

<p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA</p> <p>NORTH CAROLINA STATE CONFERENCE ) OF THE NAACP, EMMANUEL BAPTIST ) CHURCH, NEW OXLEY HILL BAPTIST ) CHURCH, BETHEL A. BAPTIST ) CHURCH, COVENANT PRESBYTERIAN ) CHURCH, CLINTON TABERNACLE AME ) Deposition of Marc Burris ZION CHURCH, BARBEE'S CHAPEL ) MISSIONARY BAPTIST CHURCH, INC., ) ROSANELLE EATON, ARMENTA EATON, ) CAROLYN COLEMAN, BAHEEYAH ) MADANY, JOCELYN FERGUSON-KELLY, ) FAITH JACKSON, MARY PERRY, and ) MARIA TERESA UNGER PALMER, )</p> <p style="text-align: center;">Plaintiffs, ) Case No: 1:13-CV-658</p> <p style="text-align: center;">vs. )</p> <p>PATRICK LLOYD MCCRORY, in his ) official capacity as the ) Governor of North Carolina, KIM ) WESTBROOK STRACH, in her ) official capacity as Executive ) Director of the North Carolina ) State Board of Elections, JOSHUA ) B. HOWARD, in his official ) capacity as Chairman of the ) North Carolina State Board of ) Elections, RHONDA K. AMOROSO, in ) her official capacity as ) Secretary of the North Carolina ) State Board of Elections, JOSHUA ) D. MALCOLM, in his official ) capacity as a member of the ) North Carolina State Board of ) Elections, PAUL J. FOLEY, in his ) official capacity as a member of ) the North Carolina State Board ) of Elections and MAJA KRICKER, ) in her official capacity as a ) member of the North Carolina ) State Board of Elections, )</p> <p style="text-align: center;">Defendants. )</p>	<p>1 State Board of Elections, ) ) 2 Defendants. )</p> <hr/> <p>3 4 5 6 VIDEOTAPED DEPOSITION OF 7 MARC BURRIS</p> <hr/> <p>8 9 10 9:01 A.M. 11 THURSDAY, APRIL 17, 2014</p> <hr/> <p>12 13 14 POYNER SPRULL 15 301 FAYETTEVILLE STREET 16 SUITE 1900 17 RALEIGH, NORTH CAROLINA</p> <p>18 19 20 21 22 23 24 25 By: Denise Myers Byrd, CSR 8340, RPR, CLR 102409-02</p>
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<p>1 LEAGUE OF WOMEN VOTERS OF NORTH ) CAROLINA, A. PHILIP RANDOLPH ) 2 INSTITUTE, UNIFOUR ONESTOP ) COLLABORATIVE, COMMON CAUSE NORTH ) 3 CAROLINA, GOLDIE WELLS, KAY ) BRANDON, OCTAVIA RAINEY, SARA ) 4 STOHLER, and HUGH STOHLER, ) ) 5 Plaintiffs, ) ) 6 LOUIS M. DUKE, et al., ) ) 7 Plaintiff-Intervenors, ) ) 8 vs. ) Case No: 1:13-CV-660 ) ) 9 THE STATE OF NORTH CAROLINA, ) JOSHUA B. HOWARD in his official ) 10 capacity as a member of the ) State Board of Elections, RHONDA ) 11 K. AMOROSO in her official ) capacity as a member of the State ) 12 Board of Elections, JOSHUA D. ) MALCOLM in his official capacity ) 13 as a member of the State Board of ) Elections, PAUL J. FOLEY in his ) 14 official capacity as a member of ) the State Board of Elections, ) 15 MAJA KRICKER in her official ) capacity as a member of the State ) 16 Board of Elections, and PATRICK ) LLOYD MCCRORY, in his official ) 17 capacity as the Governor of North ) Carolina, ) 18 Defendants. )</p> <hr/> <p>19 20 UNITED STATES OF AMERICA, ) ) 21 Plaintiffs, ) ) 22 vs. ) Case No: 1:13-CV-861 ) 23 24 THE STATE OF NORTH CAROLINA; THE ) NORTH CAROLINA STATE BOARD OF ) 25 ELECTIONS; and KIM W. STRACH, in ) her official capacity as Executive ) Director of the North Carolina )</p>	<p>1 A P P E A R A N C E S 2 3 Counsel for NAACP Plaintiffs: 4 KIRKLAND &amp; ELLIS BY: JODI WU, ESQ. 5 STEPHANIE RODRIGUEZ, ESQ. 6 655 Fifteenth Street, N.W. Washington, DC 20005 (202) 879-5174 7 bridget.oconnor@kirkland.com jodi.wu@kirkland.com stephanie.rodriguez@kirkland.com 8 ADVANCEMENT PROJECT BY: DONITA JUDGE, ESQ. 9 1220 L Street, N.W. Suite 850 10 Washington, DC 20005 (202) 728-9557 11 djudge@advancementproject.org</p> <p>12 13 14 Counsel for League of Women Voters Plaintiffs: 15 SOUTHERN COALITION FOR SOCIAL JUSTICE BY: ALLISON J. RIGGS, ESQ. CHRIS KETCHIE, POLICY ANALYST 16 1415 Highway 54 Suite 101 17 Durham, NC 27707 (919) 323-3380 allison@southerncoalition.org</p> <p>18 19 20 Counsel for the United States of America Plaintiffs: 21 U.S. DEPARTMENT OF JUSTICE BY: DAVID G. COOPER, ESQ. SPENCER R. FISHER, ESQ. 22 950 Pennsylvania Avenue, N.W. Washington, DC 20530 (800) 253-3931 23 david.cooper@usdoj.gov spencer.fisher@usdoj.gov 24 25</p>
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<p>1 2 Counsel for Plaintiff-Intervenor 3 League of Women Voters: 4 PERKINS COIE - (Telephonic) 5 BY: ELISABETH C. FROST, ESQ. 6 700 Thirteenth Street, N.W. 7 Suite 600 8 Washington, DC 20005-3960 9 (202) 654-6256 10 efrost@perkinscoie.com 11 12 POYNER SPRUILL 13 BY: CAROLINE P. MACKIE, ESQ. 14 301 Fayetteville Street 15 Suite 1900 16 Raleigh, NC 27601 17 (919) 783-6400 18 espeas@poynerspruill.com 19 cmackie@poynerspruill.com 20 21 Counsel for Defendant Patrick McCrory: 22 23 OFFICE OF THE GOVERNOR OF NC 24 BY: LINDSEY WAKELY, ESQ. 25 20301 Mail Service Center Raleigh, NC 27699 (919) 814-2027 bob.stephens@nc.gov lindsey.wakely@nc.gov</p> <p style="text-align: right;">5</p>	<p style="text-align: center;">INDEX OF EXAMINATION Page</p> <p>1 2 3 By Ms. Riggs..... 12 4 166 5 194 6 By Ms. Wu..... 19 7 By Mr. Cooper..... 135 8 197 9 10 By Ms. Mackie..... 176 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">--o0o--</p> <p style="text-align: right;">7</p>
<p>1 2 Counsel for Defendants State of North Carolina and 3 Members of the State Board of Elections: 4 NC DEPARTMENT OF JUSTICE 5 BY: ALEXANDER McC. PETERS, ESQ. 6 9001 Mail Service Center 7 Raleigh, NC 27699-9001 8 (919) 716-6913 9 apeters@ncdoj.gov 10 OGLETREE DEAKINS NASH SMOAK &amp; STEWART 11 BY: THOMAS A. FARR, ESQ. 12 4208 Six Forks Road 13 Suite 1100 14 Raleigh, NC 27609 15 (919) 787-9700 16 thomas.farr@ogletreedeakins.com 17 18 Reported By: 19 20 DISCOVERY COURT REPORTERS 21 AND LEGAL VIDEOGRAPHERS 22 BY: DENISE MYERS BYRD, CSR 8340, RPR 23 KEN MORRISON, Videographer 24 4208 Six Forks Road 25 Suite 1000 Raleigh, NC 27609 (919) 649-9998 denise@discoverydepo.com</p> <p style="text-align: center;">--o0o--</p> <p style="text-align: right;">6</p>	<p style="text-align: center;">INDEX OF EXHIBITS Page</p> <p>1 EXHIBIT DESCRIPTION 2 3 61 Plaintiff's Joint Notice of Deposition 4 of the Marc Burris 12 5 6 62 E-mail between Tiffney Newton and 7 Johnnie McLean with attached IT Org 8 Chart 19 9 10 63 E-mail with attachment: NC State 11 Elections Information Management 12 System HAVA Policies and Procedures 26 13 14 64 Memorandum 99-13 - Establishment of the 15 State Voter Registration Database 32 16 65 Numbered Memo 2009-0003 - DL Validation, 17 SSN Validation and Unique ID Processing 38 18 19 66 E-mail with attachment: SOS/OVRD 20 User Manual 51 21 67 E-mail with attachment: Review of 22 Form &amp; SEIMS Changes, January 2014 57 23 24 68 Presentation Slides: An Outlook for 25 the Present &amp; Future, Hot Points in Voter Registration 63 69 Memorandum 2004-40 70 Re: Provisional Ballots 68 71 E-mail between Veronica Degraffenreid 72 and Marc Burris, March 23, 2009, 73 Subject: Provisional Reject Reasons 72 74 E-mail between Veronica Degraffenreid, 75 Dennis Sheerin and Others, January 31, 2011, Subject: EAC Summary Report 73 76 E-mail to Marc Burris from Blake Bowers, 77 October 23, 2012, Subject: DBA Report 78 PROD06 - Absentee Return Counts 74</p> <p style="text-align: right;">8</p>

<p>1 2 73 Memo to File, February 16, 2011 3 SBOE &amp; NCDMV Voter Registration 4 Database ID Analysis 85 5 74 E-mails downloaded for the State Board 6 of Elections FTP site 148 7 8 --000-- 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 I'll be starting first asking you some 2 questions and then we will switch seats and 3 have some other folks. 4 It's my understanding this is your 5 first deposition. 6 A. Yes. 7 Q. Okay. I just want to go over a few ground 8 rules to make it easier on the court reporter. 9 If you answer yes or no, if you can 10 state that out loud rather than nodding or 11 shaking your head, that makes her job easier. 12 If you could wait until I finish a 13 question before you start answering, it makes 14 it easier for her to transcribe, and likewise, 15 I will do my very best to start my question 16 after you finish your answer. 17 If you pause and you're thinking and 18 you need more time, feel free to let me know. 19 If you don't understand a question, ask 20 me to rephrase it or restate it. I don't mind 21 doing that. If you answer the question, I'll 22 assume that you did understand the question, 23 though. 24 All right. I am going to hand you what 25 we're going to mark as Exhibit 61.</p>
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<p>1 THE VIDEOGRAPHER: This is the video 2 deposition of Marc Burris taken by the 3 plaintiffs in the matter of the North Carolina 4 State Conference of the NAACP, et al., versus 5 Patrick Lloyd McCrory, in his official capacity 6 as the Governor of North Carolina, et al., The 7 League of Women Voters of North Carolina, et 8 al, versus The State of North Carolina, et al., 9 and the United States of America versus The 10 State of North Carolina, et al. 11 Would the court reporter please swear 12 in the witness and then we can proceed. 13 MARC BURRIS, 14 having been first duly sworn or affirmed by the 15 Certified Shorthand Reporter to tell the truth, 16 the whole truth and nothing but the truth, 17 testified as follows: 18 EXAMINATION 19 BY MS. RIGGS: 20 Q. Good morning. Can you please state your full 21 name for the record. 22 A. Yes. My name is Marc Christopher Burris. 23 Q. I guess, actually, afternoon. 24 My name is Allison Riggs. I represent 25 The League of Women Voters in this case, and</p>	<p>1 (WHEREUPON, Plaintiffs' Exhibit 61 was 2 marked for identification.) 3 MS. RIGGS: Can we go off the record 4 for one second. I'm sorry. 5 THE VIDEOGRAPHER: Going off the 6 record, the time is 1:03 p.m. 7 (Brief Recess.) 8 THE VIDEOGRAPHER: Back on the record, 9 the time is 1:06 p.m. 10 BY MS. RIGGS: 11 Q. Mr. Burris, have you seen this document before? 12 A. Yes, I have. 13 Q. Is it the notice of the deposition today? 14 A. Yes, it is. 15 Q. What did you do to prepare for the deposition 16 today? 17 A. I showed up. 18 Q. Did you review any materials before you came? 19 A. Not really. 20 Q. Did you talk to anyone at the State Board of 21 Elections before you came? 22 A. I spoke to my boss. I spoke to Tom Farr and 23 Alec Peters. 24 Q. You don't have to tell me what you talked about 25 with your attorneys.</p>
10	12

1 A. No.  
 2 Q. You talked to Kim Strach. Is that what you  
 3 mean?  
 4 A. Yes.  
 5 Q. Did you talk to her about her deposition  
 6 yesterday?  
 7 A. No. I haven't seen her since her deposition  
 8 yesterday. Apparently the deposition was all  
 9 day yesterday, and I was in meetings all  
 10 morning until I just got here. I haven't had a  
 11 chance to see her yet.  
 12 Q. Well, we appreciate you coming after your  
 13 meeting this morning. That was helpful.  
 14 All right. I am -- tell me about your  
 15 educational background, where you went to  
 16 school and what you trained in.  
 17 A. Oh, my educational background varied. After  
 18 high school, I went to college for a couple  
 19 years. I went to the army for a few years,  
 20 went back to college and ended up getting a job  
 21 in dealing with computers in Wilmington,  
 22 Delaware.  
 23 After that, a consultant firm brought  
 24 me out here to North Carolina about 16,  
 25 17 years ago, and I've been working -- I

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1 contracted for the State for a few years until  
 2 the State brought me on, and I've been on full  
 3 time since 15 years -- it will be 15 years in  
 4 June.  
 5 Q. What was your degree in in college?  
 6 A. I never finished. I had many classes and I  
 7 never figured out what I wanted, but computers  
 8 was also my focus, computers and data analysis.  
 9 Q. What was the name of the company that you  
 10 worked for in Delaware? You said Delaware?  
 11 A. Yes.  
 12 I do not even recall. That's way too  
 13 many years ago.  
 14 Q. Do you remember the approximate date range that  
 15 you worked for them?  
 16 A. I got out of the army in '94, so sometime -- I  
 17 went to for work for AT&T Security Systems  
 18 after that, and '97, '98 probably. Again, I  
 19 don't recall. That's a long, long time ago.  
 20 Q. And so then you moved to North Carolina in '97  
 21 and '98, whenever you finished up that job?  
 22 A. '98 or '99 I believe I did.  
 23 Q. And you started with the State Board of  
 24 Elections -- if it's been 15 years in June,  
 25 you're going to make me do the math?

14

1 A. Of course.  
 2 Q. Okay.  
 3 A. I believe it was 1999.  
 4 Q. 1999?  
 5 A. Yeah.  
 6 Q. What was your first position at the State Board  
 7 of Elections?  
 8 A. I was a database analyst.  
 9 Q. How long did you serve in that role?  
 10 A. That's a good question. I don't recall. Until  
 11 I became the infrastructure manager, but I  
 12 don't --  
 13 Q. Approximately?  
 14 A. I'll be honest with you, I don't know.  
 15 Q. What were some of the job duties as a database  
 16 analyst?  
 17 A. Basically I administered the -- what we were  
 18 building as a statewide voter registration  
 19 database. I managed all the voter registration  
 20 data for the counties, doing also various  
 21 analysis of that data for whatever reasons  
 22 needed to be.  
 23 Q. What were your job duties as infrastructure  
 24 manager?  
 25 A. Basically oversee all the infrastructure,

15

1 including servers, databases, anything  
 2 non-development.  
 3 Q. What does non-development mean?  
 4 A. Development is basically application  
 5 development, so things like Microsoft Office or  
 6 any application that a user would use.  
 7 My job was to support anything that had  
 8 to support that, any servers, any desktops, any  
 9 networks, firewalls, security issues.  
 10 Q. Do you remember the -- what is your job title  
 11 now?  
 12 A. I'm the IT director or CIO.  
 13 Q. How long have you been in that role?  
 14 A. Since 2008, January 1st.  
 15 Q. Did you have any job positions in between  
 16 infrastructure manager and IT director?  
 17 A. I don't recall, but I don't think so.  
 18 Q. Okay. What are some of your job roles as IT  
 19 director?  
 20 A. I'm in charge basically of all the technology  
 21 use for the State Board of Elections in the  
 22 State of North Carolina.  
 23 Q. In the course of either working as  
 24 infrastructure manager or IT director, do you  
 25 correspond with county boards of election on a

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1 regular basis?  
 2 A. I do.  
 3 Q. Do you answer questions if they have technology  
 4 issues?  
 5 A. Yes.  
 6 Q. Do you know what I mean when you use the term  
 7 "numbered memos"?  
 8 A. I know how we use that term.  
 9 Q. Okay. Why don't you explain to me how you use  
 10 that term. Good point.  
 11 A. Basically a numbered memo we use as an official  
 12 memorandum to the county boards of election,  
 13 giving information to them.  
 14 Q. So they're directed to the county boards?  
 15 A. That is correct.  
 16 Q. Is there a difference between a -- and I'm  
 17 going to have you explain this to me later, but  
 18 is there a difference between a SEIMS numbered  
 19 memo and just a numbered memo?  
 20 A. Yes.  
 21 Q. Can you explain to me the difference there?  
 22 A. If I must. Basically SBE, or state numbered  
 23 memo, is basically something the administrative  
 24 unit would put out. A SEIMS numbered memo is  
 25 something that the technology group would put

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1 to.  
 2 Q. Did you ever ask for their input on how to  
 3 develop the content of the memos?  
 4 A. Sometimes, yes, only because I'm technical, so  
 5 wordsmithing is not my best attribute.  
 6 Q. Okay. I am going to have the court reporter  
 7 mark this exhibit as Exhibit 62.  
 8 (WHEREUPON, Plaintiffs' Exhibit 62 was  
 9 marked for identification.)  
 10 BY MS. RIGGS:  
 11 Q. I am not really concerned with the first two  
 12 pages. It's just sort of for identification,  
 13 but I want to turn your attention to the  
 14 flowchart on the last page.  
 15 A. Okay.  
 16 Q. Have you seen this chart before?  
 17 A. This exact chart, it does look familiar.  
 18 Q. Okay. Did you -- I'm sorry.  
 19 A. I'm sorry. I just said it looks familiar, yes.  
 20 Q. Is this accurate as of today?  
 21 A. No, it is not.  
 22 Q. Okay. Do you know when approximately this  
 23 would be reflective of the staffing in the IT  
 24 section?  
 25 A. Two years ago maybe only because our business

19

1 out.  
 2 So basically the SEIMS is more focused  
 3 on this is how you utilize the statewide voter  
 4 registration application, here's things you  
 5 need to know about that; whereas administrative  
 6 or the SBE or SBOE numbered memos cover  
 7 anything else other -- that's non-technical  
 8 typically use the business-focused memos.  
 9 Q. Do you have to run -- the SEIMS memos, does  
 10 someone on the administrative side approve them  
 11 before they're sent out?  
 12 A. They were approved prior to my being there, and  
 13 in 2008, anything I sent out I approved, so I  
 14 was approval for SEIMS numbered memo.  
 15 Q. So you were the final approval before it went  
 16 out to the counties?  
 17 A. Yes.  
 18 Q. Did you ever run them by the actual Board, the  
 19 five members?  
 20 A. No. They were run -- they were run across Gary  
 21 and Johnnie, either Gary Bartlett or Johnnie  
 22 McLean or both of them. Nothing went out  
 23 without them seeing them, reviewing them and  
 24 really kind of approving them. I mean, I  
 25 wouldn't send anything out that they said no

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1 analyst, Nathan Hill, he's no longer here. So  
 2 that's -- that's a gauge of -- to me of when it  
 3 happened or when this was put out, so maybe two  
 4 years old, I believe, maybe a little bit older.  
 5 Q. Okay. Is this the basic structure of the IT  
 6 section?  
 7 A. As of today?  
 8 Q. Yes.  
 9 A. Or as of a point in time?  
 10 Q. Let's start with today.  
 11 A. No, it is not.  
 12 Q. What -- how does today's structure differ?  
 13 A. Today's structure is under the support and  
 14 testing -- the development programming is  
 15 accurate, the database systems is accurate  
 16 under the IT manager, and the support and  
 17 testing is not accurate.  
 18 The three of those five under support  
 19 and testing are actually in the elections  
 20 division now, and two of those are now in the  
 21 development and programming.  
 22 So what we've done is moved --  
 23 basically the help desk function has been moved  
 24 under election support and two of those have  
 25 been moved under development and programming

