

# EXHIBIT A

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

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

Plaintiffs, )

v. )

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

Defendants. )

1:13CV658

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

Plaintiffs, )

*and* )

LOUIS M. DUKE, *et al.*, )

Plaintiffs-Intervenors )

v. )

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

Defendants. )

1:13CV660

UNITED STATE OF AMERICA, )

Plaintiff, )

v. )

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

Defendants. )

1:13CV861

FIRST DECLARATION OF KIM WESTBROOK STRACH

NOW COMES Kim Westbrook Strach, under penalty of perjury, who deposes and says:

1. I am Kim Westbrook Strach, and I am over 18 years of age, am legally competent to give this affidavit and have personal knowledge of the facts set forth in it
2. I am Executive Director of the North Carolina State Board of Elections (“State Board”). The State Board is comprised of five members appointed by the Governor and is responsible for ensuring compliance in North Carolina with the provisions of Chapter 163 of the North Carolina General Statutes and for overseeing all aspects of the election process, including the duties and activities of the 100 county boards of elections, and of campaign finance disclosure for non-federal offices in North Carolina. On a day-to-day basis, the State Board carries out its responsibilities through its staff. As Executive Director, I am responsible to the State Board for overseeing and supervising all activities and responsibilities of the State Board staff, as well as for working with county boards of elections as required by law or directed by the State Board.
3. I have been Executive Director of the State Board since May of 2013. Prior to my appointment as Executive Director, I was Deputy Director for Campaign Finance of the State Board. As Deputy Director, my responsibilities include overseeing the Campaign Finance Division of the State Board. I served in that capacity from October 2001 until my appointment as Executive Director. Prior to serving as Deputy Director, I was employed as an Elections Investigator with the State Board. As an Elections Investigator, I investigated complaints involving violations of campaign finance statutes and voter registration and election-related violations. In total, I have worked for the State Board since March 2000.

4. Local elections in North Carolina are held in odd-numbered years. In 2013, local elections were held in September, October, and November. While county boards of elections directly administered these local elections, the State Board has many responsibilities to ensure that these elections proceeded smoothly and in accordance with all applicable laws. These responsibilities included approval of all ballot forms for every election, approval of all one-stop absentee voting plans, approval of all precinct changes, approval of all polling places, managing and reporting all election night returns, addressing all complaints that are received by the State Board, investigating allegations of voter irregularity and hearing election protests that come from county boards of elections. The State Board and its staff begin work to carry out these responsibilities months before elections are actually held, and continue with these responsibilities after elections. In 2013, these responsibilities continued into late December or early January 2014.

5. The 2014 election cycle officially began on February 10, with the opening of candidate filing at noon. In 2014, local candidates and candidates for the North Carolina Senate or the North Carolina House of Representatives will file in their counties of residence. All other candidates for elections in 2014 will file with the State Board. Prior to the opening of filing, it is the State Board's responsibility to ensure that it and all county boards of elections are ready for filing and for the election cycle to begin. Once filing has closed on February 28, the State Board must issue a list of all filings for elections in 2014 and must prepare for the May 2014 primary. This preparation will again include approval of all ballot forms for every election. It will also include tasks that have already begun, such as approval of all one-stop absentee voting plans, approval of all precinct changes and approval of all polling places. The schedule for planning

and administering elections is a tight one in which required tasks and duties must be handled promptly, with little if any cushion allowing for tasks to take longer than the schedule allows.

6. A special primary election is also going to be held in Congressional District 12 simultaneously with the May 2014 primary. The purpose of this special election is to elect a person to serve the remainder of the term of former Representative Mel Watt. In addition, because of irregularities in local elections in Robeson County in November, a new election must be held there next month. Robeson County has a new elections director, which has required staff of the State Board to be more involved in preparing and overseeing that election than might otherwise be the case.

7. The State Board has additional responsibilities this year due to the passage of 2013 Sess. Laws 381, known as the Voter Information Verification Act, or "VIVA." Aside from the provisions of VIVA challenged in these lawsuits, VIVA included many provisions that are not challenged in these or other lawsuits and that must be implemented for the May 2014 primary and special primary election. These include changes to absentee voting forms and procedures, provisions for additional places where voters may register, as well as changes to balloting systems and voter list maintenance. The provisions of VIVA have required major changes to the State Elections Information Management System ("SEIMS"), the voter registration and election database, as well as extensive revision of forms or creation of new forms and voter education efforts. County boards of elections as well as the State Board have had to be involved in these efforts, which had to be completed prior to the opening of candidate filing.

