have you ever worked as a poll judge?

11 A. No.

12 Q. Are you registered to vote here in North

13 Carolina?

14 A. Yes.

15 Q. I should have asked you this earlier: Do

16 you mind telling us your date of birth?

17 A. [REDACTED].

18 Q. Thank you. Other than -- well, strike

19 that. With the rides to the polls, were you --

20 have you been involved in that in just getting that

21 set up as well?

22 A. To the extent that the van is available

23 and serviceable, yes.

24 Q. Okay. Any other voter-related services

25 that you've assisted with or been involved with

1 that the center provides to its neighbors?

2 A. No.

3 Q. Okay. Let's talk a little bit about IDs.

4 A. Okay.

5 Q. But I think you stated earlier that it's
6 your understanding that the primary thing that you
7 have to add to this equation is your experience
8 with neighbors getting IDs. Is that fair to say?

9 A. Yes, it is.

10 Q. Okay. And getting them IDs in your
11 experience thus far, was -- that wasn't related to
12 voting, was it?

13 A. No.

14 Q. Okay. Because by definition, photo ID
15 was not required and it still is not required until
16 2016.

17 A. Correct.

18 Q. Okay. Tell me briefly the sort of IDs
19 that you've worked with your neighbors to obtain.
20 Driver's license?

21 A. No, we don't do driver's license. We
22 only do photo IDs. Driver's license -- well, by
23 state law, if you are homeless, the State must give
24 you a free ID. And also if you're over 70 and
25 there's some other qualifications for it.

1 Q. Right.

2 A. Our focus is on the chronically homeless
3 or the episodically or the situationally homeless.
4 That's been our primary focus. That involves not
5 only persons that have lived here for some time and
6 are homeless or become homeless, but it also
7 involves people that are moving into Charlotte that
8 may not have the proper documents to get a North
9 Carolina ID. Those are the two main, I'd say,
10 parts of the population that we work with.

11 Q. So you don't get -- you don't help folks
12 get driver's licenses?

13 A. No. Those cost money and we don't have a
14 line item budget for driver's license.

15 Q. Okay. You mentioned that some of your
16 funding -- sorry to jump around.

17 A. Uh-huh.

18 Q. But you mentioned that some of your
19 funding comes from the government and that's mostly
20 related to housing. Is that correct?

21 A. Correct.

22 Q. Do you-all have onsite residential
23 facilities for folks?

24 A. The site that I mentioned at Moretz and
25 Lucena --

1 Q. Yes.

2 A. -- is an 85-unit apartment where we have
3 permanent supportive housing for those individuals.
4 We opened it in 2012.

5 Q. How many neighbors do you-all serve
6 annually?

7 A. Oh, annually. Well, we do -- each year
8 we do one or two days where we interview everyone
9 that comes onsite. We started about three or four
10 years ago and the number was 600-something, the
11 last year we did was. This year, in the spring, we
12 did it and it was between 450 and 500 on this site.

13 Q. Well, then how much room do you have for
14 folks to stay in the residential facility?

15 A. Eighty-five is -- that's our capacity.

16 Q. Is it full?

17 A. Yes.

18 Q. Okay. So is your -- is it fair to say
19 that your work with neighbors in getting IDs is
20 limited to dealing with the DMV? Is that accurate?

21 A. Well, they're the only agency in the
22 state of North Carolina that issues a North
23 Carolina ID so from that standpoint, from that end
24 of it, yes, they're the only ones that we work
25 with.

1 Q. Okay.

2 A. Getting people prepared for that is a
3 different question.

4 Q. Tell me what the answer to that question
5 would be. What do you do to get prepared -- get
6 people prepared for that?