20

<p>1 for what we call UAT testing or basically unit 2 testing. 3 Q. Which three moved over to election support? 4 A. Michelle Puffenburger, Erica Burton and -- I'm 5 sorry. Erica Burton, Amanda Penny and Gary 6 Hardee. Sorry. 7 Q. Erica Burton, Amanda Penny and Gary Hardee? 8 A. Correct. 9 Q. When did this restructuring happen? 10 A. I believe it was the first of the year. 11 Q. Of this year? 12 A. Correct. 13 Q. Prior to the first of this year, was the 14 supporting and testing branch like as it's 15 reflected in this chart? 16 A. Yes, except for that group fell under the IT 17 manager. The business analyst did not have 18 supervisory roles. 19 Q. Okay. How many people work in the IT section 20 right now? 21 A. Without actually counting, I believe it's 20. 22 Q. And you directly supervise all of those? 23 A. I have two managers under there that I directly 24 supervise, two managers and a business analyst, 25 and they directly supervise the people under</p> <p style="text-align: right;">21</p>	<p>1 A. I believe it was 2006, but I'm not a hundred 2 percent positive. 3 Q. All right. So what is SEIMS? 4 A. SEIMS is -- for layman's terms, it is the 5 application that manages the statewide voter 6 registration database. It's called the 7 Statewide Elections Information Management 8 System. 9 Q. Is it one application or multiple applications? 10 A. It's like Microsoft Office. It's one suite of 11 applications that has a lot of other 12 applications underneath it to manage different 13 aspects of elections. 14 Q. Excellent. I can understand that well. 15 So if it's like Microsoft office, 16 what -- and under that you would have Excel and 17 Access, whatever, can you describe what would 18 be the subcategories of applications? 19 A. The subcategories kind of reflect the different 20 aspects of elections. For example, there's 21 Voter Scan. Voter Scan is the data entry 22 component. 23 Voter View is basically -- 24 Q. Can I have you slow down. 25 A. Sorry.</p> <p style="text-align: right;">23</p>
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<p>1 their organization charts. 2 Q. When you started working at the State Board of 3 Elections in 1999, how many staffers worked in 4 the IT section? 5 A. Five. 6 Q. In -- can you sort of track for me the growth 7 over those 15 years? 8 A. I can't. Basically we went from five to close 9 to what we are now. We were building -- in 10 '99, we were building a statewide database 11 system and there was a lot of contractors in 12 that were helping put that project together. 13 Then once the project closed out, some of those 14 we converted over to -- over to IT positions, 15 to overall support IT for State Board of 16 Elections. 17 Q. So about how much of your career has been at 18 current capacity at the State Board of 19 Elections, that is, close to 20 employees? 20 A. I believe it's since -- can you restate the 21 question? 22 Q. You said you pretty much went from five to 23 where you are now, 20. 24 A. Correct. 25 Q. When did that happen about?</p> <p style="text-align: right;">22</p>	<p>1 Q. Data entry component is Voter Scan? 2 A. Right. 3 Q. Okay. 4 A. Voter View would be the voter management/voter 5 reviewing section. 6 Q. Okay. 7 A. Report Manager is a reporting system along with 8 Bert. Both are reporting tools. 9 Q. Are they two separate applications? 10 A. Yes, they are. 11 Q. How do you spell Bert. 12 A. B-E-R-T. 13 We have Geo Code which manages the geo 14 information, the street files and all the 15 jurisdictional information for the voter 16 registration database. 17 There is Election Setup which allows us 18 obviously to set elections up and manage 19 elections. 20 There's Candidate Filing. 21 Q. Okay. 22 A. There's SOSA and OVRD. S-O-S-A, O-V-R-D. 23 Those are basically our E-poll books. 24 Q. Are those two separate applications? 25 A. They're technically one application. They're</p> <p style="text-align: right;">24</p>
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1 just called different things on different days.  
 2 You basically will -- SOSA is our early  
 3 voting application, and what happens is it's  
 4 converted to OVRD for election day, but  
 5 technically it's the same application.  
 6 Q. Okay.  
 7 A. It's easy for counties to understand the  
 8 separation, and there's different business  
 9 functions with each so it's easier not to  
 10 confuse them.  
 11 Q. Are there any other applications?  
 12 A. There's a bunch. You want me to list them all  
 13 out?  
 14 Q. How many is a bunch?  
 15 A. There's probably, I believe, five or six more,  
 16 but they're smaller applications, like Poll  
 17 Worker Management, Polling Place Manager,  
 18 Security Manager. You know, there's a lot of  
 19 sub applications that help administer the  
 20 whole -- I may miss a few, but I can try to  
 21 list them all out if you really want them.  
 22 Q. If there are just five more. If there were 500  
 23 I would say no.  
 24 A. There's Polling Place Manager.  
 25 Q. Okay.

25

1 A. Security Manager.  
 2 Q. Okay.  
 3 A. Poll Worker Setup. And that's all I've got off  
 4 the top of my head.  
 5 Q. The first eight that you listed, are those the  
 6 main ones?  
 7 A. Those are the core, yes.  
 8 Q. Let me hand you -- before I hand you that, is  
 9 it your understanding that in the late 1990s  
 10 the legislature directed the State Board of  
 11 Elections to develop a computerized statewide  
 12 elections management system?  
 13 A. Yes.  
 14 Q. Do you know when that legislation passed?  
 15 A. No, I do not.  
 16 Q. Was it before you got there? I mean, when you  
 17 came to the State Board it was part of this  
 18 effort to build the management system?  
 19 A. That is correct.  
 20 MS. RIGGS: This will be marked as  
 21 Exhibit 63.  
 22 (WHEREUPON, Plaintiffs' Exhibit 63 was  
 23 marked for identification.)  
 24 BY MS. RIGGS:  
 25 Q. The e-mail on the front is to just help

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1 identify the document attached, so I want to  
 2 look at a document attached.  
 3 Do you recognize this document?  
 4 A. No, I don't.  
 5 Q. So you probably didn't help draft it, then, if  
 6 you don't recognize it.  
 7 A. No.  
 8 Q. Is there one single SEIMS manual?  
 9 A. No, there is not because -- no, there's not.  
 10 Q. Are there manuals for the different  
 11 applications within SEIMS?  
 12 A. We have basically a bunch of help files rather  
 13 than user manuals. And the support group is  
 14 working on documentation every day, so there's  
 15 not really one user manual. There's a bunch of  
 16 help and support files that help support the  
 17 application.  
 18 Q. Are those help files available to the counties?  
 19 A. Yes, they are.  
 20 Q. Are they online?  
 21 A. Not -- they're online to the counties via our  
 22 intranet site but not public.  
 23 Q. So you have a website that's protected or  
 24 accessible only to counties?  
 25 A. Correct.

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1 Q. What else is on there besides those help files?  
 2 A. I don't know off the top of my head.  
 3 Q. Can you walk me through the -- from when you  
 4 joined the building of SEIMS, what did SEIMS  
 5 look like when you started versus what did it  
 6 look like when it was pretty close to what it  
 7 is today?  
 8 A. When I started it was a mess.  
 9 Q. Okay.  
 10 A. I was brought on to help pull it all together.  
 11 So I mean, I don't know how to answer that  
 12 other than when I got there, they were building  
 13 the application and building the system, and  
 14 they completed the system and rolled it out to  
 15 every county sometime in 2006. And I don't  
 16 know what you're looking for in between that,  
 17 but --  
 18 Q. Did some counties use SEIMS before 2006?  
 19 A. Yes.  
 20 Q. Was that --  
 21 A. The first county -- the first county I was  
 22 brought on was Brunswick and actually in 2000.  
 23 Q. And I'm guessing in 2000 you didn't have all of  
 24 the applications that you have today.  
 25 A. No.

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1 Q. What kind of applications were part of SEIMS in  
2 2000?  
3 A. I don't recall. I was part of the database  
4 group. I wasn't in that group.  
5 Q. Okay. When did you become part of that group?  
6 A. Well, I mean, being a small group you're in the  
7 middle of everything, but I'm not -- I'm not a  
8 developer so I don't develop applications,  
9 so -- and being database and infrastructure I  
10 more manage the data and the systems rather  
11 than the applications.  
12 Q. I'm trying to understand from the county  
13 perspective. Brunswick County is the first  
14 county to be a part of this. Are they using it  
15 for the election setup purpose, are they using  
16 it for the report manager?  
17 A. Are you talking about now or in 2000?  
18 Q. In 2000.  
19 A. I don't recall what they were using it for.  
20 Q. By 2004 do you remember how many counties were  
21 using SEIMS?  
22 A. I believe in 2004 all counties were using them  
23 except four counties.  
24 Q. Do you remember which four counties?  
25 A. Guilford, Forsyth, Mecklenburg and Wake.

29

1 A. Say that again. I'm sorry.  
2 Q. They kept data, it just wasn't shared with  
3 other counties or the State?  
4 A. That's my understanding.  
5 Q. Do you know what they used to manage their  
6 county voter registration databases?  
7 A. Different counties had different systems.  
8 There were a bunch of vendors out there, and I  
9 couldn't state to who used what, but there were  
10 different vendor systems out there that they  
11 were using.  
12 Q. Do you remember which systems Guilford,  
13 Forsyth, Mecklenburg and Wake were using?  
14 A. I don't recall off the top of my head, but back  
15 in those days I wasn't really worried about  
16 what they were using. We were more worried  
17 about getting them onto our system.  
18 Q. Sure. So I'm talking about Exhibit 63 that's  
19 in front of you. Having never seen that  
20 before, you don't know if that's up to date or  
21 still in use by any of the counties?  
22 A. Again, I don't recall. I have to review it to  
23 see.  
24 Q. I am going to hand you what we're going to mark  
25 as Exhibit 64.

31

1 Q. Guilford, Forsyth, Mecklenburg -- why weren't  
2 those counties using it?  
3 A. Because they were stubborn.  
4 Q. What were the other 96 counties using SEIMS  
5 for, what applications?  
6 A. I assume -- I really don't know. I know they  
7 were using the applications to manage their  
8 voter registration database and to help them  
9 prepare for the elections. What exactly they  
10 were doing, I'm not really sure.  
11 Q. Even back in 2004 when a county is using SEIMS  
12 to manage its voter registration database, does  
13 that mean that the State, then, has access to  
14 all of that data too?  
15 A. Yes.  
16 Q. When did -- so Guilford, Forsyth, Mecklenburg  
17 and Wake joined in 2006?  
18 A. Yes.  
19 Q. Was that before the November election; do you  
20 remember?  
21 A. I don't recall. I know it was in 2006, and I  
22 don't -- I don't remember exactly when.  
23 Q. Okay. Before becoming part of SEIMS, did all  
24 of the counties keep their voter registration  
25 data on a county level?

30

1 (WHEREUPON, Plaintiffs' Exhibit 64 was  
2 marked for identification.)  
3 BY MS. RIGGS:  
4 Q. Have you seen this document before?  
5 A. No, I don't think so.  
6 Q. First I should state this is an SBOE numbered  
7 memo as opposed to a SEIMS numbered memo; is  
8 that right?  
9 A. I don't know if back in '99 there was a  
10 differentiation of the two so I'm not sure.  
11 Q. Okay. Do you remember when the first SEIMS  
12 numbered memo was issued?  
13 A. I do not have a clue off the top of my head.  
14 Q. Okay. This numbered memo, do you have any  
15 reason to believe this isn't an actual numbered  
16 memo issued by the State Board of Elections?  
17 A. I don't know how to answer that.  
18 Q. Well, it's on State Board letterhead.  
19 A. Correct.  
20 Q. And the first sentence says "In order to comply  
21 with Session Laws 1997, Chapter," blah blah  
22 blah -- I guess I just wanted to use this to  
23 raise the point that that appears to be the law  
24 in which the State mandated a statewide  
25 elections management system and a state voter

32



1 registration database.  
 2 So what was the -- was this the same  
 3 law -- as far as you understand it, the law  
 4 that mandated a -- or directed the State Board  
 5 to create an elections management system and a  
 6 statewide voter registration database?  
 7 A. I couldn't answer. I don't know. I try not to  
 8 dabble in the law. I just deal with the  
 9 technical side of it.  
 10 Q. The second paragraph says "Counties not  
 11 electing to use SEIMS for local processing."  
 12 Is that what we were talking  
 13 before -- about before where some counties  
 14 were -- the first county was in 2000 and then  
 15 slowly more counties up until 2006 joined?  
 16 A. Yes.  
 17 Q. And local processing would mean maintenance of  
 18 their voter registration records on a county  
 19 level?  
 20 A. Yes.  
 21 Q. The last paragraph on that page says:  
 22 "Beginning December 1st, 1999,  
 23 and every Wednesday thereafter,  
 24 county boards of elections are  
 25 required to submit voter

33

1 registration data to the State."  
 2 Was that your experience?  
 3 A. That was my experience.  
 4 Q. When a county would submit its voter  
 5 registration data to the State every Wednesday,  
 6 where would that data go?  
 7 A. We would compile that data into a single  
 8 database.  
 9 Q. What was that database?  
 10 A. I don't know if there was an actual name for  
 11 it. It was just a database that we had that we  
 12 pulled all the data together for.  
 13 Q. Did you get that data from every county every  
 14 week?  
 15 A. I don't recall, but I don't think so. I just  
 16 don't recall back in '99.  
 17 Q. What happened to all of that data that you  
 18 compiled from all of those counties? Is it  
 19 still accessible somewhere?  
 20 A. No. That data -- all that data would have been  
 21 rolled into our statewide database system.  
 22 Q. When you say statewide database system --  
 23 A. The current system we're running now. And I  
 24 don't recall procedurally how it was done,  
 25 whether all that data was compiled and then put

34

1 in that statewide database once it was brought  
 2 online or we did a final conversion of all the  
 3 states -- or all the counties' data when they  
 4 came online and brought them on board.  
 5 So I'm not sure if they were sending us  
 6 weekly files. Due to records retention and  
 7 other things, we didn't have to keep them  
 8 because the copies were held at the counties  
 9 and we could all get another copy.  
 10 So again, I'm not sure whether that  
 11 data was used to build the statewide database  
 12 from the beginning or we took a copy of the  
 13 county's database and then rolled that in at  
 14 the time they converted over.  
 15 Q. So when you received the weekly reports from  
 16 the counties, was it in paper or electronic  
 17 version?  
 18 A. It was electronic.  
 19 Q. It was electronic?  
 20 A. Yes.  
 21 Q. And then that was compiled into one statewide  
 22 database?  
 23 A. Correct.  
 24 Q. And you're not sure if all of those electronic  
 25 records were saved and then converted into the

35

1 current statewide database?  
 2 A. Correct. I'm not sure of the retention period  
 3 of that database, whether it was a flush and  
 4 fill every week or whether it was used to  
 5 compile and then build the statewide database.  
 6 Q. So we'll get into it later, but it wasn't like  
 7 there was snapshots like there are today?  
 8 A. No, no, not at all. There were lots of other  
 9 technology issues back then, like capacity,  
 10 cost, you know.  
 11 Q. When was that data rolled over into the current  
 12 database?  
 13 A. Again, I'm not sure if that data was rolled  
 14 over or with -- if when counties came on board  
 15 we just took a copy of all their data and  
 16 rolled it into the statewide database.  
 17 Q. But something was rolled into the statewide  
 18 database?  
 19 A. Correct.  
 20 Q. When did that happen?  
 21 A. It happened throughout from 2000 until 2006.  
 22 As a county would come on board with SEIMS, or  
 23 the statewide voter registration database,  
 24 their data would be converted from the county  
 25 to the state and they would shut off their old

36

1 systems.  
 2 Q. When you say SEIMS or statewide voter  
 3 registration database --  
 4 A. They're interchangeable. I'm sorry.  
 5 Q. They're the same thing?  
 6 A. Yes.  
 7 Q. And is the -- what we talked about earlier  
 8 about the application under SEIMS, is the  
 9 statewide voter registration database an  
 10 application under or it's just the --  
 11 A. It's the database that all these applications  
 12 access.  
 13 Q. Okay.  
 14 A. So it's the data repository for all these  
 15 applications.  
 16 Q. The attachment to Exhibit 64, have you ever  
 17 seen that document?  
 18 A. I might have, but again, over 14 years ago,  
 19 it's kind of hard to tell. If I have seen it,  
 20 I don't recall the document.  
 21 Q. Okay. Is there a document today that is  
 22 similar or --  
 23 A. No, there isn't.  
 24 Q. I am going to hand you what the court reporter  
 25 will mark as Exhibit 65.

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1 (WHEREUPON, Plaintiffs' Exhibit 65 was  
 2 marked for identification.)  
 3 BY MS. RIGGS:  
 4 Q. Take a second to look at this document.  
 5 A. (Witness complying.)  
 6 Q. Have you seen this document before?  
 7 A. Yes.  
 8 Q. Is this one of the SEIMS numbered memos that we  
 9 discussed before?  
 10 A. It is.  
 11 Q. So it's issued under your name?  
 12 A. It is.  
 13 Q. I have some questions about the first  
 14 paragraph.  
 15 A. Okay.  
 16 Q. What -- describe to me the SEIMS release to  
 17 implement the HAVA requirement. SEIMS already  
 18 existed in 2009, right?  
 19 A. That's correct.  
 20 Q. What is the SEIMS release to implement the HAVA  
 21 requirement?  
 22 A. In that aspect, we were basically upgrading  
 23 SEIMS in 2006 to comply with some of the HAVA  
 24 legislation. For the purpose of this, it was,  
 25 I believe, for ID validation or to validate

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1 a -- enter a driver's license number or last  
 2 four of Social Security number that was  
 3 provided on the voter registration application,  
 4 or if neither was provided to assign the voter  
 5 a unique ID.  
 6 Q. So that -- over what timeframe did that  
 7 upgrading of SEIMS happen?  
 8 A. I do not recall the exact dates, but I believe  
 9 we released it in 2006.  
 10 Q. And this memo is from 2009.  
 11 A. Well, this is an update of the memo from 2006.  
 12 Q. Okay. So what had happened since then that  
 13 needed to be -- the 2006 memo needed to be  
 14 updated?  
 15 A. Without analyzing both, I'm not sure. I'm not  
 16 sure if the prior SEIMS memo was just  
 17 incomplete.  
 18 I know in 2009 I went through and  
 19 updated a bunch of the memos to make them  
 20 clear, up to date and accurate. You know, over  
 21 time applications and things change. So I went  
 22 through and changed a lot of the list  
 23 maintenance and other memos to just clarify  
 24 what their intent was and sometimes to even  
 25 remind the counties that this is going on.

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1 Q. Did -- if you were updating a previous memo, is  
 2 it always indicated in the subject line as it  
 3 is here that a previous memo is being  
 4 superseded?  
 5 A. Yes, to the event I can find that memo or the  
 6 memo is accurately documented so I could find  
 7 that memo.  
 8 Q. How many SEIMS memos a year do you release?  
 9 A. As few as possible. We haven't put out any  
 10 recently because I'm no longer dealing with the  
 11 support aspect of it. So now that  
 12 responsibility is going to fall to the  
 13 elections division because they handle  
 14 application support along -- you know, support  
 15 issues along with help desk calls. So I don't  
 16 think I've released a SEIMS numbered memo in a  
 17 while.  
 18 Q. What's "a while"?  
 19 A. I don't know. I have to look at my site and  
 20 see when I last put one out, but I know -- I  
 21 don't think I've done one in 2013, and if I did  
 22 one in 2012, there's maybe one or two, if that.  
 23 Q. Okay. Before the restructuring, if counties  
 24 had problems with SEIMS, they would call the  
 25 help desk in your section. And would you hear

40

1 about it?

2 A. Not always.

3 Q. But they would call your section?

4 A. That's correct.

5 Q. Do you think -- why do you think you've issued

6 fewer to no memos in recent years?

7 A. Prior administration or my prior predecessor,

8 he believed in every release had to have a

9 SEIMS numbered memo. That was just too

10 cumbersome for the counties and wasn't --

11 didn't really do anything.