8. Considered in light of the State Board's responsibilities for elections throughout North Carolina, the State Board does not have a large staff. There are 49 members of the staff, including me. However, many of those staff members have job responsibilities that make them

both unqualified and unavailable to assist in responding to the myriad of discovery requests received from plaintiffs in these actions. For example, 18 people work in the State Board's Campaign Finance and Operations division, which is primarily responsible for administering the laws adopted by the General Assembly to assure public disclosure of funds contributed to and spent by candidate, party and other political committees. There are presently over 5000 registered political committees in North Carolina. The division collects reports of contributions received and expenditures made by these political committees, and collects reports of independent expenditures and electioneering communications as defined by North Carolina law. It responds to referrals for investigation and compliance enforcement from all 100 counties for political committees registered in a county or other entities active in a county and investigates complaints filed with the State Board about the campaign finance activities of candidates and political committees. These are responsibilities that require constant, on-going monitoring throughout the year.

9. Similarly, there are 18 persons working in the State Board's IT division. While people within this division have worked diligently to respond to the discovery requests served by plaintiffs, they have also been required to build a new reporting system for election returns, which must be ready in time for all elections officials to be trained to use it in upcoming elections. Additionally, the IT division must ensure that SEIMS is properly coded to enable counties within the Twelfth Congressional District to properly administer both the May primary and the special primary election for that district.

10. Like most State agencies, the only money available to the State Board to carry out its duties is that money appropriated to it by the General Assembly. Pursuant to State law, appropriate monies can only be used for the purpose for which they were appropriated. As a

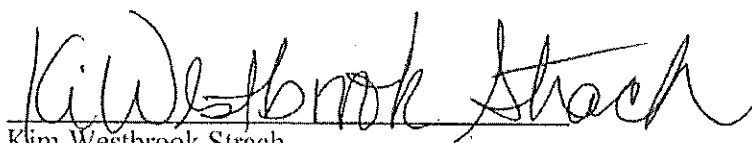
result, the State Board has very limited financial resources for tasks beyond those imposed on it by the General Assembly.

11. Federal law, as well as State law and State personnel policies, require that certain employees, if they work more than 40 hours in a week, receive overtime pay. The State Board, however, does not have funds to pay overtime, so I must ensure that these employees do not work more than 40 hours in a week. Other employees who are not entitled to overtime pay are entitled to compensatory, or “comp,” time if they work more than 40 hours in a week. However, the responsibilities of the State Board and the tasks it is required to carry out do not allow for people to take time off when they have worked more than 40 hours in a week. These considerations mean that I must ensure that all the work required of the State Board’s staff can take place in the context of a 40-hour work week.

12. Despite all of these considerations, the State Board’s staff and I have worked diligently to respond to the many discovery requests served by the plaintiffs. We have made a thorough and good faith effort to locate and provide all documents—both electronic documents and paper documents, which may be stored in a variety of places—responsive to the plaintiffs’ 93 requests for production of documents, including searches of emails using all of the more than 380 advanced Boolean search terms set by plaintiffs. We believe that we have now provided or will soon provide the vast majority of documents responsive to plaintiffs’ requests. We have not been dilatory in our efforts to comply with our obligations under the Federal Rules of Civil Procedure, nor have we sought in any way to delay production of even one document. I have had to remain mindful at all times, however, that North Carolina law charges the State Board with overseeing all elections in North Carolina and ensuring that those elections are carried out properly and consistently with State and federal law. That is the reason for the State Board’s

existence, and ensuring that the integrity of the electoral process in North Carolina is not compromised must be my primary concern.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 17<sup>th</sup> day of February, 2014.

A handwritten signature in black ink, reading "Kim Westbrook Strach". The signature is written in a cursive style with a horizontal line underneath the name.

Kim Westbrook Strach  
Deputy Director of Campaign Finance  
State Board of Elections