7 A. Well, the DMV has a list of documents --

8 Q. Okay. Yeah.

9 A. -- that they accept for the three pieces
10 that they need.

11 Q. So what you're talking about is the
12 underlying documents that the DMV requires in order
13 to --

14 A. Yes.

15 Q. -- issue an ID?

16 A. Yes.

17 Q. Okay. Now, what I was getting at was --
18 I mean, I understand the DMV is the only place in
19 North Carolina --

20 A. Yes, right.

21 Q. -- that issues photo IDs for, I can't
22 remember the exact term, but non-driver's license
23 photo IDs.

24 A. Right.

25 Q. But there are other entities or agencies

1 that provide IDs, more specifically IDs that are --
2 that a person can use to vote in 2016, photo ID.
3 So for example, a travel registration ID, have you
4 ever worked with neighbors to get travel
5 registration ID?

6 A. No.

7 Q. Okay. A military ID, have you ever
8 worked with folks to get a military ID?

9 A. Can you be more specific in that question
10 because --

11 Q. Sure.

12 A. Okay.

13 Q. Sure. Absolutely. And if there's any
14 question that I ask that is garbled or that you
15 don't understand or you need more information,
16 please just let me know and I'll do so. Well, I
17 would imagine that there are no active duty
18 military folks who -- that you've encountered here?

19 A. That's correct.

20 Q. So what I'm talking about mostly are
21 either dependent ID cards that, you know, that a
22 military spouse can obtain or retiree's ID card,
23 you know, so -- or even maybe not even a retiree,
24 because a retiree implies that they spent at least
25 20 years in the service and retired honorably, but

1 it may be just somebody who is a former military
2 member that didn't retire but they're still
3 entitled to a photo ID from the Department of
4 Defense.

5 A. Okay.

6 Q. So that --

7 A. I have not --

8 Q. -- that's what I'm talking about.

9 A. I have not worked with any military
10 individual for a military ID. The document that we
11 most often want for a veteran is his DD-214 because
12 it has his social security and his birth date on
13 it.

14 Q. Okay.

15 A. And it's accepted by the DMV and by
16 social security.

17 Q. How successful -- for that subset of
18 neighbors, how successful are you in finding the
19 DD-214?

20 A. We're very successful.

21 Q. Good, very good. Did you serve in the
22 military?

23 A. Yes.

24 Q. When and what branch?

25 A. In the early 1960s in the Navy.

1 Q. How long were you in?

2 A. Three years.

3 Q. What did you do in the Navy?

4 A. I was onboard ship. It's a different --
5 that's a long time ago.

6 Q. Were you enlisted or an officer?

7 A. I was an officer.

8 Q. Was that after college?

9 A. Uh-huh, yes.

10 Q. Thank you. What rank did you attain?

11 A. I was an ensign.

12 Q. Which is O-1?

13 A. Yeah, well, whatever. Truly, I don't --

14 Q. That's okay. Okay. So to wrap that
15 military piece of it up, is it accurate and fair to
16 say that you've worked with neighbors who are
17 military veterans to get their DD-214 to be used at
18 the DMV?

19 A. Yes.

20 Q. But you haven't gone to any DOD facility
21 to try to get an ID. Correct?

22 A. Correct.

23 Q. Okay. How about passports, have you ever
24 tried --

25 A. No.

1 Q. -- to help folks to get passports?

2 A. No. The only qualification I'd make
3 there is if you need a record of your military
4 service, you have to write off for that and we can
5 help a veteran put that letter together.

6 Q. Okay. So unless I'm missing something, I
7 think that -- I think that your focus on IDs is
8 with the DMV. Is that accurate?

9 A. Yes.

10 Q. There may be an exception or two but
11 primarily the DMV?

12 A. Right, right.

13 Q. Do you keep records on how many folks you
14 get IDs for, like do you keep a number?

15 A. No, we don't.

16 Q. Okay. If you had to speculate on an
17 annual average basis, how many IDs do you help
18 people get, if you know?

19 A. I really don't know.

20 Q. Okay.

21 A. It's -- we don't keep that particular
22 statistic.

23 Q. Okay. Did I hear you say approximately
24 500 neighbors per year?

25 A. No. Per day.

1 Q. Per day?

2 A. Yeah.

3 Q. How many unique visitors do you --

4 A. Well --

5 Q. Let me finish. I'm sorry. I know you --

6 I assume you have repeat visitors?

7 A. Yes.

8 Q. Okay. So in a year, approximately how
9 many unique visitors do you-all get?

10 A. I don't know. I can tell you that the
11 500 are all unique individuals that day.

12 Q. Okay.

13 A. There are no duplicates in that group.

14 Q. How do you know that?

15 A. Because when they come in the gate, we
16 log them in. And if they come in again, we know
17 that we've already seen them so they don't get
18 counted again.