12 I figured a SEIMS numbered memo needed

13 to be warranted if there was a real -- if there

14 was some issue -- information of substance or

15 something they really needed to know.

16 We put a lot of our information out in

17 help and support files, so we would typically

18 then just refer to those to the counties for

19 information they needed or now, you know, what

20 I try to do is push a lot of -- you know, there

21 was no really need for technical memos. We

22 would give -- rather than a SEIMS numbered

23 memo, we would just send an e-mail out with a

24 release saying these are the items that were

25 updated. Before the SEIMS numbered memo did

41

1 some of that as well and there's not really a

2 need for it.

3 Q. What other things would you send e-mails out to

4 the counties about?

5 A. That I would send?

6 Q. Yes.

7 A. I basically -- the only thing I really send to

8 the counties is basically when we're going to

9 be upgrading the applications, whenever there

10 was a technical issue with the applications.

11 I typically try to send out a memo out

12 that's nonbusiness -- anything that's

13 procedural, business, I ship over to the

14 administrative or elections division to let

15 them handle that, but my e-mails try to be

16 application and technical in nature.

17 Q. Who was your predecessor?

18 A. Robert Ralph or Bob Ralph.

19 Q. Is he at the State Board of Elections any more?

20 A. No, he's not.

21 Q. In -- on Exhibit 65, right in front of you,

22 the -- in the first sentence there's -- the

23 last clause of it says there have been a number

24 of questions about this processing. What were

25 those questions?

42

1 A. I do not recall.

2 Q. Were counties having issues with the changes to

3 SEIMS to allow for HAVA identification?

4 A. No. Those changes were done in 2006 so I don't

5 think we would have addressed those issues in

6 2009. So again, without going back in detail

7 and talking to the counties or my support

8 group, I'm not really sure.

9 Q. But even back in 2009 -- so you had taken over

10 for Bob Ralph by 2009?

11 A. Yes, I took over in 2008.

12 Q. Okay. Was this the same -- you said you didn't

13 feel -- you felt a numbered memo was only

14 warranted when there was -- and I don't

15 actually want to put words in your mouth --

16 significant issues or something along those

17 lines?

18 A. I would say significant issues. And issues may

19 not be an issue as pertains to an issue within

20 an application or something -- a function

21 doesn't work right. Maybe an issue is

22 confusion amongst the user base who's not

23 really sure what happens. For example, maybe

24 the user base wasn't really aware of what

25 happens behind the scenes.

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1 Q. Who's the user base?

2 A. That would be the county election officials.

3 Q. Do you do yearly trainings for county election

4 officials on using SEIMS?

5 A. The IT department does not.

6 Q. Who does?

7 A. Typically would be the support group.

8 Q. Are you part of those trainings?

9 A. I attend those trainings sometimes.

10 Q. How often do they happen?

11 A. I don't know.

12 Q. Sometimes they happen without you there?

13 A. Sometimes, yes.

14 Q. Would someone else from IT be a part of those

15 trainings?

16 A. I would typically have someone from IT at those

17 trainings in case there's any technical

18 questions outside the process.

19 Q. So who at the county -- who at a county board

20 gets trained on using SEIMS?

21 A. That's a good question. Typically it would be

22 the entire staff because they -- every staff

23 functions of elections touches the application

24 and everything is electronic in nature. All

25 the data is entered into the system.

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1 So every aspect from a small county  
 2 office like Hyde County who has maybe one  
 3 worker who's the director and the employee,  
 4 they would cover all aspects, or Wake County  
 5 who has maybe 20 or 30 employees, they will all  
 6 be trained in SEIMS but maybe not every  
 7 application in SEIMS. Maybe they have a geo  
 8 code division that works in the geo code space,  
 9 data entry people that only work in data entry  
 10 space and election specialists only do election  
 11 setups.  
 12 Q. Do you ever -- are SEIMS trainings ever broken  
 13 down by the application?  
 14 A. I don't know, but I don't -- I don't know off  
 15 the top of my head. Again, I don't put those  
 16 trainings together so I'm not sure.  
 17 Q. Are the training materials available on the  
 18 intranet website that's accessible only by the  
 19 counties?  
 20 A. They may be. I'm not sure where they put them  
 21 out or if they're just a lot of -- a lot of  
 22 training is just in-person training and  
 23 referring to the help files.  
 24 So I don't know how much formal  
 25 training is actually created and presented. I

45

1 know a lot of it is just in-person training  
 2 where staff talks to the county and walks them  
 3 through the application and then refers them to  
 4 help files.  
 5 Q. Who in the support section would be conducting  
 6 these trainings?  
 7 A. It could be anyone from my support staff or the  
 8 election support staff. So that could be  
 9 anyone -- any one of my support members. The  
 10 three I gave you would be -- they would be one  
 11 of the three who help assist in training and  
 12 anyone in the elections division has been doing  
 13 training.  
 14 Q. Do you know the names of any of the people who  
 15 have been doing it in the elections division?  
 16 A. I don't, but that's run by Veronica  
 17 Degraffenreid.  
 18 Q. Page 3 on Exhibit 65, we had talked about  
 19 voter -- at the top of the page, we had talked  
 20 about Voter Scan before. I just want to  
 21 understand who at -- is every county using  
 22 Voter Scan?  
 23 A. Correct.  
 24 Q. And at what point are they using it? Is it  
 25 when they are putting in voter registration

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1 data?  
 2 A. Any modification to the voter record goes  
 3 through Voter Scan.  
 4 Q. Does that include whether or not a voter has  
 5 voted?  
 6 A. That's the only exception. Voter history is  
 7 entered through, I believe, the Election Setup  
 8 module, but I'm not a hundred percent sure, but  
 9 any changes to the voter record are through  
 10 Voter Scan.  
 11 Q. So party affiliation would be an example?  
 12 A. Correct.  
 13 Q. Or address move?  
 14 A. Correct, and even absentee data.  
 15 Q. If a voter is registered -- this is a little  
 16 bit off track but I want to understand from a  
 17 SEIMS standpoint, if a voter is registered in  
 18 Wake County and then moves to Durham County and  
 19 goes to -- or submits a vote registration  
 20 application in Durham County, what happens when  
 21 Durham County goes to enter that voter  
 22 registration application?  
 23 A. There's a bunch of things that happen. Do you  
 24 want me to narrow it down something specific to  
 25 this document or do you want me to just go over

47

1 the whole scope?  
 2 Q. Let's try the whole scope, and if it --  
 3 A. How much time do you have?  
 4 Q. All right. Does the -- does the person in  
 5 Durham County use Voter Scan to enter --  
 6 A. Yes.  
 7 Q. Does Voter Scan tell the person entering the  
 8 Durham application whether the voter has been  
 9 registered anywhere else in the State?  
 10 A. It will attempt to.  
 11 Q. What does that mean?  
 12 A. There are -- matching names is a challenging  
 13 criteria. So it will attempt various matching  
 14 criteria to identify the voter, and if it can  
 15 match it in the statewide database, it will  
 16 identify that match to the person who's doing  
 17 the data entry and it will give them all the  
 18 possibilities.  
 19 So if the system can't exactly much  
 20 that voter, it will attempt to give them here's  
 21 the other possibilities so that we can identify  
 22 that. They will select that voter and they  
 23 will automatically be removed from the prior  
 24 county.  
 25 Q. Okay. So if the election worker who's putting

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1 in the Durham application sees this person was  
 2 registered in Wake County, they give some input  
 3 and then SEIMS removes the Wake County  
 4 registration?  
 5 A. Correct, or the system will do it automatically  
 6 if it meets certain criteria.  
 7 Q. Okay. If the system doesn't make a complete  
 8 match, does the poll worker in Durham get some  
 9 input to figure out if the Durham registration  
 10 application is the same person that's listed as  
 11 one of the choices?  
 12 A. It will give them -- it will give them a list  
 13 if it can pull together another statewide list  
 14 of here's a possible match and they can look  
 15 through and see if they can select that one,  
 16 yes.  
 17 Q. And identify who that voter was before?  
 18 A. Correct.  
 19 Q. If it identifies someone -- so in my example,  
 20 if the system recognizes that the voter trying  
 21 to register in Durham County was a Wake County  
 22 voter, will it have -- will the voter be  
 23 assigned a different voter registration number?  
 24 A. Yes.  
 25 Q. Is there some sort of unique identifier that

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1 follows the voter from county to county?  
 2 A. Yes.  
 3 Q. And that's called what?  
 4 A. The NC ID.  
 5 Q. If the -- if the system can't match the voter  
 6 to the other files or if the poll worker, if  
 7 given a choice from the list, can't match it,  
 8 does the Durham voter get a new NC ID?  
 9 A. Yes, he does.  
 10 Q. So it's possible for someone to have more than  
 11 one NC ID in the state?  
 12 A. That is correct.  
 13 Q. Do you have --  
 14 A. It's possible.  
 15 Q. Possible. Do you have any idea about how many  
 16 voters might be affected by that, might have  
 17 more than one NC ID?  
 18 A. Off the top of my head I do not, but part of  
 19 our list maintenance program is to go through  
 20 duplicate checking and do an analysis and send  
 21 it to the counties for them to review the list  
 22 and find any duplicates.  
 23 Q. I am going to hand you what I am going to have  
 24 the court reporter mark as -- I am going to  
 25 give you the single-sided version --

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1 Exhibit 65.  
 2 THE REPORTER: 66.  
 3 (WHEREUPON, Plaintiffs' Exhibit 66 was  
 4 marked for identification.)  
 5 BY MS. RIGGS:  
 6 Q. And as before, the e-mail on the front is not  
 7 really what I want to look at. I want to look  
 8 at the attachment.  
 9 Have you seen this document before?  
 10 A. Yes, I have.  
 11 Q. Can you tell me what it is?  
 12 A. It is our SOSA/OVRD user manual.  
 13 Q. Do you know if this is the most recent version?  
 14 A. I do not, but I can't be a hundred percent  
 15 sure.  
 16 Q. If there was a more up-to-date version, where  
 17 could one find that?  
 18 A. I'm sure if there's an up-to-date version it's  
 19 somewhere on our network and distributed to the  
 20 counties and/or available to the counties  
 21 through the intranet site.  
 22 Q. It may not be publicly available?  
 23 A. No, they're not. I don't know if they put  
 24 anything confidential in there. So none of our  
 25 user manuals are publicly available.

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1 Q. If you went back to the office, though, you  
 2 could pretty quickly determine if there was an  
 3 updated version of it?  
 4 A. I know who to ask.  
 5 Q. Who would know the answer to that question?  
 6 A. The best person for that would be Veronica  
 7 Degraffenreid --  
 8 Q. Okay.  
 9 A. -- since that falls under her purview.  
 10 Q. Who would be involved in drafting this memo?  
 11 A. It would typically be those three support  
 12 members that I mentioned, Erica, Amanda and  
 13 Gary.  
 14 Q. Would you review the manual?  
 15 A. No, I would not.  
 16 Q. So you wouldn't have had anything to do with  
 17 putting this together?  
 18 A. No. I would trust that my staff did things the  
 19 right way, and I would be reminded by the  
 20 counties when they did not.  
 21 Q. What does that mean?  
 22 A. You know, if we do something wrong, they love  
 23 to let us know what we did wrong.  
 24 Q. Do they call you directly or do they call the  
 25 help desk?

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1 A. It depends on their mood.  
 2 Q. You've been around long enough that some of  
 3 them know you?  
 4 A. They know me by name. They'll call me or  
 5 they'll call the staff or they'll put in -- we  
 6 have a support system, so they'll typically  
 7 enter a ticket into the support system and say,  
 8 hey, there's an issue here and it needs to be  
 9 updated.  
 10 Q. So a ticket in the support system before the  
 11 restructuring of the IT section, is that  
 12 something that would have been seen by the  
 13 three names, Erica, Amanda and Gary?  
 14 A. Correct.  
 15 Q. And they might have brought some of those to  
 16 your attention?  
 17 A. No.  
 18 Q. No?  
 19 A. Unless they were major issues that caused --  
 20 that caused a functional issue in the county.  
 21 Q. Would there have been someone in between you  
 22 and them that they might have brought?  
 23 A. Yes.  
 24 Q. Who?  
 25 A. Their manager before was Greg McCurry who is my

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1 infrastructure manager, so they would have  
 2 brought those issues to him.  
 3 Q. Since the IT section has been restructured,  
 4 would Amanda, Erica and Gary still hear these  
 5 complaints from the county if there was a  
 6 problem?  
 7 A. Yes, they would.  
 8 Q. Who would they bring them to now?  
 9 A. Veronica Degraffenreid.  
 10 Q. Okay. This version which was updated in 2009,  
 11 would anyone in the election support section  
 12 have -- well, you said Veronica would have  
 13 viewed this. And she was in the election  
 14 section then?  
 15 A. Prior to that, yes. I believe she was -- I  
 16 don't know if she was here in 2009. I don't  
 17 know if she was here -- I don't know how long  
 18 she's been here. Her position has turned over  
 19 a few times prior to her, so I don't know prior  
 20 to her when she came on and when --  
 21 Q. Okay. We're not entirely sure if this is the  
 22 most up-to-date version, but this is about the  
 23 application that we were talking about earlier,  
 24 right?  
 25 A. Correct.

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1 Q. SOSA and what do you call the other part?  
 2 A. OVRD, O-V-R-D.  
 3 Q. Explain to me on an early voting day in -- at  
 4 an early voting site, are poll workers using  
 5 SOSA the whole time during early voting on that  
 6 day?  
 7 A. Yes. We require all counties to use our SOSA  
 8 system as an electronic poll book for early  
 9 voting.  
 10 Q. Are there ever -- so do they have to be hooked  
 11 up -- have internet access in order to be  
 12 connected to SOSA?  
 13 A. No, they are not. SOSA has a disconnected mode  
 14 so it can run standalone because you can't  
 15 always get connectivity everywhere.  
 16 Q. Sure. So then poll workers would use SOSA  
 17 during the day and then at some point connect  
 18 to the internet to upload the --  
 19 A. They can do disconnected and transfer with a  
 20 USB stick or connect somewhere and upload the  
 21 data, but we would at least require them to do  
 22 it on a daily basis.  
 23 Q. That was a requirement, a daily basis?  
 24 A. As much enforcement as we put into that, yes.  
 25 Q. And on election day, it's the same thing except

55

1 it's OVRD?  
 2 A. It's -- it's the same application, yes, but  
 3 it's OVRD because it's different -- it has  
 4 different functionality.  
 5 Q. And is it the same sort of thing where poll  
 6 workers at the precincts are putting  
 7 information in and uploading at the end of the  
 8 day?  
 9 A. No. OVRD is completely disconnected.  
 10 Q. So how does the information entered into OVRD  
 11 in all of the different county precincts get  
 12 put into SEIMS?  
 13 A. At the close of business they'll collect all  
 14 the data and do disconnected transfers and put  
 15 them on a stick and roll the stick up to the  
 16 State just like they do the voting equipment.  
 17 Q. Does it happen on election day?  
 18 A. Yes.  
 19 Q. That night?  
 20 A. Depends. They will collect the data in the  
 21 machines during the day but they may not roll  
 22 it up that day. Their focus on election day is  
 23 tabulation and the voting equipment, not really  
 24 recording a voter history record for the voter.  
 25 Q. If you need a break, just let me know.

56

1 A. I'm good. That's why I'm not drinking a soda.  
 2 I would have to take a break every ten minutes.  
 3 Q. You're in good company.  
 4 Okay. I am going to have the  
 5 court reporter mark this as 67.  
 6 (WHEREUPON, Plaintiffs' Exhibit 67 was  
 7 marked for identification.)  
 8 BY MS. RIGGS:  
 9 Q. This one you might need to look at the e-mail  
 10 on the front, but it's the same idea --  
 11 A. Okay.  
 12 Q. -- to help identify what the document behind  
 13 is.  
 14 A. Okay.  
 15 Q. Have you seen this document before?  
 16 A. I saw it at a presentation. So, yes, I have  
 17 seen it before.  
 18 Q. Do you remember when that presentation  
 19 happened?  
 20 A. No, I don't, I don't remember when that  
 21 happened.  
 22 Q. The first slide says January 14th. Could that  
 23 be right?  
 24 A. Yeah, I believe it's right. I mean, I believe  
 25 the -- you know, the timeframe for the document

57

1 is right.  
 2 Q. On -- these are not numbered, the slides, I  
 3 don't believe.  
 4 Did you have any input into the  
 5 creation of this document?  
 6 A. No, I did not.  
 7 Q. Do you know what SEIMS changes the presentation  
 8 might have been addressing?  
 9 A. Not exactly, but at a high level, yes. We did  
 10 a major release -- well, we do a release -- try  
 11 to do one once or twice a year, and January was  
 12 our release date, and this I believe reflected  
 13 the changes that we made to provisional voting  
 14 and absentee voting.  
 15 Q. What were those changes?  
 16 A. Again, I couldn't tell you off the top of my  
 17 head without pulling out all the change control  
 18 documentation and then going over them bit by  
 19 bit, but I just know there were small changes  
 20 and there were changes that the business unit  
 21 wanted and we implemented in January and rolled  
 22 it out, and this looks like it reflects some of  
 23 the stuff we would have changed.  
 24 Q. Okay. You said that you referred to some law  
 25 changes. Is that House Bill 589?

58

1 A. That would be my understanding.  
 2 Q. And is it your understanding that  
 3 out-of-precinct provisional ballots will no  
 4 longer be counted under the new law?  
 5 A. That's what I read.  
 6 Q. What -- as far as SEIMS goes, how does that  
 7 change the interaction between the poll worker  
 8 and SEIMS now that -- now that out-of-precinct  
 9 provisional ballots can't be counted?  
 10 A. Well, the interaction between the application  
 11 and the poll workers is still going to remain  
 12 the same, just they're going to have something  
 13 different to do, and I don't know what that is.  
 14 That's up to the election division and the  
 15 instructions they put out to the county workers  
 16 of how they process and what they do with those  
 17 voters.  
 18 Q. Prior to the House Bill 589, did -- and I'm not  
 19 sure which application, but did SEIMS recognize  
 20 different reasons for provisional ballots?  
 21 A. They did.  
 22 Q. When were -- from election -- let's say from  
 23 election day when a provisional ballot is  
 24 counted until the end of canvas, when is a  
 25 reason assigned for the provisional ballot

59

1 being cast?  
 2 A. I really don't know. I mean, it could be any  
 3 of the time. It just depends on the counties  
 4 when they process it, when they set up the  
 5 meetings for it and when they -- you know, when  
 6 they finalize a reason for it and enter it into  
 7 the system, so...  
 8 Q. So you might -- SEIMS might only know the  
 9 reason for the provisional ballot after  
 10 election day?  
 11 A. Oh, yes, that is correct.  
 12 Q. And this would be a separate reason for if --  
 13 then if the provisional ballot got rejected?  
 14 A. You have to -- clarify for me, please.  
 15 Q. Sure. So a provisional ballot could be cast  
 16 because of an unreported move. Is that one  
 17 example of why a provisional ballot might be  
 18 cast?  
 19 A. Yes.  
 20 Q. Or a provisional ballot might be cast because  
 21 the voter's out of precinct.  
 22 A. Okay.  
 23 Q. Is that right?  
 24 A. Yes. Sorry.  
 25 Q. So that is a reason the provisional ballot is

60

1 cast?  
 2 A. Yes.  
 3 Q. But then a provisional ballot might be rejected  
 4 if, for example, the voter wasn't registered to  
 5 vote?  
 6 A. Yes.  
 7 Q. Okay. Is that a reason a provisional ballot  
 8 might be rejected?  
 9 A. That is a reason.  
 10 Q. But do you see how those are two separate  
 11 things.  
 12 A. Gotcha.  
 13 Q. And SEIMS recognizes those two different  
 14 things, right?  
 15 A. Yes.  
 16 Q. Is there ever some timeframe from the SEIMS  
 17 perspective between when the reason for the  
 18 ballot being cast is entered and the reason why  
 19 the ballot might have been rejected?  
 20 A. My understanding from looking at the data is,  
 21 yes, because they will enter the provisional  
 22 data as soon as they get it, but the reason it  
 23 may not be recorded until their investigation,  
 24 examination, whatever you want to call it, has  
 25 been completed.

61

1 A. There's no one in IT. That's a business  
 2 function.  
 3 The goal of IT is to implement the  
 4 business procedures and rules and the changes.  
 5 So that would have started from the business  
 6 unit or the election division or one of those  
 7 other divisions, worked through my business  
 8 analyst so they can translate those  
 9 requirements to us so we can actually change  
 10 the system for what they need.  
 11 Q. But in implementing it, it would come across an  
 12 IT person's desk first?  
 13 A. Oh, yes.  
 14 Q. Who is that person?  
 15 A. The signoff would be myself and the business  
 16 analyst and I believe the development manager.  
 17 Q. Okay. Were those people on that flowchart?  
 18 A. Yes and no. The business analyst was but not  
 19 in that name.  
 20 Q. Who is the business analyst right now?  
 21 A. Elise McKnight.  
 22 MS. RIGGS: Okay. I am going to have  
 23 the court reporter mark Exhibit 68.  
 24 (WHEREUPON, Plaintiffs' Exhibit 68 was  
 25 marked for identification.)

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1 Q. Do you know, does SEIMS have some sort of input  
 2 for whether voters have been asked whether they  
 3 have a picture ID?  
 4 A. SEIMS does record -- the ID is provided, and I  
 5 think in certain circumstances you can define  
 6 what ID was provided from a list that's already  
 7 in the system. And typically, I think right  
 8 now that list is the HAVA-provided IDs, and  
 9 don't ask me to recite the list because I don't  
 10 know it off the top of my head.  
 11 Q. No, that's fine.  
 12 Do you know -- and you might not know,  
 13 and that's fine, but do you know if any  
 14 developments to SEIMS have been made such that  
 15 on election day coming up in May, my  
 16 understanding is that voters are going to be  
 17 asked if they have an ID. Do you know if any  
 18 changes have been made to SEIMS to record the  
 19 answer to that?  
 20 A. Yes. I don't believe so. I'll have to look at  
 21 our -- again, our enhancement, but I don't  
 22 recall that being an enhancement.  
 23 Q. Is there a person -- who is the person in the  
 24 IT section who is responsible for those kinds  
 25 of enhancements?

62

1 BY MS. RIGGS:  
 2 Q. Take a second to glance through that.  
 3 A. (Witness complying.)  
 4 Q. Have you ever seen this PowerPoint presentation  
 5 before?  
 6 A. I believe so.  
 7 Q. The fourth slide, can you turn -- page 2,  
 8 bottom of page 2.  
 9 A. Okay.  
 10 Q. There's -- I guess it's an acronym there,  
 11 SMART, SEIMS Management and Application Review  
 12 Team. Do you know what that entity is?  
 13 A. Yes, I do.  
 14 Q. Can you tell me what it is?  
 15 A. It's basically a committee -- basically it's a  
 16 user group in a nutshell. It is our county  
 17 user group for the application. So we reach  
 18 out to them in case we want to make changes or  
 19 questions or from a user perspective, get their  
 20 opinion on how the application should function.  
 21 Q. Are you on that committee?  
 22 A. No, I'm not.  
 23 Q. Do you work with that committee ever?  
 24 A. No, I do not.  
 25 Q. Can you -- the very next page, I guess it's the

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1 sixth slide, it's says SMART Team.  
 2 A. Uh-huh.  
 3 Q. Do you know if that's the membership still?  
 4 A. No, it is not.  
 5 Q. Do you know who has changed?  
 6 A. I can't tell you from the districts because I'm  
 7 not sure who the district representatives are,  
 8 but I know Jerry Smith is not there.  
 9 Q. Okay.  
 10 A. He no longer works for the State Board of  
 11 Elections. And I don't know who's -- I don't  
 12 know who's on the SBOE side other than I know  
 13 Veronica and Amanda are.  
 14 Q. And the slide above it starts -- the paragraph  
 15 describes the role of SMART. Is that what you  
 16 understand the role to be?  
 17 A. Yes.  
 18 Q. Does -- I'm going to shift a little bit.  
 19 Does the State Board of Elections do  
 20 monthly reports on compliance with the National  
 21 Voter Registration Act?  
 22 A. I don't know. I know that I provide NBR data  
 23 to the elections group. I don't know what  
 24 frequency I do. I know I do it annually at  
 25 least, and I'm not sure if we have -- I'd have

65

1 over the place.  
 2 Q. Who would -- who would be asking you for data  
 3 to send to EAC?  
 4 A. Veronica Degraffenreid.  
 5 Q. This is not an automated process, though?  
 6 A. The process is not, no.  
 7 Q. So this is a situation where if there was an  
 8 EAC request that needed to be dealt with, you  
 9 actually would see the data?  
 10 A. No, I wouldn't -- I still wouldn't see the  
 11 data. We would -- she would put a request in  
 12 for this is the data she needs. We would run  
 13 those jobs to extract the data and send the  
 14 data to her.  
 15 Q. Would you do some kind of check to make sure --  
 16 A. QA, yes.  
 17 Q. Do you know in the past have some of those  
 18 requests been right after an election?  
 19 A. I believe so. There might have been.  
 20 Q. Do you remember when you started gathering data  
 21 for EAC requests?  
 22 A. No, I do not.  
 23 MS. RIGGS: This is going to be marked  
 24 as Exhibit 69.  
 25 ///

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1 to look at our job scheduling system, but I  
 2 know we have automated that system.  
 3 Q. So does that mean you don't necessarily look at  
 4 all of the data?  
 5 A. I don't look at the data, no. That would go to  
 6 Veronica Degraffenreid.  
 7 Q. It may be more frequent than annually?  
 8 A. It may be, but again, I don't recall. I just  
 9 know we have a process for that.  
 10 Q. Does the State Board of Elections provide data  
 11 to the National Election Assistance Committee  
 12 or Commission?  
 13 A. The EAC?  
 14 Q. EAC, yes.  
 15 A. Yes.  
 16 Q. Are you involved in that?  
 17 A. Only providing the data when requested.  
 18 Q. So it's a when-requested situation?  
 19 A. I don't know. I just know if I'm asked for the  
 20 data I provide it.  
 21 Q. The request comes to you?  
 22 A. Yes.  
 23 Q. Do you have any sense of how often you provide  
 24 that data?  
 25 A. No, I don't. I get a lot of data requests all

66

1 (WHEREUPON, Plaintiffs' Exhibit 69 was  
 2 marked for identification.)  
 3 BY MS. RIGGS:  
 4 Q. Have you seen this document before?  
 5 A. Not that I can recall.  
 6 Q. Understanding that you haven't seen this  
 7 before, on the first page it offers some  
 8 direction of -- to county boards about what  
 9 kinds of supplies they need to bring with them  
 10 to a polling place to handle provisional  
 11 ballots. Is that what that says? You can read  
 12 it.  
 13 A. Yeah, give me a second.  
 14 Okay. Yes.  
 15 Q. On the bullet points I want to ask you about  
 16 the labels printed from SEIMS. What would  
 17 these labels be?  
 18 A. 2004, I'm really not sure.  
 19 Q. Are there labels from SEIMS now? I mean, I  
 20 guess -- let me take a step back.  
 21 Are there things that the counties need  
 22 to get from SEIMS as it relates to provisional  
 23 ballots in elections today to take with them to  
 24 the polling place?  
 25 A. Not that I'm aware of. I don't think -- I

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1 don't think there's anything needed from SEIMS  
 2 to take.  
 3 I think everything they can do they can  
 4 print or generate or put together either there  
 5 at the polling place or prior to in a packet  
 6 but I don't -- I don't think so.  
 7 Q. Right. But if they did it prior to, they might  
 8 need to take it with them, though.  
 9 A. Possibly. But again, I'm not sure of the  
 10 procedures of how provisionals are handled now  
 11 in the county. I know how it's entered into  
 12 the system, and I know how data is tracked and  
 13 collected in the system. I'm just not sure how  
 14 the procedures are done and how those  
 15 provisions are managed.  
 16 Q. Fair enough.  
 17 So you don't know if there are labels  
 18 that the counties take with them or put on the  
 19 ballot?  
 20 A. I don't know.  
 21 Q. Do you think Veronica Degraffenreid would know  
 22 that?  
 23 A. She would definitely know.  
 24 Q. Do you know -- the bullet point beneath that  
 25 provisional poll books, do you know what that

69

1 refers to?  
 2 A. I am not sure what that is referring to. I  
 3 really don't know.  
 4 Q. Okay. Is that something Veronica would know,  
 5 though?  
 6 A. I don't know. It might have been something --  
 7 she might know, but again, I'm not -- looking  
 8 at this and just understanding some of the  
 9 provisional process, some of it does look  
 10 familiar, so I don't -- but she would be the  
 11 person to ask for clarification.  
 12 MR. FARR: Don't speculate on what  
 13 Veronica knows or doesn't know.  
 14 THE WITNESS: Sorry. My fault.  
 15 BY MS. RIGGS:  
 16 Q. Can you turn to page 3. It's the third page.  
 17 It's not labeled page 3.  
 18 A. This one. Okay.  
 19 Q. And there's a section "Handling Provisional  
 20 Ballots at the County Board of Elections  
 21 Office."  
 22 A. Okay.  
 23 Q. I guess what I'm -- I don't -- this is 2004. I  
 24 want to understand about how poll workers deal  
 25 with provisional ballots that they get

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1 nowadays, so 2014.  
 2 When they go back, they take the  
 3 provisional ballots back to their office and  
 4 they input them -- or input some data about  
 5 them into SEIMS, right, and give a reason why  
 6 the provisional ballot was cast.  
 7 A. Okay.  
 8 Q. Is that right?  
 9 A. Yes.  
 10 Q. There's some process by which they need to  
 11 research whether the provisional ballots need  
 12 to be counted?  
 13 A. Yes.  
 14 Q. Does some of that research occur through SEIMS?  
 15 A. Yes.  
 16 Q. Okay. What kinds of things would a poll worker  
 17 researching a provisional ballot look for in  
 18 SEIMS?  
 19 A. That, I don't know. I don't do the processing  
 20 so I don't know exactly what they would do.  
 21 Q. Who should I ask about that?  
 22 A. I would ask Veronica Degraffenreid.  
 23 MR. PETERS: Do you want a break?  
 24 THE WITNESS: Take a break.  
 25 MS. RIGGS: Take a break?

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1 THE WITNESS: Yeah.  
 2 THE VIDEOGRAPHER: Going off the  
 3 record, the time is 2:16 p.m.  
 4 (Brief Recess.)  
 5 THE VIDEOGRAPHER: Back on the record,  
 6 this begins Disk Number 2. The time is  
 7 2:27 p.m.  
 8 MS. RIGGS: I'm going to have the  
 9 court reporter mark this as Exhibit 70.  
 10 (WHEREUPON, Plaintiffs' Exhibit 70 was  
 11 marked for identification.)  
 12 BY MS. RIGGS:  
 13 Q. Have you seen this e-mail before?  
 14 A. Yes.  
 15 Q. In this e-mail were you providing Veronica  
 16 Degraffenreid and some listserve name the list  
 17 of reasons that a provisional ballot can be  
 18 rejected for?  
 19 A. Yes.  
 20 Q. Is one of those reasons voting out of precinct?  
 21 A. Yes.  
 22 Q. Do you understand -- and if you don't, that's  
 23 fine, but do you understand why a ballot would  
 24 be rejected, a provisional ballot would be  
 25 rejected for being out of precinct in 2009?

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1 A. No. I wouldn't be able to explain it in  
 2 detail.  
 3 Q. Do you have some understanding?  
 4 A. The understanding I have is a poll worker would  
 5 mark or -- actually, I have to think about it.  
 6 If a voter shows up at a polling place  
 7 or it's not the correct precinct or correct  
 8 polling place, they would request a provisional  
 9 ballot.  
 10 Q. And that would be the reason for rejecting it?  
 11 A. Yes.  
 12 Q. At least as far as SEIMS goes?  
 13 A. As far as SEIMS and the database, yes.  
 14 MS. RIGGS: Can you mark this as  
 15 Exhibit 71, please.  
 16 (WHEREUPON, Plaintiffs' Exhibit 71 was  
 17 marked for identification.)  
 18 THE VIDEOGRAPHER: I am picking up  
 19 interference from a Blackberry or a Verizon  
 20 phone.  
 21 THE WITNESS: Better?  
 22 MR. PETERS: It was you.  
 23 THE WITNESS: It might have been me.  
 24 It was on the whole time.  
 25 BY MS. RIGGS:

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1 Q. Have you seen this e-mail before?  
 2 A. I don't recall it, but I'm on it so I'm sure I  
 3 saw it at some point.  
 4 Q. Okay. This is in 2011?  
 5 A. Uh-huh.  
 6 Q. There was a question mark. I just wanted you  
 7 to confirm.  
 8 A. Okay.  
 9 Q. It is from 2011?  
 10 A. Oh, based on the date, yes.  
 11 Q. Is this the same -- dealing with the same  
 12 issue, a SEIMS reason code for a rejection of a  
 13 provisional ballot being voting out of  
 14 precinct?  
 15 A. Based on the e-mail chains, yes.  
 16 MS. RIGGS: This is Exhibit 72.  
 17 (WHEREUPON, Plaintiffs' Exhibit 72 was  
 18 marked for identification.)  
 19 BY MS. RIGGS:  
 20 Q. Have you seen this e-mail before?  
 21 A. Again, years ago I'm sure I have since I'm on  
 22 there.  
 23 Q. You were e-mailed by Blake Bowers and asked  
 24 about long lines. Do you see that at the very  
 25 top?

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1 A. Okay.  
 2 Q. Do you normally get e-mails like this?  
 3 A. I do get e-mails from reporters, but not like  
 4 this one.  
 5 Q. Do you get e-mails from reporters asking about  
 6 election day conditions?  
 7 A. No. I typically get e-mails from reports  
 8 asking about data.  
 9 Q. Okay. Do you know, did you confirm this? He  
 10 asked you can you confirm. Did you confirm?  
 11 A. No, I wouldn't have confirmed this. I would  
 12 have passed it off.  
 13 Q. Who would you have passed it off to?  
 14 A. At this point, this one, I'm really not sure.  
 15 Q. Would it have been someone in election support?  
 16 A. It would have been -- it probably -- for that  
 17 timeframe, I just don't know.  
 18 Q. Okay. So we are going to do a little  
 19 switcheroo right now. I actually have more  
 20 questions, but since we have such limited time  
 21 with you today, we're trying to squeeze  
 22 everyone in, so it's likely you will see me  
 23 again, but Ms. Wu is going to ask you some  
 24 questions real quickly.  
 25 THE VIDEOGRAPHER: Going off the

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1 record, the time is 2:32 p.m.  
 2 (Brief Interruption.)  
 3 THE VIDEOGRAPHER: Back on the record,  
 4 the time is 2:34 p.m.  
 5 EXAMINATION  
 6 BY MS. WU:  
 7 Q. Mr. Burris, I'm Jody Wu. I'm from Kirkland &  
 8 Ellis. I represent the NAACP plaintiffs.  
 9 Thanks for coming.  
 10 I'm going to start by asking you about  
 11 the matching process that the State Board of  
 12 Elections conducted regarding the voter  
 13 registration database and then the  
 14 North Carolina DMV ID database. And I  
 15 understand you've done that process several  
 16 times at this point, but I'm going to start at  
 17 the earliest point.  
 18 Do you know when the first time the  
 19 State Board of Elections did that process?  
 20 A. I can't remember off the top of my head. I'd  
 21 have to go back and look at notes or e-mails  
 22 since we did do it a few times and it's been a  
 23 little bit of time since we've done it.  
 24 Q. Okay. I'm going to pass you a document that's  
 25 been previously marked as Exhibit 46.

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1 Do you recognize that?  
 2 A. Yes, I do.  
 3 Q. What is it?  
 4 A. This is a memo that somebody in our office put  
 5 together based on the analysis that was done  
 6 back in 2011.  
 7 Q. That's February 9, 2011?  
 8 A. Yes.  
 9 Q. To the best of your knowledge, is this the  
 10 first time that the State Board of Elections  
 11 conducted the matching?  
 12 A. To the best of my knowledge, yes.  
 13 Q. It sounds like you didn't actually draft the  
 14 memo, but did you play any role in providing  
 15 the data or otherwise contributing to the memo?  
 16 A. I provided the data. I don't -- I typically do  
 17 not draft the memos.  
 18 Q. Did you review the memo?  
 19 A. If I were to -- I don't recall this specific  
 20 memo, but --  
 21 MR. FARR: Which exhibit?  
 22 THE WITNESS: 46.  
 23 I don't recall off the top of my head.  
 24 I typically review memos for accuracy of data.  
 25 BY MS. WU:

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1 Q. Do you know why in February 2011 the State  
 2 Board of Elections conducted this matching  
 3 process?  
 4 A. No, I don't know why.  
 5 Q. Who would know why?  
 6 A. Gary Bartlett or Johnnie McLean.  
 7 THE VIDEOGRAPHER: I'm sorry to  
 8 interrupt. We're getting major interference  
 9 from a cell phone, either a Blackberry or a  
 10 Verizon phone. If you have a Blackberry or  
 11 Verizon carrier, please.  
 12 MR. FARR: iPhones are okay?  
 13 THE VIDEOGRAPHER: I'm sorry?  
 14 MR. FARR: An iPhone is not a problem?  
 15 THE VIDEOGRAPHER: If it's on a Verizon  
 16 network it is.  
 17 MR. FARR: Oh. Sorry.  
 18 BY MS. WU:  
 19 Q. So you said Gary Bartlett or Johnnie McLean  
 20 would know why?  
 21 A. Yes.  
 22 Q. What about Veronica Degraffenreid?  
 23 A. She might know, yes.  
 24 Q. So you mentioned you provided the data for this  
 25 memo; is that correct?

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1 A. Yes.  
 2 Q. Were you asked to break it down by -- the voter  
 3 matching or the matching process, were you  
 4 asked to provide the information based on  
 5 demographics of voters?  
 6 A. I don't recall. I remember I was asked to  
 7 provide the matching and come up with a subset  
 8 of numbers and data.  
 9 Q. Okay.  
 10 A. But I'm not sure if I actually then was asked  
 11 to break those down or someone else took that  
 12 data and broke those numbers down.  
 13 Q. Okay. If I can draw your attention to the  
 14 first sentence of the memo. It says:  
 15 "The North Carolina Department  
 16 of Motor Vehicles provided the State  
 17 Board of Elections data records of  
 18 over 7 million DMV customers."  
 19 And then in the parentheses, it says:  
 20 "Those holding valid driver's  
 21 license or state-issued identification  
 22 cards."  
 23 Do you know whether the valid driver's  
 24 license or state-issued identification cards,  
 25 does that include suspended, revoked or

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1 otherwise invalid ID cards?  
 2 A. My understanding at the time, that does not  
 3 include those.  
 4 Q. Does not?  
 5 A. Yes.  
 6 Q. Was that based on what you requested from the  
 7 DMV or is that something that the DMV provided  
 8 you only the valid IDs?  
 9 A. I don't recall what was requested of them at  
 10 the time.  
 11 Q. But for the purposes of this 2011 memo, you  
 12 only looked at valid IDs?  
 13 A. That is correct.  
 14 Q. And then it says -- if you look down at the  
 15 fourth bullet point -- that there are 1,005,581  
 16 voter records that the State Board of Elections  
 17 is not able to confirm an exact match.  
 18 What is an exact match?  
 19 MR. FARR: That's if you know,  
 20 Mr. Burris.  
 21 THE WITNESS: I don't. I don't know.  
 22 I'd have to review my notes for when we did  
 23 this, if I even have my notes from that time.  
 24 BY MS. WU:  
 25 Q. Does reviewing the memo itself help refresh

80

1 your recollection? And I point you to right  
 2 under bullet 4.  
 3 A. Okay. Could you restate the question?  
 4 Q. Sorry. What was used to find an exact match?  
 5 A. Okay. I understand the question now.  
 6 So an exact match, we use I think three  
 7 criteria, which were also defined here in the  
 8 memo, and they would be the driver's license  
 9 number, the name, which would typically be  
 10 first and last name, and the driver's license  
 11 number, or the first and last name and the last  
 12 four Social Security number or the first and  
 13 last exact name and a birth date.  
 14 Q. And so for each of those, just to clarify, it  
 15 would be the exact first name and exact last  
 16 name?  
 17 A. Exactly, yes.  
 18 Q. And then either the driver's license number,  
 19 the Social Security number or the date of  
 20 birth?  
 21 A. Yes.  
 22 Q. And then -- so after performing those three  
 23 criteria, there were a little over a million  
 24 that the State Board of Elections were not able  
 25 to match to a valid ID?