19 Q. Does the organization keep the number of
20 how many unique visitors come in in a month or a
21 year?

22 A. No.

23 Q. Okay. There's no magic to why I'm
24 asking.

25 A. Yeah.

1 Q. Let me see if I can get at it this way.

2 I'm curious as to how many of the neighbors that
3 come here for services, how many do you help, as a
4 percentage, in obtaining IDs? Half?

5 A. No.

6 Q. Ten percent? I'm not holding you to
7 this.

8 A. No. I know that. I know that.

9 Q. I'm just trying to trying to get a
10 picture.

11 A. I'm familiar with -- my controller used
12 to do this to me. Was it half? Is it 10? Is it
13 20? I don't know. I know it's not half. I know
14 that because certainly 250, no. You know, if
15 roughly half of the people that come in for
16 counseling in a month have an ID, you know,
17 question. And I don't know how many unique
18 individuals that would be. You know, that could be
19 something less than a hundred I would say.

20 Q. Okay. Tell us about your experience in
21 helping folks obtain an ID. How many of them --
22 let's start with this: If you know approximately
23 as a percentage, how many of them don't have an ID,
24 but they already possess underlying documents to
25 get the free photo ID and all they need is a ride

1 and a point in the right direction, about, if you
2 know?

3 A. Less than ten percent.

4 Q. Okay. So 90 percent or more of the folks
5 who need an ID lack at least some essential
6 document?

7 A. Yes.

8 Q. Okay. For that vast majority, what do
9 you do?

10 A. Well, you start with the DMV's list of
11 acceptable documents and query whether or not any
12 of those -- that they've had those in the past or
13 if they are available possibly. For example, the
14 social security card, their mother may have it, it
15 may be with an aunt that's in another state. So
16 you query those kinds of things. You can query
17 where they were born, what the availability might
18 be of a birth certificate if this is a first-time
19 ID.

20 So, you know, you begin to construct a
21 story that says, okay, this is what we can do, we
22 can mail off for an ID, we can ask a family member
23 to send a birth certificate to you, we can -- you
24 know, what do we have to do to get the pieces put
25 together.

1 Q. And in your work to help folks obtain a
2 photo ID up to now, it hasn't been for voting
3 purposes, has it?

4 A. Correct.

5 Q. Is it like for employment purposes or
6 what are the reasons to help a person get a photo
7 ID?

8 A. Employment would be a principal one
9 because you can't -- if you're paid by check, you
10 can't cash a check without a photo ID. The second
11 probably reason that we do is if a person is
12 homeless and walking the street, if he doesn't have
13 an ID, he can be arrested. So having an ID is
14 important for the homeless. Those are the
15 principal, cashing a check, getting a job, being
16 sure that you can prove who you are --

17 Q. Avoiding arrest?

18 A. -- if you're stopped on the street.

19 Q. Okay. As we sit here today, have you
20 helped any neighbor obtain an ID where the primary
21 purpose was to use it for voting in 2016?

22 A. No one has approached me or, you know,
23 that I'm aware of for that specific purpose.

24 Q. Okay. Have you ever personally visited a
25 DMV with a neighbor?

1 A. Yes.

2 Q. Okay. And have you ever shown up at a
3 DMV office with a neighbor with no underlying
4 documents?

5 A. No.

6 Q. Okay. Have you read or seen or heard
7 about any of the recent publications from the
8 DMV -- and by recent I mean since probably January
9 of 2014 -- about the ways in which a person can
10 prove their identity if they lack these documents?
11 Have you seen -- does that question make sense?
12 Let me restate it.