81

1 A. Based on this, yes.  
 2 Q. Okay. And then dropping down right below the  
 3 exact match numbers, there's the potential  
 4 matches. Do you see that?  
 5 A. Yes.  
 6 Q. For these potential matches, what criteria was  
 7 used?  
 8 A. I don't recall what was used at that time.  
 9 Q. Based on reviewing the memo, does that help?  
 10 A. That doesn't help.  
 11 Q. Okay. If you look to the right of the 114,417,  
 12 said?  
 13 "There are 114,417 voter  
 14 records that potentially match DMV  
 15 information (over 99 percent match  
 16 on birth date or driver's license)  
 17 but there is some variation in name,  
 18 date of birth or driver's license  
 19 numbers across both databases that  
 20 prevent an exact match."  
 21 Is that correct? So does this  
 22 potential match mean that you're matching date  
 23 of birth and driver's license, just not exact  
 24 first and last name?  
 25 A. Again, I don't recall exactly what I did at

82

1 this point or if I even did this analysis  
 2 subsequent of the 1 million. I believe I might  
 3 have, but, again, I don't recall.  
 4 Q. If you didn't do it, who else would have?  
 5 A. It might have -- it should have gone through my  
 6 shop and it could have gone through me, but  
 7 again, if I provide the data in an Access  
 8 database or Excel spreadsheet, you know, I  
 9 don't know if there was subsequent data.  
 10 Again, I just don't recall for the 114,000.  
 11 Q. So if you provided the data for the original  
 12 million, who else would have looked at it, at  
 13 the SBOE to refine --  
 14 A. Whoever Gary or Johnnie would have designated  
 15 to look at it at that point. And it could have  
 16 been me, I just don't recall, and I don't  
 17 recall what method was used to obtain that  
 18 number.  
 19 Q. To obtain the potential matches?  
 20 A. Yes.  
 21 Q. It also says, in that same paragraph:  
 22 "It's likely that those voters  
 23 do have a valid DMV-issued ID but  
 24 additional research is needed to  
 25 confirm a match."

83

1 Do you know if anyone at your office  
 2 asked the DMV to do additional research?  
 3 A. Not that I'm aware.  
 4 Q. Do you know if the DMV actually did that  
 5 additional research?  
 6 A. Not that I'm aware.  
 7 Q. Would anyone else in your office have taken the  
 8 lead on that?  
 9 A. I'm not -- I'm not sure.  
 10 Q. Okay. And then moving down on that page to the  
 11 DMV non-match DMV info. It says:  
 12 "There are 334,651 voters with  
 13 a driver's license number on the  
 14 voter record that does not much any  
 15 information in the data provided by  
 16 the DMV."  
 17 And then it says:  
 18 "The SBOE only examined valid  
 19 information from the DMV."  
 20 Do you see that is?  
 21 A. Okay. Uh-huh.  
 22 Q. And it says "The DMV will conduct further  
 23 analysis."  
 24 Do you know if that occurred?  
 25 A. I'm not aware of that.

84

1 Q. Do you know if anyone in your office --  
 2 A. I don't know.  
 3 Q. Okay. And I'm going to provide you an  
 4 additional document. This is a new one, and  
 5 I'll have the court reporter mark it as  
 6 Exhibit 73.  
 7 (WHEREUPON, Plaintiffs' Exhibit 73 was  
 8 marked for identification.)  
 9 BY MS. WU:  
 10 Q. Take a moment to review it.  
 11 A. (Witness complying.)  
 12 Okay.  
 13 Q. Do you recognize the document?  
 14 A. I don't, but it does have some familiarity to  
 15 it, but I don't recognize it off the top of my  
 16 head.  
 17 Q. What do you mean by familiarity?  
 18 A. I just recall discussions about expired or  
 19 revoked licenses in maybe a meeting or two. It  
 20 sounds familiar.  
 21 Q. With?  
 22 A. With Gary and Johnnie. With Gary and Johnnie.  
 23 Q. During the 2011 timeframe?  
 24 A. Some part, yeah. I would assume it's around  
 25 that timeframe.

85

1 was 267,396; is that correct?  
 2 A. That's what's stated on the document.  
 3 Q. And is that based -- is that number the number  
 4 of African American or Black voters who the  
 5 SBOE was not able to match to a valid  
 6 DMV-issued ID?  
 7 A. Well, for purposes of this, it's a number that  
 8 looks like it's subtracted out of the one point  
 9 zero zero five five eight one million.  
 10 Q. Would that be roughly 26 percent?  
 11 A. Based off a million, yes.  
 12 Q. And do you know whether this memo was provided  
 13 to anyone outside of the SBOE?  
 14 A. I do not. I'm not aware of who this was  
 15 provided to.  
 16 Q. And if you look at the race box again, the  
 17 chart, there's no line for Hispanic voters.  
 18 A. That's correct.  
 19 Q. Do you know under which category Hispanic  
 20 voters might fall under?  
 21 A. In the SEIMS system -- and I can only tell you  
 22 how it's recorded.  
 23 Q. That's fine.  
 24 A. -- Hispanic is an ethnicity, not a race.  
 25 Q. So in this --

87

1 Q. And in the memo it says that the State Board of  
 2 Elections provided the 334,651 voter records  
 3 for further analysis and then the State Board  
 4 of Elections determined that 329,017 voters'  
 5 licenses were revoked or expired; is that  
 6 right?  
 7 A. I don't know if it's right. I mean, it's what  
 8 it says.  
 9 Q. It's what it says. Do you have any reason to  
 10 believe that it's incorrect?  
 11 MR. PETERS: Objection to the form.  
 12 You can answer it.  
 13 THE WITNESS: Oh, gotcha.  
 14 I don't have any reason to doubt it,  
 15 but I just can't confirm it.  
 16 BY MS. WU:  
 17 Q. Sure. So flipping back to Exhibit 46, I  
 18 believe it is, so if you turn to page -- the  
 19 second page of the document, at the bottom the  
 20 Bates number is SBE 00000219.  
 21 A. Uh-huh.  
 22 Q. You see there there's demographic information  
 23 based on race? Do you see that?  
 24 A. Uh-huh. I'm sorry. Yes.  
 25 Q. You see for Black or African American the total

86

1 A. It wouldn't fall -- Hispanics could be a sub  
 2 category of every one of those in theory.  
 3 There's a Hispanics identifier for every voter  
 4 record.  
 5 Q. So there is -- does that mean that there's no  
 6 way to -- if you're presenting information by  
 7 race, there would never be a Hispanic category?  
 8 A. That is correct.  
 9 Q. So if someone specifically requested  
 10 information on, you know, voter participation  
 11 and early voting or for the purposes of this to  
 12 match voter registration to an ID database,  
 13 would it be possible to do that, pull the  
 14 Hispanic information out?  
 15 A. Well, yes, because as I said, every voter  
 16 record has an indicator whether they are  
 17 Hispanic or non-Hispanic or undefined.  
 18 Q. So that would be -- I'm sorry. I'm just trying  
 19 to make sure of this.  
 20 A. That's fine.  
 21 Q. So you could sort of a Hispanic box, but then  
 22 there would be a separate box for race?  
 23 A. That is correct.  
 24 Q. So you could potentially mark a Hispanic box  
 25 and then a White box?

88

1 A. That is correct.  
 2 Q. And then a Hispanic box and then a Black box?  
 3 A. That is correct.  
 4 Q. Do you recall the next time that that State  
 5 Board of Elections conducted a similar matching  
 6 process?  
 7 A. Off the top of my head, I couldn't -- I  
 8 couldn't define when each one of these were  
 9 done until the last one.  
 10 Q. Okay. I am going to point you to Exhibit 47,  
 11 which we believe is the next one. And I'm not  
 12 going to ask you about the e-mail. It's really  
 13 just the attachment.  
 14 And the attachment starts at  
 15 SBE-P-00058373. Do you see that?  
 16 A. Yes, I do.  
 17 Q. Do you recognize this?  
 18 A. Yes, I do.  
 19 Q. What is it?  
 20 A. It's analysis that was done by our office back  
 21 in 2013, it looks like.  
 22 Q. January 7, 2013? You can look at the bottom.  
 23 A. Sure. Yes.  
 24 Q. To your knowledge, is this the next time that  
 25 the State Board of Elections conducted the

89

1 report, which is -- it ends in 58374, you see  
 2 there's various active, inactive voters broke  
 3 down by age, gender. And then if you flip to  
 4 the next page it's also broken down by race  
 5 again.  
 6 A. Yes.  
 7 Q. Who at the State Board of Elections would have  
 8 asked you to provide the information in this  
 9 detail?  
 10 A. I didn't provide the information in that  
 11 detail.  
 12 Q. Okay.  
 13 A. I provided the data itself. So I ran the  
 14 analysis and then provided the data as a whole.  
 15 Q. So what format would you have provided that in?  
 16 A. Depending on the size of data and the amount of  
 17 records, I would have provided it in an Excel  
 18 spreadsheet or Access database.  
 19 Q. So once you provide the Excel spreadsheet to  
 20 Veronica, Johnnie or Gary, they would look at  
 21 the spreadsheet and then come up with these  
 22 numbers?  
 23 A. Yes. Using Excel or Access, they can slice and  
 24 dice it -- someone can slice and dice it  
 25 however they want.

91

1 matching analysis?  
 2 A. That would be my belief.  
 3 Q. Do you know why it was conducted?  
 4 A. I don't know why it was conducted.  
 5 Q. Who would know?  
 6 A. 2013 or -- 2013, Gary Bartlett or Johnnie  
 7 McLean would know.  
 8 Q. Anyone else?  
 9 A. I'm not sure. I just know they had asked me to  
 10 provide data for the analysis.  
 11 Q. If you look at the cover e-mail, it's from  
 12 Veronica Degraffenreid. Would she have played  
 13 any role in --  
 14 A. She authored the analysis.  
 15 Q. She wrote the report?  
 16 A. Yes.  
 17 Q. Okay. What role did you play in the report?  
 18 A. I provided the data for the report.  
 19 Q. Did you review the report once Veronica wrote  
 20 it?  
 21 A. I don't recall reviewing it, but I'm sure I  
 22 looked at it a few times basically to ensure  
 23 that the data numbers that I provided were  
 24 referred to -- you know, the data is right.  
 25 Q. Sure. If you flip to the second page of the

90

1 Q. And then when you review the numbers in the  
 2 report, how would you verify that the numbers  
 3 were accurate?  
 4 A. Typically I would either rerun the data again  
 5 based on the snapshot or I would just take what  
 6 I had given them and just confirm that anything  
 7 they had -- anything someone had broken from  
 8 the whole added up correctly.  
 9 Q. You mentioned snapshot. What would that have  
 10 been?  
 11 A. If -- depending on -- I would call it the -- I  
 12 get a lot of requests all the time. Some seem  
 13 to be important. Some seem not to be  
 14 important. If I think I'm going to have to  
 15 refer back to it, I'll keep a -- the data that  
 16 I extract, I'll just keep it in a table  
 17 somewhere so I can go back to it rather than  
 18 having to rerun the data again, because  
 19 unfortunately in my world, the data changes  
 20 every day.  
 21 So if I run an analysis one day and I  
 22 go to look at it again tomorrow, the data will  
 23 be different because voters are removed or  
 24 voters are changed or party changes.  
 25 So in order to keep consistency for

92

1 requests, because when I get the data, someone  
 2 may come back the next day and say hey.  
 3 Q. Okay. That makes sense.  
 4 For the purposes of the January 7,  
 5 2013, memo, did you only run valid IDs as you  
 6 did with the February 2011 memo?  
 7 A. I ran it against the entire DMV database that  
 8 they gave me, all 12 point whatever million  
 9 records.  
 10 Q. And would that have included revoked,  
 11 suspended, otherwise inactive IDs to the best  
 12 of your knowledge?  
 13 A. To the best of my knowledge, I would have to  
 14 look and see, but I believe so.  
 15 Q. Okay. So according to this January 7, 2013,  
 16 memo, how many exact matches was the SBOE able  
 17 to determine?  
 18 A. Can you state the question again?  
 19 Q. Yes. How many exact matches were found between  
 20 the voter registration database and the DMV  
 21 records? Or I guess it would be easier to ask  
 22 how many were -- was the SBOE not able to  
 23 exactly match?  
 24 A. And by exactly match, you're stating that I'm  
 25 using the criteria based on the memo?

93

1 Q. Right.  
 2 A. Well, the numbers here in the memo, 612,955.  
 3 Q. Okay. And then based on this memo -- so the  
 4 memo lists the three criteria for an exact  
 5 match?  
 6 A. Correct.  
 7 Q. The name, driver's license number; name, Social  
 8 Security number; and then name, date of birth?  
 9 A. Yes.  
 10 Q. And that's the same criteria that was used in  
 11 the 2011 memo?  
 12 A. Yes.  
 13 Q. So if you flip to the second page of the memo,  
 14 just looking at that first paragraph --  
 15 MR. FARR: Could you let us know what  
 16 Bates number it is.  
 17 MS. WU: Yes. Sorry. It is 58374.  
 18 MR. FARR: Okay. Thank you.  
 19 BY MS. WU:  
 20 Q. If you could read that paragraph and then let  
 21 me know when you're done.  
 22 A. I'm sorry.  
 23 Q. No problem.  
 24 A. Okay.  
 25 Q. So I'm just a little confused by this

94

1 paragraph. So to the extent that you can  
 2 clarify, it says that it's possible that the  
 3 voter may have provided a driver's license  
 4 number from a different state or a license  
 5 issued by North Carolina that may be currently  
 6 revoked, suspended or expired; is that right?  
 7 A. I'm not going to say it's right. I'm going to  
 8 say -- I can say that 132,000 has a driver's  
 9 license number in the data field, but we cannot  
 10 match it based on those three criteria to the  
 11 DMV database.  
 12 Q. Okay. So does that mean -- I'm just trying  
 13 to -- if you have the entire file from the DMV  
 14 which includes revoked, suspended or otherwise  
 15 inactive licenses, would there be a reason why  
 16 you couldn't have matched those in this  
 17 January 2007 report?  
 18 A. There could be some reasons, yes.  
 19 Q. What are those?  
 20 A. I don't know. I don't know if I should  
 21 speculate on reasons.  
 22 Should I?  
 23 MR. PETERS: If you can answer the  
 24 question -- if you can answer the question.  
 25 THE WITNESS: Speculating on that, I

95

1 think the biggest reason there may be a  
 2 driver's license that doesn't match up with the  
 3 DMV database is probably college students who  
 4 have an out-of-state driver's license. And  
 5 reading the form they saw a driver's license  
 6 number form and they put their current driver's  
 7 license number in there.  
 8 BY MS. WU:  
 9 Q. I understand that, but I'm asking specifically  
 10 about if you have the entire -- if you've got  
 11 the entire DMV file for the purposes of running  
 12 this January 7, 2013, analysis, would there be  
 13 a reason why you wouldn't have been able to  
 14 match driver's license numbers that were  
 15 revoked, suspended or expired to the DMV  
 16 database that you received? Does that make  
 17 sense?  
 18 A. I don't understand your question.  
 19 Q. You said before that for 2013, January, you  
 20 received the entire DMV database --  
 21 A. Yes.  
 22 Q. -- which would have included revoked, expired  
 23 or suspended licenses.  
 24 A. Okay.  
 25 Q. So of this 133,732 voters that you were unable

96



1 to match --  
 2 A. Yes.  
 3 Q. -- would there be a reason you wouldn't have  
 4 been able to match those -- if there were in  
 5 that number suspended, revoked or otherwise  
 6 expired licenses to the DMV database?  
 7 A. Yes. As I stated, that's a driver's license  
 8 number that we have in our voter record that  
 9 did not match up with the DMV voter record, but  
 10 it's in the voter record. So my only  
 11 assumption is other than data entry error,  
 12 possibly, maybe it's an out-of-state license.  
 13 Q. Okay.  
 14 A. Am I not -- am I missing something? I'm just  
 15 confused.  
 16 Q. Let me try to phrase it this way:  
 17 If the license was revoked -- if the  
 18 license number you have on the voter  
 19 registration database was revoked or suspended  
 20 or expired --  
 21 A. Yes.  
 22 Q. -- would it have been -- and it was a  
 23 North Carolina license, would that have been in  
 24 the DMV database --  
 25 A. Yes.

97

1 Q. -- that you matched it to?  
 2 A. Yes, but that's not what this says.  
 3 Q. What is this trying to say?  
 4 A. This says there are 133,730 in the total number  
 5 of voters for whom no DMV information could be  
 6 matched that do have a driver's license number  
 7 in the voter registration record, which means  
 8 they were a voter that has a driver's license  
 9 number in the voter record but we could not  
 10 match that driver's license number up with the  
 11 DMV database.  
 12 Q. And I'm talking about the third sentence down  
 13 It says:  
 14 "It's also possible that the  
 15 voter may have provided the driver's  
 16 license number from a different  
 17 state or a license issued by the  
 18 North Carolina may currently be  
 19 revoked, suspended or expired."  
 20 A. Okay, I see what you're saying. I don't know.  
 21 Q. Okay.  
 22 A. Again, that leads back to the 12 million.  
 23 Again, like I said, I don't know -- out of 12  
 24 million, I assume that it's the full database,  
 25 but again, without looking at it, I just don't

98

1 know off the top of my head.  
 2 Q. So flipping to the last page of the memo, it's  
 3 58375 at the bottom, and then this Table 5,  
 4 which is kind of hard to read, says:  
 5 "Race of potential voters with  
 6 no DMV-issued ID by party."  
 7 A. Okay.  
 8 Q. What does the "B" mean in the first column?  
 9 A. "B" is I believe Black or African American.  
 10 Q. And for the total that were -- the total number  
 11 that the State Board of Elections was unable to  
 12 match to a DMV-issued ID, there were 191,104  
 13 Black or African American voters?  
 14 A. That's what it states here, yes.  
 15 Q. And that was out of a grand total of 612,955  
 16 voters?  
 17 A. Based on this document, yes.  
 18 Q. And -- okay. Would that be roughly 31 percent?  
 19 A. I don't know. I'd have to pull out the  
 20 calculator.  
 21 Q. If you could flip back to the second page. I  
 22 just have one question. Sorry. It ends in  
 23 58374.  
 24 A. Okay.  
 25 Q. If you look at Table 4, "The Gender of

99

1 Potential Voters with no DMV-issued ID by  
 2 Party." Do you see that?  
 3 A. Okay. Yes.  
 4 Q. If you drop down to footnote 2 --  
 5 A. Okay.  
 6 Q. -- it says Table 3 but I think it's likely that  
 7 might have been an error and it might be  
 8 referring to Table 4 since the footnote is in  
 9 Table 4. It says:  
 10 "Table 3 shows that almost 67  
 11 percent of voters for whom the State  
 12 Board of Elections could not determine  
 13 that they have a DMV-issued  
 14 identification are women."  
 15 Do you see that?  
 16 A. Yes, I do.  
 17 Q. And it says -- if you look, it's the second to  
 18 last sentence. It says:  
 19 "Women are more likely to change  
 20 their name based on marriage or  
 21 divorce, or if they failed to update  
 22 either their voter registration  
 23 information or driver's license  
 24 information with a name change, then  
 25 this fact could account for the high

100

1 percentage of females in the  
 2 categories of voters who do not appear  
 3 to have a DMV-issued ID."  
 4 Does that mean it's possible to be  
 5 registered under -- let's say my maiden name  
 6 would be Jody Wu but on my driver's license I'd  
 7 have my married name which would be Judy  
 8 Schaeffer, but the driver's license on my voter  
 9 registration could match to the driver's  
 10 license number that I have.  
 11 A. That is correct.  
 12 Q. And that would be a potential match based on  
 13 date of birth and driver's license?  
 14 A. On date of birth and driver's license, yes.  
 15 Q. But the names would not be the same?  
 16 A. That is correct.  
 17 Q. Do you know under HB 589 if I have a driver's  
 18 license where my driver's license, for example,  
 19 says Jody Schaeffer but I'm registered under  
 20 Jody Wu under the voter registration database,  
 21 would I be able to use that photo ID?  
 22 A. I can't answer that.  
 23 Q. Just because you don't know?  
 24 A. Just because I don't know.  
 25 Q. Moving on, do you recall the next time that the

101

1 record, the time is 3:06 p.m.  
 2 (Brief Recess.)  
 3 THE VIDEOGRAPHER: Back on the record,  
 4 the time is 3:12 p.m.  
 5 BY MS. WU:  
 6 Q. Mr. Burris, I believe you were looking at  
 7 Exhibit 47 with the last -- the second  
 8 attachment ending in 58376.  
 9 A. Yes.  
 10 Q. Do you recognize this?  
 11 A. I do.  
 12 Q. What is it?  
 13 A. It's a supplemental report that was done.  
 14 Q. Do you know why the supplemental report was  
 15 done?  
 16 A. Not without looking at this real quick. I  
 17 remember when it was done, but I don't recall  
 18 what was done or why. I just remember we redid  
 19 something.  
 20 Q. Go ahead and review it and let me know when  
 21 you're done.  
 22 A. (Witness complying.)  
 23 So what it seems based on this is we  
 24 did a subsequent analysis of the 133,000  
 25 checking on date of birth and driver's license

103

1 State Board of Elections ran the matching  
 2 process?  
 3 A. I believe after this one it was the April 2013  
 4 one or May -- not May. March or April,  
 5 something like that.  
 6 Q. I think you might be right on both of them.  
 7 If you stay with that document,  
 8 actually, it's the second attachment which  
 9 starts at 58376.  
 10 A. Okay.  
 11 Q. Do you recognize this?  
 12 A. The same one I looked at? It looks the same,  
 13 doesn't it?  
 14 Q. Are you on the --  
 15 A. There's 58373. Okay, it's similar. Okay.  
 16 Q. Similar. It says at the top 2013 SBOE DMV  
 17 ID --  
 18 A. Oh, supplemental. Okay. Yes. Sorry.  
 19 Q. No problem.  
 20 And what is the date --  
 21 A. I'm sorry, I got to take a break. I've got to  
 22 go to the bathroom. I shouldn't have drank  
 23 that soda.  
 24 Q. That's fine. We can go off the record.  
 25 THE VIDEOGRAPHER: Going off the

102

1 number and then updated our numbers accordingly  
 2 or the numbers were updated accordingly by  
 3 whoever authored the report to reflect those  
 4 changes.  
 5 Q. And so the date of birth and driver's license  
 6 number, that would be in addition to the three  
 7 ways that you would exactly match?  
 8 A. Yes.  
 9 Q. And so at the bottom of that page 58376, it  
 10 says that most of the name variances were due  
 11 to last name changes perhaps due to marriage or  
 12 divorce or individuals inconsistently using  
 13 their hyphenated names --  
 14 A. Yes.  
 15 Q. -- or intermixing their first and middle names  
 16 or different forms of their first name; is that  
 17 correct?  
 18 A. Yes.  
 19 Q. And do you know under HB 589 whether any of  
 20 these IDs where it uses a different last name  
 21 or hyphenated first name or intermixing of  
 22 first and middle names would be permitted under  
 23 HB 589?  
 24 A. I wouldn't know.  
 25 Q. Do you know why a month -- I guess it would

104

1 have been two months or a month after the  
 2 January report why the supplemental report was  
 3 run?  
 4 A. Why, I don't know why.  
 5 Q. Do you know who asked you to do it?  
 6 A. Well, I'll be honest, I don't know if I  
 7 was -- I can't recall whether I was involved or  
 8 not because 133 would have been a subset of the  
 9 data I already provided and it could have  
 10 easily been sent to DMV by anyone, either  
 11 myself or any member of our agency.  
 12 Q. So you don't know if -- or you don't recall if  
 13 you actually had to provide new data?  
 14 A. I don't recall. I mean, it could have been me.  
 15 It might have been me, but I don't believe the  
 16 analysis was rerun with it. I just -- I don't  
 17 recall. I just remember we did something extra  
 18 with this data and then a supplemental report  
 19 came out about it.  
 20 Q. If you could actually flip to the cover e-mail,  
 21 and that starts at 58371, if you want to review  
 22 the change to see if that refreshes your  
 23 recollection. It's reverse order so if you  
 24 want to start at the bottom.  
 25 A. Yeah, I'll start at the bottom and work up.

105

1 A. Okay.  
 2 Q. Do you see that? And they ask you for the  
 3 cross matching.  
 4 A. Okay.  
 5 Q. And they -- he also -- or she also asks for the  
 6 subset be broken down into different categories  
 7 within each county by all possible demographics  
 8 your department typically captures.  
 9 Do you see that?  
 10 A. I mean, I've read the e-mail. I'm still not  
 11 understanding the question you're asking me.  
 12 MR. PETERS: And I am going to object  
 13 at this point. Once again, we seem to have one  
 14 that slipped through. This is clearly from the  
 15 legislators requesting information in the  
 16 legislative process. It should have been  
 17 marked as privileged, and we'll add it to what  
 18 we noted from the ones yesterday in writing to  
 19 plaintiffs.  
 20 We're obviously not objecting to the  
 21 reports because those are public, but this is a  
 22 clear communication from legislative staff.  
 23 MS. WU: And we will state for the  
 24 record, as with yesterday, that we disagree  
 25 with the assertion of privilege or immunity and

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1 Okay. What was the question?  
 2 Q. It's okay. Why -- do you know why in March of  
 3 2013 you ran this supplemental report?  
 4 A. Well, again, I didn't run the report. It was  
 5 created and there was data run but -- and it  
 6 was seemed to be based on just that extra  
 7 analysis of the 133 based on driver's license  
 8 and birth date, but the why, I don't know. I  
 9 mean, I don't know why.  
 10 Q. So if you look at the first e-mail in the  
 11 chain --  
 12 A. Yeah.  
 13 Q. -- it's dated March 5th, the 9:56 a.m. e-mail  
 14 chain from Shara Graham --  
 15 A. Okay.  
 16 Q. -- in parentheses, Representative Harry Warren  
 17 to Gary Bartlett.  
 18 A. Uh-huh.  
 19 Q. And he says:  
 20 "My colleagues and I are  
 21 currently drafting legislation  
 22 addressing North Carolina voting  
 23 process and would like to request  
 24 some statistical information from  
 25 your office."

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1 reserve the right to call Mr. Burris back to  
 2 ask any questions.  
 3 Also, we believe that this e-mail chain  
 4 might have been available publicly in which  
 5 case we believe that any assertion is likely  
 6 waived.  
 7 MR. PETERS: If you're aware of it  
 8 having been made public and want to provide us  
 9 information on that, we'll be glad to look at  
 10 it.  
 11 MS. WU: We will confer with our  
 12 co-counsel and let you know.  
 13 MR. PETERS: Sure.  
 14 MS. WU: But again, we are requesting  
 15 for any documents you are asserting privilege  
 16 over, send an e-mail.  
 17 MR. PETERS: Right. We will add that  
 18 to the ones we talked about yesterday.  
 19 MS. WU: Exactly.  
 20 BY MS. WU:  
 21 Q. Mr. Burris, do you know the next time that the  
 22 State Board of Elections ran an additional  
 23 matching analysis?  
 24 A. Again, I believe that was the March/April  
 25 timeframe.

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1 Q. Okay. I am going to pass you a document that  
 2 has been marked as Exhibit 48. And this is  
 3 actually a pretty long document. It has  
 4 several attachments. So I am going to turn you  
 5 to -- if you look at the bottom Bates number,  
 6 it's SBE-P-00002599.  
 7 A. Okay. I'm there.  
 8 Q. Do you recognize the document?  
 9 A. I do.  
 10 Q. What is it?  
 11 A. It's another analysis, a DMV -- SBOE DMV  
 12 analysis.  
 13 Q. And what is the date of this memo?  
 14 A. April 17, 2013.  
 15 Q. Do you know why this memo was -- this memo was  
 16 written or the analysis was updated?  
 17 A. I don't know why. I just know I was involved  
 18 with this and putting the data together for it.  
 19 Q. Who asked you to do it?  
 20 A. That would have been Gary Bartlett.  
 21 Q. Do you know why he asked you to run it?  
 22 A. I don't know why.  
 23 Q. Did you ask him?  
 24 A. No. I get lots of requests. I just go ahead  
 25 and do them unless there's an issue with

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1 providing the request and I explain there may  
 2 be an issue and then a timeframe or something  
 3 like that, so...  
 4 Q. Did you work with anyone else on this analysis?  
 5 A. Are we talking about the document or are we  
 6 talking about the analysis of the data?  
 7 Q. Let's start with the --  
 8 A. I didn't put together the document, so...  
 9 Q. Understood.  
 10 A. Okay.  
 11 Q. But the analysis, the data.  
 12 A. The only person who I would have worked with on  
 13 this is my database administrator, Dennis  
 14 Sheerin, but he would have been basically there  
 15 to QA and confirm the results of the data.  
 16 Q. I didn't get his name.  
 17 A. Dennis Sheerin, S-C-H-E-E-R-I-N, (sic) I  
 18 believe.  
 19 Q. Did Mr. Sheerin work with you on the other  
 20 analysis as well?  
 21 A. Again, if he did -- I don't recall exactly if  
 22 he did or not, but if he did, it would have  
 23 been the QA, you know, my data to -- typically  
 24 any time we get requests, we definitely have a  
 25 two-person review just to ensure accuracy of

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1 the data.  
 2 Q. Did you review this April 2013 memo like you  
 3 did the other?  
 4 A. I did look over them, yes.  
 5 Q. Do you know who wrote this memo?  
 6 A. I believe it was Veronica Degraffenreid.  
 7 Q. You said previously you would provide sort of  
 8 an Excel spreadsheet depending on the size of  
 9 the data and give it to whoever was writing the  
 10 report.  
 11 A. Yes.  
 12 Q. Did Veronica ever come back to you with  
 13 questions about the data?  
 14 A. Probably all the time.  
 15 Q. Did you ever assist her in sort of slicing and  
 16 dicing the data?  
 17 A. If I could do it by the system, I probably  
 18 would have, but if you're referring to this  
 19 specifically, I don't know.  
 20 Q. You don't recall?  
 21 A. I don't recall.  
 22 Q. So if you look at the second paragraph of the  
 23 first page 2599.  
 24 A. Okay.  
 25 Q. It says:

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1 "This April 2013 DMV ID analysis  
 2 supplants our January 7, 2013,  
 3 analysis and its March 5, 2013,  
 4 supplemental report. The SBOE  
 5 prepared these analysis as a result  
 6 of various legislative and media  
 7 inquiries concerning the possible  
 8 number of registered voters who may  
 9 not have North Carolina DMV-issued  
 10 photo identification."  
 11 Are you aware of any of these various  
 12 legislative and media requests?  
 13 A. I'm not.  
 14 Q. Who would have received those?  
 15 A. I really am not sure who would receive those.  
 16 I mean, I could speculate, but I don't think I  
 17 should speculate.  
 18 Q. Would it have been Gary Bartlett?  
 19 A. Should I -- yes, no?  
 20 It would have been probably either Gary  
 21 Bartlett, Johnnie McLean or -- I believe those  
 22 two. I'm not sure if Veronica Degraffenreid  
 23 receives -- had received media requests at that  
 24 time, but...  
 25 Q. If you move down -- staying in that same

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1 paragraph, it says -- it's about the middle of  
 2 the paragraph. It says:  
 3 "At the recent request of  
 4 legislative leaders and staff, this  
 5 agency is updating our earlier  
 6 analysis."  
 7 Do you know who those requests came  
 8 from?  
 9 A. I do not.  
 10 Q. And if you look at bullet 2 -- or not bullet 2.  
 11 Sorry. The second --  
 12 A. Yes. The two in parentheses?  
 13 Q. Yes. It says:  
 14 "Apply additional matching  
 15 criteria to the analysis."  
 16 A. Okay.  
 17 Q. Do you know at all who requested that  
 18 additional matching criteria?  
 19 A. I don't know who requested the additional  
 20 matching criteria.  
 21 Q. Do you know if it came from outside of the  
 22 SBOE?  
 23 A. I'm not aware. I'm not sure of who requested  
 24 it.  
 25 Q. Did anyone at the SBOE or outside the SBOE ask

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1 you to use additional matching criteria?  
 2 A. Nobody asked me to use additional criteria.  
 3 Q. So for the purposes of this April 17, 2013,  
 4 report --  
 5 A. Yes.  
 6 Q. -- when you provided the Excel spreadsheet or  
 7 otherwise provided the data, did you do it the  
 8 exact same way you did for the --  
 9 A. No, I did not.  
 10 Q. -- previous report?  
 11 What differently did you do?  
 12 A. We used a different set of criteria for that  
 13 report.  
 14 Q. What different set of criteria?  
 15 A. Instead of the three or four from the last one,  
 16 we used 29 pieces of criteria.  
 17 Q. And so what were the three or four that you  
 18 used previously?  
 19 A. Name and driver's license, name and date of  
 20 birth, and name and last four Social Security  
 21 and supplemental which had the driver's license  
 22 and date of birth.  
 23 Q. And for clarity's sake, when you say name, it's  
 24 exact first name and exact last name?  
 25 A. That is correct.

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1 Q. And then how many did you say you used for this  
 2 April --  
 3 A. 29.  
 4 Q. And where did that 29 additional criteria come  
 5 from?  
 6 A. We initially started with meetings with -- I  
 7 remember having meetings with Gary and Johnnie  
 8 about it and they expanded to meetings with --  
 9 there was a bunch of people. I can't remember  
 10 where they're all from, but I can remember some  
 11 names, but it was about a year ago, so...  
 12 Q. Okay. So when was the first meeting?  
 13 A. Oh, I don't know. I just remember there were  
 14 meetings and we were discussing criteria of how  
 15 we can identify people trying to get around the  
 16 issue like was discussed before with the  
 17 name -- or the driver's license and birth date,  
 18 how to identify people with different names  
 19 because there are not only data entry errors  
 20 that people change their names.  
 21 So we were trying to figure out how to  
 22 expand the criteria to we could capture as many  
 23 people as possible.  
 24 Q. Understood.  
 25 Do you remember when the first meeting

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1 might have been?  
 2 A. I don't.  
 3 Q. Do you remember a timeframe of when the  
 4 meetings might have occurred?  
 5 A. You mean like from month to month?  
 6 Q. Exactly.  
 7 A. I don't. I mean, if I have access to my  
 8 e-mail, I might be able to go look through my  
 9 e-mails and see. I just don't know.  
 10 Q. Would it be reasonable to think it happened  
 11 sometime between the March supplemental report  
 12 and whenever this April 17th report --  
 13 A. I'm just not going to assume. If I don't know,  
 14 I just don't know. I'm sorry.  
 15 Q. You said there were many meetings. About how  
 16 many were there?  
 17 A. Well, many being maybe -- maybe -- I remember  
 18 at least two or three, but there could have  
 19 been a couple more, but there were a few  
 20 meetings.  
 21 Q. In addition to Johnnie McLean and Gary  
 22 Bartlett, who else do you recall being at  
 23 these --  
 24 A. Veronica Degraffenreid, Ray Starling, Thomas  
 25 Farr. I don't know if, Alec, you were in any

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1 of those. I don't recall.  
 2 I just remember there were lots of  
 3 people in there, and I'm horrible at names at  
 4 times. If it's not important to me, I just  
 5 don't see a need to remember. It's just hard  
 6 to remember things likes that, especially a  
 7 year ago.  
 8 Q. Sure. I understand.  
 9 Who is Ray Starling?  
 10 A. I don't remember what his official capacity was  
 11 at that time or what he did at that time. I  
 12 just remember he was in the meetings. I was  
 13 the IT guy. I didn't care who they were; just  
 14 they were in the meetings.  
 15 Q. And Tom Farr was there?  
 16 A. He was in for some of them, yes.  
 17 Q. Do you remember in what capacity he was there?  
 18 A. I do not recall.  
 19 Q. Other than Ray Starling and Tom Farr, do you  
 20 remember any other individuals?  
 21 A. There were a couple. I remember faces kind of,  
 22 but I just can't remember names. I'm horrible  
 23 at names.  
 24 Q. Do you have an estimate of how many people were  
 25 at these meetings?

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1 A. Estimate, there was -- typically there was four  
 2 or five of us from the State Board of  
 3 Elections, or four typically, and then there  
 4 was, I guess, three or four or five others at  
 5 times.  
 6 Q. And that four or five from the SBOE, who would  
 7 that have been?  
 8 A. Gary Bartlett, Johnnie McLean, myself and  
 9 Veronica Degraffenreid.  
 10 Q. And were all four of you at all of these  
 11 meetings?  
 12 A. I was at every meeting I remember. When I was  
 13 there, I remember all three of them there.  
 14 Q. And then these three, four or five others, do  
 15 you recall where any of them were from?  
 16 A. Well, like I said, the only two names I  
 17 remember are those two. Unless I go and do  
 18 some research, I couldn't tell you off the top  
 19 of my head.  
 20 Q. Do you recall anyone from or representative  
 21 from the General Assembly -- and I'm not  
 22 speaking of legislator, but anyone from a  
 23 legislator's office?  
 24 A. I don't -- I don't know.  
 25 Q. Did you take any notes at any of these

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1 meetings?  
 2 A. Sometimes.  
 3 Q. Do you know if those notes have been produced?  
 4 A. I don't know.  
 5 MS. WU: We would ask that if --  
 6 MR. PETERS: We'll check. As far as I  
 7 know they should have been, but we'll check and  
 8 make sure.  
 9 BY MS. WU:  
 10 Q. So you said there might have been two or three  
 11 meetings or more discussing the criteria.  
 12 A. Possibly, yes. Like I said, I don't recall an  
 13 exact number or the exact time timeframe, but I  
 14 remember there were meetings.  
 15 Q. And when -- the first meeting, what happened at  
 16 that meeting? How was the criteria discussed?  
 17 A. I couldn't recite the meeting for you. I don't  
 18 even recall. I just remember this is kind of  
 19 what came out of those meetings.  
 20 Q. So you started with the original four criteria,  
 21 the three that were the exact match and then  
 22 the one that was the date of birth and the  
 23 driver's license number; is that correct?  
 24 A. I'm sure that was probably a starting point.  
 25 Again, I can't remember what was

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1 discussed in those meetings. I know we had  
 2 meetings discussing those items.  
 3 Q. Then over the course of two or three or maybe  
 4 more meetings, that criteria went from 4 to 29;  
 5 is that correct?  
 6 A. Yes.  
 7 Q. And do you recall whether the SBOE proposed any  
 8 of these criteria?  
 9 A. I believe I proposed a lot of them.  
 10 Q. Okay. Who might have proposed the other ones?  
 11 A. I don't know who proposed what. I just  
 12 remember there was a lot of discussion about  
 13 these items and, you know, Veronica probably  
 14 had some input, I know Gary probably had some  
 15 input, Johnnie probably had some input.  
 16 Like I said, without doing any kind of  
 17 research I couldn't tell you who all had input  
 18 on it, but this is what we ended up with.  
 19 Q. Do you recall whether anyone from outside the  
 20 SBOE proposed any of the additional or what  
 21 became the 29 matching criteria?  
 22 A. I know we had -- I had conversations -- I  
 23 believe I had some conversations and maybe  
 24 e-mail conversations with Tom and Ray about  
 25 these, yes.

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1 Q. Do you know if those e-mails have been  
 2 produced?  
 3 A. I don't know.  
 4 MS. WU: We would ask that --  
 5 THE WITNESS: I hope so. I don't know  
 6 what was produced and what wasn't produced.  
 7 MS. WU: We would ask to the extent  
 8 that those e-mails have not been produced they  
 9 be produced.  
 10 BY MS. WU:  
 11 Q. So then how were the -- how did you come to the  
 12 29 criteria? Was there a consensus reached  
 13 among these people?  
 14 A. Yeah. I think in the end I sat down with Gary  
 15 and Johnnie and Veronica and I think this is  
 16 the list we came up with at the very end.  
 17 Q. Did you discuss that list of 29 criteria with  
 18 the people from outside the State Board of  
 19 Elections that you met with?  
 20 A. I believe we did have discussions with them,  
 21 yes.  
 22 Q. And did they agree to that list of 29 criteria?  
 23 MR. FARR: Objection. I'll assert a  
 24 privilege on that, legislative privilege and  
 25 attorney-client privilege.