13 A. Yeah.

14 Q. So I'll represent to you that on or about
15 January 1st of 2014 the DMV published I'll call it
16 a chart, a document, that says that, you know, here
17 are the underlying documents you need, and
18 obviously I'm paraphrasing, but if you don't have
19 any of these, here are some alternative means by
20 which, and not by limitation but only by way of
21 example, that we can still try to find your social
22 security number for example and then verify your
23 identity and give you an ID. Have you seen any of
24 those types of documents?

25 A. Yes.

1 MR. MCFARLAND: I object because it

2 assumes facts not in evidence.

3 But you can answer.

4 THE WITNESS: Yes.

5 Q. Okay. Tell me your understanding about

6 those documents. My garbled description of them,

7 is that generally your understanding of what it

8 says?

9 A. Yes. North Carolina is no different than

10 other states. If you don't have the documents in

11 their prime group, generally there are three; group

12 one is if you've got these, everything is fine. If

13 you have to go to group two, you may need two

14 documents within that one. If you don't have any

15 of those, then they give you -- I'm going to refer

16 to it as a laundry list --

17 Q. Yeah.

18 A. -- because it's relatively long --

19 Q. Yeah.

20 A. -- that may serve or maybe will help

21 them, you know, give you the document you're

22 looking for. Our experience with our neighbors is

23 that that list of documents includes items that

24 none of them will have. It's insurance policies,

25 it's a passport or it's -- it could be your

1 naturalization papers. Well, they were born here,
2 they don't have naturalization papers. But the
3 list is long and I have -- in my experience, I
4 cannot recall one time that I've put together a
5 request for documents that used those I'll call
6 third-tier documents.

7 Q. Okay. And Mr. McFarland may lodge an
8 objection, I'll be surprised if he doesn't, at this
9 next question, but I will represent to you that
10 there has been deposition testimony in this
11 litigation by DMV personnel to the effect that even
12 if you don't have any of the first-, second- or
13 third-tier documents, that it is still possible to
14 go to a DMV office and work with the DMV person to
15 try to establish your identity.

16 MR. MCFARLAND: Objection.

17 Q. Have you done that --

18 A. Yes.

19 Q. -- in your experience?

20 A. Yes.

21 Q. Has it worked?

22 A. Yes.

23 Q. Okay. Tell me about that.

24 A. The requirements that DMV put together
25 tightened significantly after 911. They continued

1 to tighten for the years after that. Last summer
2 we were given information from the DMV that was
3 very helpful and that was that if a person had
4 had -- if the ID that the person has lost is still
5 valid and has our address on it and that we knew
6 this person, that we could send them to the DMV
7 with our letter, on our letterhead, that attested
8 to the fact that this person is who he was, that
9 this was his birth date and this was his social
10 security number and if DMV could pull them up in
11 the computer and confirm that, they would give them
12 a duplicate ID.

13 Q. And has that in fact happened --

14 A. Oh, yes.

15 Q. -- in your experience?

16 A. Yes.

17 Q. Okay.

18 A. And very often.

19 MR. MCFARLAND: For record clarity, when
20 you say pull them up, do we know what that means?

21 Q. When you just used that phrase "pull them
22 up," I'm assuming you mean on the DMV computer
23 system?

24 A. They would pull -- yes. They would look
25 them up on the computer system so they would have a

1 copy -- they could see the ID that this person had
2 received.

3 Q. Okay. Maybe my earlier question wasn't
4 clear. Let me go back. I asked earlier if you had
5 ever accompanied a neighbor to the DMV where none
6 of the documents, either one, two, or three, third
7 tier existed and you said -- I think you said no.