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1 MS. WU: Based on April 2013?  
 2 MR. FARR: Uh-huh.  
 3 MS. WU: As with yesterday and earlier  
 4 today, we -- stating for the record that to the  
 5 extent it's based on legislative privilege or  
 6 immunity, we disagree with that assertion and  
 7 reserve the right to reopen the dep and ask  
 8 Mr. Burris about those conversations.  
 9 MR. FARR: Okay.  
 10 BY MS. WU:  
 11 Q. So if you flip to page 6 of this report, the  
 12 Bates number at the bottom is 2604.  
 13 MR. PETERS: I'm sorry. 604?  
 14 MS. WU: 2604.  
 15 MR. PETERS: Okay. Thank you.  
 16 THE WITNESS: Okay.  
 17 BY MS. WU:  
 18 Q. Based on this table, what was the total number  
 19 of registered voters that the State Board of  
 20 Elections was not able to match to a DMV-issued  
 21 identification?  
 22 A. Based on this table is 318,643.  
 23 Q. And that's the number at the bottom of the  
 24 table?  
 25 A. The bottom of the second column or third column

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1 in the middle.  
 2 Q. Okay. And then to the right, the 138,425,  
 3 what's that number?  
 4 A. I believe it's the same analysis of -- I would  
 5 have to research it. It's something has to do  
 6 with voting in the 2012 general election, so I  
 7 think those who actually voted in the 2012  
 8 general election, running the same analysis  
 9 against that data set.  
 10 Q. Is there a reason why you provided the subset  
 11 of data for people who voted in the 2012  
 12 general election?  
 13 A. Because I was asked.  
 14 Q. Who asked you?  
 15 A. Gary Bartlett.  
 16 Q. Do you know who asked Gary Bartlett?  
 17 A. I don't know.  
 18 Q. Do you know why he asked you?  
 19 A. I don't know.  
 20 Q. Sort of switching gears just a little:  
 21 For this April 17, 2013, analysis, did  
 22 you -- what data did you receive from the DMV;  
 23 was it the entire database including revoked,  
 24 suspended or otherwise expired licenses?  
 25 A. Well, the entire -- I don't remember the whole

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1 breadth of it, but it was supposed to be their  
 2 entire database, which is the 12 or 13 million  
 3 records.  
 4 Q. So to the best of your knowledge, would that  
 5 include --  
 6 A. To the best of my knowledge, yes.  
 7 Q. That would include suspended, revoked or  
 8 expired licenses?  
 9 A. Yes.  
 10 Q. So the total number of matched voter  
 11 registration and DMV-issued IDs, that would  
 12 include people who matched to licenses that  
 13 were suspended, revoked or expired?  
 14 A. Well, they would match in -- again, I would  
 15 have to look at the status to see, but they  
 16 would match in the data set that the DMV  
 17 database gave me or the DMV gave me, which  
 18 would be those 12 or 13 million records.  
 19 Q. Okay. So just trying to think if I understand  
 20 that answer.  
 21 A. I'd have to review and see what statuses they  
 22 gave me in that 12 million data set. There is  
 23 a driver status in that data set that  
 24 identifies each of the record that was  
 25 provided, so every driver record has a status,

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1 and I would have to look at the status and see  
 2 which ones those were. My analysis was just  
 3 again the data itself, so...

4 Q. Understood. And if you look to page 2 and  
 5 hoping this might refresh your recollection.

6 A. Say go back to page?

7 Q. Two, at the bottom is 2600.

8 A. Okay.

9 Q. If you look at the very top -- it actually  
 10 starts on the previous page. I'm sorry, but it  
 11 describes the North Carolina DMV database.  
 12 Take a moment to review it.

13 A. (Witness complying.)  
 14 Okay.

15 Q. If you see at the top of page 2, the Bates  
 16 number 2600, it says:  
 17 "The file data included  
 18 licenses and identification cards  
 19 that were active, inactive,  
 20 cancelled, revoked and deceased  
 21 statuses."  
 22 A. Okay.

23 Q. Does that refresh your recollection at all?

24 A. Again, I'm going to assume that it's right, and  
 25 I'm going to assume the data includes it, but

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1 A. Okay.

2 Q. Did you play any role in providing the numbers  
 3 for these tables?

4 A. No. I provided the data.

5 Q. Did you review these numbers for accuracy?

6 A. I did.

7 Q. How did you do that?

8 A. I probably would have taken the data I  
 9 provided and -- well, actually I retained all  
 10 this data. So I would have had the tables and  
 11 I would have just run my own quick little check  
 12 on these numbers to see if it was accurate and  
 13 the totals added up.

14 Q. Would you have checked all of these numbers?

15 A. I don't think I would have checked all. I  
 16 would have spot checked to ensure accuracy. I  
 17 would probably just spot check some of the  
 18 groupings and some of the subtotals and make  
 19 sure everything added up.

20 Q. And again, these -- at least I guess the racial  
 21 categories, they don't include Hispanic voters?

22 A. They do not.

23 Q. And that is because there's no category for  
 24 race -- Hispanic is recorded as an ethnicity?

25 A. Not a race, correct.

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1 without reviewing it -- it was a while ago.

2 Q. Understood.

3 So assuming that the DMV database that  
 4 you received did include those suspended,  
 5 revoked and expired licenses, would that  
 6 have -- if there was an exact name or -- exact  
 7 name driver's license match but it was an  
 8 expired license, would that have counted as a  
 9 match?

10 A. Yes.

11 Q. And same thing for revoked and expired  
 12 licenses?

13 A. Yes.

14 Q. Do you know under HB 589, are expired, revoked  
 15 or suspended licenses acceptable forms of photo  
 16 identification?

17 A. I don't recall off the top of my head what the  
 18 law states.

19 Q. So turning to page 9 of the report, the bottom  
 20 Bates number is 2607. Let me know when you get  
 21 there.

22 A. I'm here.

23 Q. There's a few tables. That's "Comparison of  
 24 Total Registered Voters Against the  
 25 North Carolina DMV Database."

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1 Q. Coming back to that, is there any way to  
 2 compare Hispanic voters to Black/African  
 3 American, Asian or White voters through SEIMS?

4 A. Not really because ethnicity is a separate data  
 5 element. You can be a Black Hispanic or a  
 6 Black non-Hispanic. So unless you want the  
 7 criteria to run to say identify the race and  
 8 the ethnicity, then that data can be provided,  
 9 but it can't be all lumped under one category  
 10 unless you want breakdowns of Asian Hispanic,  
 11 Asian non-Hispanic, Black Hispanic, Black  
 12 non-Hispanic.

13 Q. What other ethnicities are there?

14 A. That's it. That's the only one in our SEIMS  
 15 database.

16 Q. Hispanic is the only ethnicity in the SEIMS  
 17 database?

18 A. That's correct.

19 Q. So there's no way to compare Hispanic to any  
 20 other voter group? I guess Hispanic,  
 21 non-Hispanic?

22 A. It's Hispanic, non-Hispanic, yes.

23 Q. Do you know if anyone has ever requested data  
 24 related to Hispanic voters with respect to the  
 25 matching analysis that you've done?

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1 A. Not to the matching, no.  
 2 Q. Any other requests for Hispanic voter data?  
 3 A. We've had requests in the past for ethnicity  
 4 data request, yes.  
 5 Q. What specifically?  
 6 A. I don't know. I know we've had requests for it  
 7 in the past.  
 8 Q. From whom?  
 9 A. I don't know off the top of my head. I know  
 10 I've produced data broken down by ethnicity in  
 11 the past.  
 12 Q. Do you know if this April 17, 2013, report was  
 13 shared with anyone outside the SBOE?  
 14 A. I'm not aware. I'm not aware if it is. I  
 15 mean, are you -- are you talking about this  
 16 report here, right?  
 17 Q. The April 17, 2013, report.  
 18 A. It was probably shared with everybody. It's  
 19 publicly available.  
 20 Q. Do you know if it was specifically shared with  
 21 anyone legislators?  
 22 A. I don't know if it was actually given to  
 23 anybody. I just know this would have been made  
 24 available to the public and it's available on  
 25 our public FTP site and anyone can download it.

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1 THE WITNESS: Thank you.  
 2 MS. WU: That's fine.  
 3 THE WITNESS: That's hard for me to  
 4 answer because I'm not -- I don't get the  
 5 requests directly to me.  
 6 BY MS. WU:  
 7 Q. Okay.  
 8 A. I get requests from internal to provide data.  
 9 So I know I've provided absentee and early  
 10 voting data requests, yes, but like I say, any  
 11 external requests comes in, even if it comes  
 12 directly to me, I funnel it back out to someone  
 13 else to vet it and then I respond internally so  
 14 that data can be sent out through the proper  
 15 channels and check whatever else, you know.  
 16 Q. So I guess a better way to state the question,  
 17 have you ever performed analysis other than for  
 18 what we've previously stated for defense  
 19 counsel?  
 20 A. Well, as I said, I can't discern whether it was  
 21 for them or for others. I have received  
 22 requests and I can't tell you who they were  
 23 from or for. Because I'm the IT guy, I get the  
 24 requests from internal that says, "Hey, can you  
 25 provide this data."

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1 Q. Were you -- have you ever been asked to conduct  
 2 an analysis of people who voted during the  
 3 early voting time period?  
 4 MR. FARR: Objection to the extent that  
 5 involves requests that have been made since  
 6 litigation has commenced on grounds that its  
 7 attorney-client privilege and work product.  
 8 MS. WU: That's fine.  
 9 THE WITNESS: Do I answer?  
 10 MR. FARR: Well, you can answer if you  
 11 received requests for that information prior --  
 12 THE WITNESS: Could you ask again.  
 13 MS. WU: I'll restate the question.  
 14 THE WITNESS: I heard it. I'm sorry.  
 15 BY MS. WU:  
 16 Q. Other than any requests you might have received  
 17 from defense counsel --  
 18 A. Okay.  
 19 Q. -- after this litigation started, were you ever  
 20 asked to perform any analysis related to voters  
 21 who voted during the early voting time period?  
 22 MR. PETERS: And can we just clarify  
 23 for the record, since the witness may not  
 24 remember this, the litigation commenced in  
 25 August of 2013.

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1 Q. So before August 2013, did you ever perform an  
 2 analysis of voters who voted during the early  
 3 time period?  
 4 A. Yes, all the time. We get data requests like  
 5 that all the time.  
 6 Q. What about specifically --  
 7 A. And can I clarify? I'm sorry.  
 8 Q. Go ahead.  
 9 A. They typically come in as absentee requests,  
 10 because early voting is absentee data so it all  
 11 funnels into the same thing.  
 12 Q. What about specifically any analysis -- again,  
 13 prior to August 2013 -- that you conducted for  
 14 voters who voted on the weekend during the  
 15 early voting period?  
 16 A. I don't know about that specific. Typically I  
 17 would provide a whole set of data and then  
 18 whoever requested it can typically slice and  
 19 dice however they want.  
 20 I try to avoid providing granular or  
 21 really granular data because we have a lot to  
 22 do, so I typically provide a set of data and  
 23 then people can take it however they want.  
 24 Q. And then typically would that data have the  
 25 ability to slice and dice by demographic

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1 information?  
 2 A. It typically does, yes.  
 3 Q. Including race?  
 4 A. Yes.  
 5 Q. And ethnicity?  
 6 A. Yes.  
 7 Q. Have you met with any of the State's expert  
 8 witnesses in this litigation?  
 9 A. I have.  
 10 Q. Who?  
 11 A. Oh, God, now you're asking for names. I'm  
 12 horrible at names.  
 13 Well, I guess the question is I don't  
 14 know who's an expert witness or not. So I met  
 15 with a lot of people for lots of different  
 16 reasons. So I don't know who the State's  
 17 expert witnesses are.  
 18 So if you can give me some names, I can  
 19 tell you if I met with them.  
 20 Q. So with respect to this litigation, have you  
 21 met with any people who have asked you  
 22 questions about the SEIMS database?  
 23 A. Yes.  
 24 Q. Who?  
 25 A. God, I don't know. I'm so horrible at names.

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1 Can they help me out? Can I phone a friend?  
 2 I meet with so many people, and I  
 3 just -- I mean, if you want, I can get back to  
 4 you all, I guess. I don't know how this works.  
 5 Q. We will take you up on that.  
 6 A. I was going to say, I don't know. I meet with  
 7 lots of people and I'm horrible -- my staff can  
 8 tell you I'm horrible at names.  
 9 Q. How many times have you met -- even if you  
 10 can't remember their names, how many times have  
 11 you met with --  
 12 A. Again, I meet with so many people. I can't  
 13 give you an exact. I meet with so many people  
 14 for lots of different reasons rather than -- I  
 15 mean, I meet with people in our office for lots  
 16 of reason, so it's hard to pick --  
 17 Q. So your testimony is that you have no idea who  
 18 you met with or how many times?  
 19 A. I'm just saying I met with lots of people for  
 20 lots of different reasons. If I have time to  
 21 sit down and research and look at my notes and  
 22 look at my calendars and look at all this other  
 23 mess, I can probably pull something together.  
 24 I'm just saying being put on the spot  
 25 without any notice or information or figuring

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1 out what I'm going to talk about, I have a hard  
 2 time just saying blah and I don't want to  
 3 misspeak either.  
 4 Q. So is it your general practice in these  
 5 meetings to take notes?  
 6 A. Depends on the meeting. I don't take notes in  
 7 all meetings. I may be invited to a meeting.  
 8 Q. I don't have any further questions. Thank you.  
 9 MS. WU: We'll go off the record before  
 10 we shift.  
 11 THE VIDEOGRAPHER: Going off the  
 12 record, the time is 3:49 p.m.  
 13 (Brief Recess.)  
 14 THE VIDEOGRAPHER: Back on the record,  
 15 this begins Disk Number 3. The time is  
 16 3:57 p.m.  
 17 EXAMINATION  
 18 BY MR. COOPER:  
 19 Q. Good afternoon, Mr. Burris.  
 20 A. How are you doing?  
 21 Q. Good.  
 22 My name is Dave Cooper. I'm with the  
 23 Department of Justice. We represent the  
 24 United States in this case.  
 25 I'd like to ask you some follow-up

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1 questions about some of the issues that you  
 2 were discussing with Ms. Wu.  
 3 A. Okay.  
 4 Q. So let's start out with Exhibit 48. And I'll  
 5 turn you -- I'd like to look at that list of  
 6 criteria that you were looking at before which  
 7 appears on the page with the Bates number  
 8 ending in 2604.  
 9 A. I'm there.  
 10 Q. All right. And so these are the criteria that  
 11 you use to run the database match that's  
 12 described in this report, correct?  
 13 A. Correct.  
 14 Q. And just to make sure this is clear for the  
 15 record, what was going on here is you had the  
 16 State Board's voter registration database and  
 17 the DMV's customer database, correct?  
 18 A. Correct.  
 19 Q. And you were comparing them?  
 20 A. That's correct.  
 21 Q. So these criteria were a sort of protocol for  
 22 running that comparison?  
 23 A. Correct. Well, criteria, but yeah, protocol --  
 24 criteria.  
 25 Q. These were the criteria?

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1 A. Yes.  
 2 Q. Okay. And you also explained that there  
 3 were -- I think you listed three criteria that  
 4 were used for the earlier January 2013 report.  
 5 A. Yes.  
 6 Q. Right. So this is a significantly longer list.  
 7 A. Yes.  
 8 Q. So I want to ask you about some of these  
 9 specific criteria here.  
 10 A. Sure.  
 11 Q. So let's start with number 27 which says Social  
 12 Security number, date of birth and zip code.  
 13 And actually, before I ask you about that  
 14 criterion, when this list says Social Security  
 15 number, does that refer to the last four  
 16 digits?  
 17 A. That is correct.  
 18 Q. So it's not the full Social Security number?  
 19 A. That is correct.  
 20 Q. Okay. So in 27, which is Social Security  
 21 number, date of birth and zip code, that was  
 22 one of the criteria you used in this report.  
 23 Can you tell me why that was used?  
 24 A. Why, because at the end of the day, out of all  
 25 the criteria we had, that's what we all decided

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1 on, we being Gary, Johnnie, Veronica and  
 2 myself.  
 3 Q. So were there other criteria that were not  
 4 included in this list that you considered?  
 5 A. I believe there was. I just don't know what it  
 6 is off the top of my head. I couldn't give you  
 7 this off the top of my head.  
 8 Q. Okay. I don't need to know the actual  
 9 criteria.  
 10 A. There was more criteria, yes.  
 11 Q. What was the -- what was the reason that you  
 12 might have or the group might have decided to  
 13 exclude a criterion?  
 14 A. The reason we typically would try to exclude  
 15 them is if they would produce -- or they would  
 16 produce basically a non-exact match or too many  
 17 duplicates to be able to identify those as  
 18 matches.  
 19 Q. What do you mean by too many duplicates?  
 20 A. Well, if you take -- for example, if you take  
 21 the last four Social Security number and a  
 22 birth date and you try to do a statewide match  
 23 on that, you will receive many duplicates. So  
 24 running an analysis on the statewide database  
 25 you can pretty much see if that criteria will

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1 be useful or not.  
 2 Q. So when you say duplicate, you mean two  
 3 different people that have duplicate  
 4 information?  
 5 A. That's correct.  
 6 Q. Okay. So, in other words, there are criteria  
 7 you might use that would generate a lot of  
 8 things that look like matches but they're not  
 9 actual matches?  
 10 A. Yes.  
 11 Q. And so looking -- so there were other criteria  
 12 that you excluded on that basis that you  
 13 thought there would be too many duplicates?  
 14 A. Yes.  
 15 Q. How did you decide whether there were too many  
 16 duplicates for a particular criterion?  
 17 A. Again, we would just -- we would run that -- we  
 18 would run it -- just a check against the  
 19 statewide database and the DMV database and we  
 20 would look and see how many results they would  
 21 produce.  
 22 Q. And if there were a lot of results, you  
 23 wouldn't use that criterion?  
 24 A. It depends. You know, we would all -- I know  
 25 Veronica and I would look at some of the data

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1 and we would see were they duplicates, were  
 2 they not. We did some row-by-row analysis. If  
 3 it produced a whole bunch of data, we knew -- I  
 4 mean, we just analyzed it and then saw whether  
 5 it would or would not work.  
 6 Q. So is it fair to say that some of the criteria  
 7 that you included includes some duplicates?  
 8 A. If you take the criteria and you just use that  
 9 singular criteria against both statewide or  
 10 both databases in its entirety, yes.  
 11 Q. But that's not how you did this?  
 12 A. That's not how we did this.  
 13 Q. So how would this be different?  
 14 A. So what we did is, as you step down through the  
 15 criteria, you're removing those from the pool  
 16 of data being searched. So even criteria that  
 17 may produce a possible duplicate may not be in  
 18 that reduced pool because of the elimination of  
 19 the larger sets of data.  
 20 So, for example -- the number one match  
 21 is the perfect example. So I'm taking  
 22 6.4 million records and matching it up against  
 23 12 point however many DMV records. Those exact  
 24 matches on a first name, last name and NC DMV  
 25 customer number, 5.1 -- 5.185, that comes out

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1 of the pool of the registered voters to check  
 2 against the DMV database and that's further  
 3 reduced as you go down the line.  
 4 Q. But now when you're using the term  
 5 "duplicates," you're referring to different  
 6 people with duplicate info, right?  
 7 A. When I use -- yes, duplicate people with the  
 8 same info.  
 9 Q. But they're actually two different individuals?  
 10 A. Yes. When I say duplicates, yes, that's what I  
 11 refer to. That could be two different  
 12 individuals, yes.  
 13 Q. So the further down this list we go, the  
 14 smaller the universe of people that the  
 15 criterion is being applied to?  
 16 A. Yes.  
 17 Q. So the further down you go, the fewer  
 18 duplicates you're going to get?  
 19 A. Yes.  
 20 Q. All right. So what I would like to -- I'd like  
 21 to ask, then, a little bit more about the  
 22 decision-making process.  
 23 You mentioned that you had meetings  
 24 with I think staff at the State Board. I think  
 25 you mentioned Mr. Bartlett, Ms. McLean and

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1 Ms. Degraffenreid; is that right?  
 2 A. That's right.  
 3 Q. And then you mentioned there were discussions  
 4 that included some folks from outside the State  
 5 Board also.  
 6 A. Correct.  
 7 Q. Do you remember how many meetings there were?  
 8 A. As I said before, no, I don't recall.  
 9 Q. Was there more than one?  
 10 A. I believe there was more than one, yes.  
 11 Q. And I believe you were asked who from outside  
 12 the State Board was there and you mentioned  
 13 Mr. Farr and Ray Starling, I think.  
 14 A. Correct.  
 15 Q. You don't remember anyone else?  
 16 A. No. I'm horrible with names.  
 17 Q. Understood.  
 18 You do think there were other people  
 19 there, though?  
 20 A. I believe -- yes, there were other people -- I  
 21 believe there were other people there.  
 22 Q. All right. Do you know -- putting names aside,  
 23 do you know why they were there?  
 24 A. I don't know why they were there.  
 25 Q. Do you know if they were employees of the

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1 state -- of some state agency?  
 2 A. I don't know. I couldn't tell you.  
 3 Q. Okay.  
 4 A. I was there as the IT guy.  
 5 Q. Understood.  
 6 Was there anyone from the General  
 7 Assembly there?  
 8 A. I don't know. Like I said, there were people  
 9 there. I couldn't tell you who they were. I  
 10 didn't care, really, to be honest. I cared  
 11 about the technical aspect of whatever they  
 12 were going to ask me, so...  
 13 Q. So when the final decision was made about the  
 14 list of 29 criteria, was that done at one  
 15 specific meeting? I think you said it was, but  
 16 I want to make sure I understand.  
 17 A. I can't remember exactly how. I just remember  
 18 Gary, Johnnie, Veronica and I talked. I don't  
 19 know if it was in a meeting or informal or we  
 20 got together. I know we came up -- we decided  
 21 this is what we were going to do.  
 22 Q. So when -- but when you were having the  
 23 meetings -- so the final decision was made by  
 24 the State Board -- the State-Board-only group  
 25 we'll call it?