8 A. My understanding of the question is did I
9 go with a neighbor to the DMV and they didn't have
10 any documents.

11 Q. Okay.

12 A. And the answer to that is no.

13 Q. Okay.

14 A. I wouldn't go if they weren't prepared to
15 get their ID.

16 Q. Okay. So is it -- I appreciate that
17 specificity. So then is it accurate to say that a
18 document that you would consider appropriate to
19 obtain an ID would be your letter?

20 A. That's only one of the three documents
21 that are needed.

22 Q. Okay. So if they have your letter that
23 you just described --

24 A. Uh-huh.

25 Q. -- what else would they need?

1 A. Well, the DMV's general requirement is
2 that you have three pieces of information.

3 Q. Sure.

4 A. You have to have your residence,
5 something that proves your residency, something
6 that proves your birthday and something that proves
7 your social security number.

8 Q. Right.

9 A. So -- and you can't use a single document
10 for all three of those. So our letter only proves
11 residency. The fact that it has the other
12 information on it is because we have it and we've
13 agreed with DMV we'll put it on.

14 Q. Okay.

15 A. But the only thing it does is say this
16 person is homeless and therefore should get a free
17 ID.

18 Q. Okay. I'm not trying to parse it too
19 finely, I just want to understand the process. So
20 if a neighbor has only your letter that includes
21 their date of birth and their social on it and they
22 go to the DMV and if the DMV can find that person
23 in their computer system, will the DMV give them a
24 duplicate photo ID?

25 A. Yes.

1 Q. Okay. I understand now.

2 A. Now, that's new since summer of 2014.

3 Q. Right.

4 MR. BOWERS: Can we go off the record for
5 a second.

6 (A recess was taken.)

7 Q. Okay. Mr. Hoard, I appreciate your time.

8 I'm about finished pending any questions my worthy
9 opponent may have. What's your -- strike that. Do
10 you have a view as to the impact of the photo ID
11 requirement for voting on the neighbors that you
12 serve?

13 A. I have a view, yes.

14 Q. What is that?

15 A. Simply that it's an additional
16 requirement that they have to meet in order to
17 exercise a right that they feel they have.

18 Q. Do you know, as we sit here today, if you
19 have any neighbors who are registered voters but do
20 not have the requisite photo ID to vote in 2016?

21 A. I don't have any specific knowledge of a
22 specific individual that would fall in that
23 category.

24 Q. Are you --

25 A. Well, I take that back. I've got one --

1 Q. Okay.

2 A. -- because I'm working with him --

3 Q. Okay.

4 A. -- that has voted. He has -- he is

5 registered to vote. He has never had a North

6 Carolina ID. He's the poster boy for this

7 particular problem because he cannot get a birth

8 certificate from South Carolina. We have exhausted

9 every avenue that we've had so far. And just

10 yesterday I spoke to the State Board of Election to

11 describe his problem and they've said they'll put a

12 case manager on it.

13 Q. The North Carolina State Board of

14 Election?

15 A. Uh-huh.

16 Q. Okay. Are you able to provide -- this

17 one person that you've just described, are you able

18 to provide them with the letter that you talked

19 about earlier that they could use at the DMV to try

20 to obtain the photo ID?

21 A. We don't give an individual that letter

22 unless we know that the letter by itself will do

23 the trick, will satisfy DMV or if it won't, then we

24 wouldn't give them a letter until they have the

25 proper documents to go with it.

1 Q. Okay. Have you explored that avenue with
2 this individual?

3 A. Yes.

4 Q. In terms -- so you've contacted DMV on
5 his behalf?

6 A. We've -- he's been to the DMV several
7 times. He had to have a birth certificate in order
8 to get a first-time ID in the state of North
9 Carolina.

10 Q. Because this wouldn't be a duplicate?

11 A. That's correct.

12 Q. He was born in South Carolina?

13 A. Correct.

14 Q. Approximately how old is he?

15 A. He's in his mid 50s.

16 Q. Okay. Any other examples, specific
17 examples, you can think of?

18 A. No one else I'm working with on an ID.
19 I'm not aware of whether or not they're registered
20 to vote.

21 Q. The person that you just described, you
22 are aware that he's registered to vote?

23 A. Yes.

24 Q. Okay. Are you aware that he can cast an
25 absentee ballot?

1 A. Yes.

2 Q. Okay.

3 MR. MCFARLAND: Objection. I mean, how
4 would he know whether or not this person could cast
5 an absentee ballot.

6 Q. Are you aware that the law in North
7 Carolina today and in 2016 allows registered voters
8 to vote by mail in absentee ballot?

9 A. Yes.

10 Q. Are you aware that a person that
11 exercises his right to vote by absentee mail-in
12 ballot does not have to present a photo ID?

13 A. Yes.

14 Q. Okay. So this one voter and any others
15 that may be similarly situated can still exercise
16 their right to vote, just not in person. Correct?

17 MR. MCFARLAND: Objection.

18 THE WITNESS: I don't know what all
19 the -- you've got early voting, you've got several
20 other voting opportunities other than just absentee
21 so I -- I know that he could vote absentee. That's
22 what I just said.

23 Q. Okay.

24 A. None of the others are available.

25 Q. Absentee is available?

1 A. Uh-huh.

2 Q. Yes?

3 A. Yes.

4 Q. Okay.

5 A. Can you tell me what an absentee
6 ballot -- how it's treated in the -- at the count?

7 I don't know. Is it set aside?

8 Q. No. I'm happy to talk to you about that
9 off the record.

10 A. Okay. I'm just curious.

11 Q. Only for the formality of a deposition.

12 A. Okay. I understand.

13 Q. I'm the only one -- the lawyers are the
14 only ones allowed to ask questions.

15 A. I'm sorry.

16 Q. I'm happy -- no. That's quite all right.
17 I'm happy to talk to you about that after we
18 conclude.

19 A. Okay.

20 Q. The answer is yes, I do know and yes, it
21 is counted, but we'll talk about the specifics of
22 that. I think I'm finished. Thank you very much
23 for your time. I appreciate it. Please answer any
24 questions Mr. McFarland may have.

25 MR. MCFARLAND: Can we go off the record

1 and give us about two minutes just to confer?

2 MR. BOWERS: Sure.

3 (A recess was taken.)

4 EXAMINATION

5 BY MR. MCFARLAND:

6 Q. Mr. Hoard --

7 A. Yes.

8 Q. -- we previously met and so we just want
9 to touch on a few things. Earlier you were asked
10 about the ID process and the work that you've done.
11 Is most of your time in helping your neighbors
12 obtain identification photo ID, is most of your
13 time spent with the DMV or is it with other
14 agencies?

15 A. Well, if Vital Records is an agency, then
16 most of our time would be spent with other
17 agencies.

18 Q. Okay. So Vital Records is one?

19 A. Right.

20 Q. And is that just here in North Carolina
21 or is that --

22 A. No. That's clear across the country.

23 Q. And what other agencies do you work with
24 in order to help --

25 A. Yeah.

1 Q. -- neighbors obtain ID?

2 A. We've worked with consulates in
3 Washington, D.C. for people that were born out of
4 the country. We work with the Veterans
5 Administration on DD-214s. We have a good
6 relationship with the social security agency in
7 terms of their requirements.

8 Q. And earlier you were speaking about your
9 neighbors and we were using -- the term "unique"
10 was used so if we could just get some clarification
11 on that. When you use unique with regard to a
12 neighbor, is that solely limited to the first time
13 in a day that they come in, they would be unique?
14 So you gave a count earlier of about 500?

15 A. Uh-huh.

16 Q. And that would be 500 different people
17 that particular day?

18 A. That's correct. We go unique by social
19 security number.

20 Q. So unique would not mean just those folks
21 visiting the UMC for the first time?

22 A. That's correct.

23 Q. Do you know how many of your neighbors
24 who need a first-time ID are born in North
25 Carolina?

1 A. That would be a very small part of the
2 group we work with. Most of the people from North
3 Carolina will have had an ID so we're getting a
4 replacement or a duplicate.

5 Q. So in terms of trying to quantify or give
6 a percentage, as we tried to do earlier, would you
7 be able to do that comfortably?

8 A. Percentage in what regard?

9 Q. In how many of your neighbors who need
10 first-time ID are born in North Carolina.

11 A. Gosh, it would be an insignificant
12 percentage.

13 Q. So then are most of your neighbors who
14 need first-time ID that you see are born outside of
15 the state of North Carolina?

16 A. Correct.

17 Q. Okay. Are you aware of how many of your
18 neighbors are currently registered voters?

19 A. No.

20 Q. So if I represented to you that not all
21 registered voters can vote by absentee vote and
22 ballot in North Carolina, are you aware of what the
23 rules and regulations are regarding absentee voting
24 in North Carolina and whether your neighbors
25 qualify?

1 MR. BOWERS: Objection to the form.

2 Object to the extent it mischaracterizes North
3 Carolina law.

4 You can answer.

5 THE WITNESS: No.

6 Q. Are you aware of whether any of your
7 neighbors qualify to vote absentee in North
8 Carolina?

9 A. No.

10 Q. Earlier today Mr. Bowers asked you about
11 your contact with the Department of Justice and you
12 said about three months ago you spoke with someone
13 in our office, Mr. Shapiro?

14 A. Yes. He came to our site.

15 Q. And prior to that, had you been on any
16 phone calls with other folks in the Department of
17 Justice?

18 A. Yes.

19 Q. And when was that?

20 A. I'm going to say it must have been in
21 maybe the fall of 2014, Liz Clasen-Kelly had a
22 contact with DOJ in Washington, D.C. and she asked
23 me to come over and be party to the conversation.
24 I don't remember who the people were in D.C., but
25 they were with Department of Justice.

1 Q. And you were on that phone call?

2 A. Yes.

3 (There was an interruption in the
4 proceedings.)

5 MR. MCFARLAND: Can we go off the record.

6 (A recess was taken.)

7 Q. Earlier today you were speaking about
8 voter registration drives done here at the United
9 Ministry Center. And are those partisan voter
10 registration drives?

11 A. No.

12 Q. Are they nonpartisan?

13 A. Nonpartisan.

14 MR. MCFARLAND: Thank you, Mr. Hoard. We
15 have no further questions.

16 THE WITNESS: Okay.

17 MR. BOWERS: I do have one follow-up
18 based on one question Mr. McFarland asked you.

19 EXAMINATION

20 BY MR. BOWERS:

21 Q. I believe he asked you are you aware that
22 if any registered voters are eligible to vote by
23 mail in absentee ballot. Do you recall that?

24 A. Yes.

25 Q. And I think your answer was no, you're

1 not aware?

2 A. Right.

3 Q. Okay. It's also fair to say that the
4 converse is true, that you're not aware that none
5 of them are ineligible to vote by mail-in absentee
6 ballot either?

7 A. That's correct.

8 MR. BOWERS: Okay. Thank you, sir. I
9 appreciate your time.

10 MR. MCFARLAND: No further questions.

11 (The deposition concluded at 1:28 p.m.)

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1 STATE OF NORTH CAROLINA)
2) CERTIFICATE OF TRANSCRIPT
3 COUNTY OF MECKLENBURG)

5 I, Mary L. Labonte, RPR, CCR and Notary Public in
6 and for the aforesaid county and state, do hereby
7 certify that the foregoing pages are an accurate
8 transcript of the deposition of Richard Hoard, which was
9 reported by me on behalf of Governor Patrick L. McCrory
10 in machine shorthand and transcribed by computer-aided
11 transcription.

12 I further certify that I am not financially
13 interested in the outcome of this action, a relative,
14 employee, attorney or counsel of any of the parties, nor
15 am I a relative or employee of such attorney or counsel.

16 This 19th day of May, 2015.

18 _____
19 Mary L. Labonte
20 Registered Professional Reporter
21 Notary Public No. 201227500033