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1 A. Well, Gary Bartlett made the final decision.  
 2 At the end of the day, it's his call or it was  
 3 his call, so...  
 4 Q. When you were discussing this in the larger  
 5 meetings with the non-State Board employees --  
 6 A. Yeah.  
 7 Q. -- the criteria were discussed?  
 8 A. Yes.  
 9 Q. And so would you have discussed with that group  
 10 the concerns about duplicates that you were  
 11 describing a moment ago?  
 12 A. Yes.  
 13 Q. And did the people at those meetings, did they  
 14 express opinions about which criteria should be  
 15 on the list and which shouldn't?  
 16 A. I'm sure there were discussions about it.  
 17 Q. Did you express opinions about that?  
 18 A. I sure did.  
 19 Q. Do you remember -- do you remember what you  
 20 said?  
 21 A. No. I just -- my goal as far as in any of  
 22 those meetings would have been as far as data  
 23 and data accuracy. If I'm going to do  
 24 something, I want to be as accurate as  
 25 possible.

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1 So I would have brought up any  
 2 objections to something I thought, you know, in  
 3 dealing with this analysis of this data that  
 4 I've been dealing with for like 15 years,  
 5 anything I thought may not have made sense or  
 6 would have caused excess duplicates or may not  
 7 have just been feasible from a technical  
 8 perspective, so...

9 Q. And do you remember -- when the criteria were  
 10 discussed, was there someone who was leading  
 11 the discussion?

12 A. I don't know. If you've ever seen me in a  
 13 meeting, I lose focus after 15 minutes, so I'm  
 14 doing my best here.

15 Q. Who started the meeting off?

16 A. Typically it would be Gary Bartlett since he's  
 17 the boss.

18 Q. Is he the one who would suggest the criteria?

19 A. No, I don't think he suggested the criteria.

20 Q. So who suggested the criteria?

21 A. I probably came up with the initial suggestion  
 22 of criteria based on my technical knowledge and  
 23 how I knew the data and what we could -- you  
 24 know, analyze -- how we can analyze both  
 25 databases to come up with the best exact

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1 Q. From Mr. Farr?

2 A. Maybe. Again, I don't recall who was  
 3 suggesting everything. Yeah, there were  
 4 suggestions from everybody.

5 Q. It wouldn't have surprised you -- it wouldn't  
 6 have surprised you if that had happened, if he  
 7 had suggested something?

8 A. No, because it was a group, we had a group  
 9 meeting and it was as discussion.

10 Q. And what about Mr. Starling, same thing?

11 A. Probably the same thing.

12 Q. So can you tell me, is it possible for you to  
 13 sort of give me an estimate of when the last  
 14 meeting would have been?

15 A. It probably would have been at some point  
 16 before I ran the analysis.

17 Q. Okay.

18 A. Probably within a month before I ran or a week  
 19 or two weeks before I ran the analysis. I'm  
 20 sure it was some time -- like I said, I don't  
 21 remember the timeframe of, you know, these  
 22 reports were run and when we're having  
 23 meetings, you know. Lots going on and we're a  
 24 small agency so we have little resources.

25 Q. And so do you -- do you remember what -- do you

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1 matches.

2 Q. What would happen after you made that proposal?

3 A. Not like a formal proposal. I might have sent  
 4 an e-mail to everybody or there may be some  
 5 e-mail conversations or just some verbal  
 6 conversations or some white board  
 7 conversations, like I said.

8 Q. I assume that you wouldn't have proposed  
 9 something that you didn't think would be a  
 10 great data matching practice.

11 A. I would hope not.

12 Q. So when you expressed that concern of that  
 13 nature, who were you responding to?

14 A. Are you talking about specific time or --

15 Q. I mean, you said that there were instances  
 16 where you would express concerns about --

17 A. It would have been to the group.

18 Q. Okay.

19 A. If someone brought up an idea that I thought  
 20 was dumb, I would have said that's stupid, it's  
 21 not going to work and this is why.

22 Q. I'm wondering who was suggesting those ideas.

23 A. Oh, everybody in the group. There were  
 24 suggestions coming from everybody, from Gary,  
 25 from Johnnie, you know, from everybody.

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1 remember how -- did the list of criteria look  
 2 similar to the final list? The list of  
 3 criteria that was considered at your last  
 4 meeting, did that differ from the final list?

5 A. I don't know.

6 Q. Can you give me an -- I'm wondering how many  
 7 were on it, for instance. If there were 4  
 8 criteria at the last meeting and 29 on the  
 9 final list, is that a possibility?

10 A. Again, I don't -- I don't know. I don't recall  
 11 that time. Yeah, I don't remember.

12 Q. All right. So Ms. Wu also asked you some  
 13 questions about requests for information that  
 14 the agency receives.

15 A. Yes.

16 Q. I know that that's not always your principal  
 17 focus, you're not always going to remember the  
 18 details, but I want to draw your attention to  
 19 something.

20 MR. COOPER: And so if you could mark  
 21 this, please. That will be Exhibit 74.  
 22 (WHEREUPON, Plaintiffs' Exhibit 74 was  
 23 marked for identification.)

24 BY MR. COOPER:

25 Q. This is a document we downloaded from the State

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1 Board of Elections FTP site, and we've marked  
 2 the URL in the footer there and we've also  
 3 added some page numbers in the lower right-hand  
 4 corner just for ease of reference.  
 5 And if I could direct your attention  
 6 to -- I think it's going to be page -- toward  
 7 the end. I think it's page 32.  
 8 A. Gotcha. Got it.  
 9 Q. This is the end of an e-mail chain. So why  
 10 don't I just note that the e-mail chain,  
 11 earliest-in-time message is on page 33 and then  
 12 the last-in-time message is on the top of page  
 13 30. Do you see what I'm referring to there?  
 14 A. Say that again, the first part of it.  
 15 Q. So the last-in-time message in the e-mail chain  
 16 starts on the top of page 30, and then the  
 17 earliest-in-time message is on top of page 33.  
 18 A. Okay.  
 19 Q. Could you just take a moment to review this and  
 20 tell me if you have seen this document before.  
 21 MR. PETERS: I'm sorry, Counsel, just  
 22 so I was clear, did you say this was downloaded  
 23 from the website?  
 24 MR. COOPER: Yes. The URL is at the  
 25 bottom of the page.

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1 MR. PETERS: Just wanted to make sure I  
 2 was clear.  
 3 MR. COOPER: Yes.  
 4 THE WITNESS: Okay. I'm there.  
 5 BY MR. COOPER:  
 6 Q. Okay. So let's start on page 32. And there's  
 7 an e-mail that's dated Friday, January 4, 2013,  
 8 2:35 p.m.  
 9 A. Okay.  
 10 Q. Do you see where I'm looking there?  
 11 A. I do.  
 12 Q. This looks like an e-mail from you to Erica  
 13 Churchill.  
 14 A. Correct.  
 15 Q. Who is Erica Churchill?  
 16 A. She works over in the General Assembly.  
 17 Q. Do you correspond with her often?  
 18 A. At times.  
 19 Q. Is she someone who makes requests to the Board?  
 20 A. To the Board or to -- not to the Board itself,  
 21 no.  
 22 Q. To your agency?  
 23 A. To our agency, yes.  
 24 Q. So does this refresh your recollection about  
 25 who was requesting some of the -- of this DMV

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1 matching data that we have been discussing?  
 2 A. Judging from the other e-mail to Gary, it says  
 3 Erica Churchill asked Gary and Gary forwarded  
 4 it to me and says, pretty much, handle it, so  
 5 -- but then --  
 6 MR. FARR: What page is this, please?  
 7 THE WITNESS: 33.  
 8 MR. PETERS: 33.  
 9 MR. FARR: Okay. Thank you.  
 10 BY MR. COOPER:  
 11 Q. Looking at that 2:35 p.m. e-mail, it looks like  
 12 you responded to Ms. Churchill directly.  
 13 A. Yeah. Erica talked to Gary, Gary -- I don't  
 14 know what happened at that point, but Veronica  
 15 sent something to me copying Gary, and I was  
 16 asked -- if I provided it to her, I was asked  
 17 to send that off, so...  
 18 Q. So you did?  
 19 A. Yes.  
 20 Q. And then she wrote back to you?  
 21 A. Yes.  
 22 Q. The next-in-time e-mail, 10:18 a.m., says "I  
 23 think this will do for me have now but stay  
 24 tuned," right?  
 25 A. Correct.

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1 Q. So that suggests that she felt free to contact  
 2 you directly.  
 3 A. Okay.  
 4 Q. But did she ever contact you directly?  
 5 A. I'm sure. She's contacted me directly in the  
 6 past, yes.  
 7 Q. So I'm just trying to see if we can refresh  
 8 your recollection a little bit about those  
 9 instances.  
 10 A. Which instances are we talking about?  
 11 Q. Well, I would like to know whatever you  
 12 remember.  
 13 A. Again, I can only remember whatever you  
 14 remember.  
 15 Q. Indeed.  
 16 A. That's why I e-mail documents because they can  
 17 help you remember, but I still only remember  
 18 what I remember.  
 19 Q. Right.  
 20 A. And just based on this, apparently I was asked  
 21 to send these off, which I did, so...  
 22 Q. Okay.  
 23 A. I'm not understanding the rest of the question  
 24 there.  
 25 Q. So let's -- I mean, let's just continue with

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1 this e-mail chain.  
 2 A. Okay.  
 3 Q. She -- looks like she's asking you for some  
 4 follow-up information here; is that right? And  
 5 I'm looking at the bottom of second half of  
 6 page 31.  
 7 A. Yeah. I asked her if she needed anything. She  
 8 said she's good to go.  
 9 Is there a break or something? I don't  
 10 know how this has jumped from here to here.  
 11 But it says "I think this will do for  
 12 me now but stay tuned," and I responded to her  
 13 "Don't worry, I just gave Veronica those broken  
 14 down by demographics. You'll have those  
 15 shortly."  
 16 So there might be a middle piece in  
 17 there.  
 18 Q. Do you ever talk to Ms. Churchill on the phone?  
 19 A. Not really because -- I mean, have I talked to  
 20 her, probably.  
 21 Q. Is it possible that you had some other  
 22 communication with her in between those two  
 23 e-mails?  
 24 A. That could be possible. And typically -- Erica  
 25 typically contacts me a lot when they can't

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1 reach anyone else in the office because I'm  
 2 pretty responsive. It's my downfall, I guess.  
 3 Q. Is there anyone else who makes requests to the  
 4 office that you have contact with directly?  
 5 A. I'm sorry. You'll have to narrow that down or  
 6 clarify that for me.  
 7 Q. So Ms. Churchill sometimes requests information  
 8 from the State Board staff?  
 9 A. Yeah.  
 10 Q. And sometimes she contacts you directly?  
 11 A. Uh-huh.  
 12 Q. Is there anyone else from outside the State  
 13 Board staff that contacts you directly?  
 14 A. There's a lot of people that contact me  
 15 directly. I mean, from the press, from  
 16 advocacy groups, from everybody else, and I  
 17 just forward them up and say "What do you want  
 18 me to do?"  
 19 Q. Okay. Can you give me an example?  
 20 A. Sure. Start with the press. Someone gets my  
 21 e-mail or my name somehow from the press and  
 22 says, hey, I need this, and I ship them off --  
 23 well, we have a PIO now. The PIO --  
 24 Q. And I'm not trying -- this isn't a quiz. I  
 25 want to know what kind of information the staff

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1 provides --  
 2 A. Okay.  
 3 Q. -- and who asks for it. So I'm just trying to  
 4 get a sense of what you can remember.  
 5 A. Okay.  
 6 Q. That's the reason for my question.  
 7 MR. FARR: I think he's trying to do  
 8 that.  
 9 THE WITNESS: Yeah, exactly, and what I  
 10 can remember from when. I mean, asking these  
 11 innocuous questions doesn't help me remember  
 12 these questions other than --  
 13 BY MR. COOPER:  
 14 Q. Let's talk about January 12, 2013. Anything  
 15 else from that time period?  
 16 A. I can't remember a single point in time and  
 17 everything that happened.  
 18 If you actually sat with me for a week  
 19 and saw my day, you would understand why  
 20 because there's so much that goes on in our  
 21 organization.  
 22 Q. Do you remember any additional interactions,  
 23 e-mail, phone or otherwise, with Ms. Church  
 24 about the DMV matching?  
 25 A. About the DMV matching.

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1 Q. The DMV matching project that we've been  
 2 talking about.  
 3 A. I mean, not that I recall at this moment, no.  
 4 Q. Okay. Let's flip to page 6 of this document.  
 5 MR. PETERS: Still Exhibit 74?  
 6 MR. COOPER: Yes.  
 7 And I'll also note for the record,  
 8 Counsel, that this is what Ms. Wu was referring  
 9 to earlier about the e-mail from Representative  
 10 Warren's office.  
 11 MR. PETERS: Thank you.  
 12 BY MR. COOPER:  
 13 Q. So have you had a chance to look at page 6 of  
 14 this document?  
 15 A. Okay. Yes.  
 16 Q. Is this another request from the legislature  
 17 that you were helping to respond to?  
 18 A. Well, it was a question to Gary and Veronica.  
 19 I mean, yeah, looking at the chain I see where  
 20 it comes from, but --  
 21 Q. Right.  
 22 A. I would have either discussed or talked to or  
 23 seen the e-mail came from Veronica and said,  
 24 "Okay, what do you need?"  
 25 Q. So does this suggest to you, having reviewed

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1 the document now, that the March report that  
 2 you helped prepare was done in response to a  
 3 request from the legislature?  
 4 MR. FARR: Objection to the form.  
 5 BY MR. COOPER:  
 6 Q. You can answer.  
 7 A. Okay. Again, for me, I don't know if it -- I  
 8 see an e-mail from a representative or a  
 9 legislator. Again, for me, Veronica had asked  
 10 me and Gary had asked me to help out with this,  
 11 so that's -- that's where it came from in my  
 12 mind.  
 13 Q. Do you know -- let me ask you about the  
 14 10:15 a.m. e-mail that appears on page 7.  
 15 A. Okay.  
 16 Q. It from Mr. Bartlett. It's addressed to you  
 17 and Ms. Degraffenreid, and it appears, I think,  
 18 to reference the e-mail from Representative  
 19 Warren's office below.  
 20 A. Yeah.  
 21 Q. Do you know why he wanted you to expedite that?  
 22 A. I don't know. And judging from Veronica's  
 23 response only, or to her initial response, I  
 24 probably went "What are we talking about, what  
 25 do we want to do" because I get lots of e-mails

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1 and lots of requests and I go, well, what do  
 2 you really want. So I probably did some  
 3 follow-up and -- so I'm not good with one-liner  
 4 e-mails, so...  
 5 Q. So you would have called Ms. Degraffenreid?  
 6 A. Yeah. Or I would have called Gary himself and  
 7 said, "What do you want" or, you know -- that's  
 8 not much of an e-mail. Tell me what you want  
 9 me to do.  
 10 Q. So was that -- the March 2013 matching report  
 11 that you discussed with Ms. Wu, was that the  
 12 result of the consultation that you would have  
 13 had in response to this e-mail?  
 14 A. Oh, I don't -- I don't know if those two  
 15 directly correlate. I can't tell you if one  
 16 ties to the other or not, but...  
 17 Q. Okay. Let's go back -- still on -- still on  
 18 the e-mail chain from pages 6 and 7.  
 19 A. Okay.  
 20 Q. At 11:14 a.m. on Tuesday, March 5th, it appears  
 21 that you wrote to Mr. Bartlett and  
 22 Ms. Degraffenreid. Do you see that?  
 23 A. Uh-huh.  
 24 Q. And you said "481,109 voters who may not have  
 25 NC DMV-issued ID: And "may" is italicized.

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1 What does that mean?  
 2 A. I guess I just didn't like the word "may" in  
 3 that statement or in the document they had.  
 4 Q. Why not?  
 5 A. Just as I said below, I didn't like it. It  
 6 just didn't read right to me. I thought it  
 7 might be misinterpreted.  
 8 MR. FARR: Mr. Burris, would you read  
 9 that, please, before you answer the question.  
 10 THE WITNESS: Sure.  
 11 What was the question again? Sorry.  
 12 BY MR. COOPER:  
 13 Q. I'm just asking you to explain the e-mail. Why  
 14 did you send this e-mail to Ms. Degraffenreid  
 15 and Mr. Bartlett?  
 16 A. I believe it's because I was -- you know, there  
 17 was a document put together or an e-mail or  
 18 something put together and -- it was an e-mail  
 19 here, and I just -- I didn't like "may." Just  
 20 from reading my e-mail, I didn't like the  
 21 "may."  
 22 Q. Okay. Let's go back to Exhibit 48 and the  
 23 criteria. And let me just ask you again.  
 24 So Mr. Bartlett approved -- he's the  
 25 one who made the final decision about the

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1 criteria?  
 2 A. Yeah, he made the final decision on everything,  
 3 on the document, the criteria.  
 4 Q. He's the one that made the final decision on  
 5 which criteria to include in the matching that  
 6 you did for this report?  
 7 A. Yes.  
 8 Q. And let me state for the record, I'm back in  
 9 Exhibit 48 on the page with the Bates number  
 10 ending in 2604.  
 11 Did Ms. Degraffenreid agree with the  
 12 criteria?  
 13 A. I don't recall whether she did or not, but I  
 14 would -- I can't recall what she agreed or  
 15 didn't agree in the group at the time.  
 16 Q. What about Ms. McLean?  
 17 A. Again, I don't know what they were thinking. I  
 18 mean, there were group discussions and I  
 19 believe we were all in agreement, but I can't  
 20 tell you exactly whether she agreed or not or  
 21 whether --  
 22 Q. And what about Mr. Starling?  
 23 A. I don't know. I don't remember. I mean, I  
 24 don't know where the final discussions were. I  
 25 think they were with all of us, but again, I

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1 don't know what he was thinking or whether he  
 2 agreed with them.  
 3 Q. And Mr. Farr?  
 4 A. Same thing. I can't tell you whether everybody  
 5 agreed with everything or not. I just know I  
 6 gave my input.  
 7 MR. COOPER: I'm just going to -- let's  
 8 go off the record for just two minutes. I'm  
 9 going to -- we'll take a five-minute break.  
 10 THE VIDEOGRAPHER: Going off the  
 11 record, the time is 4:29 p.m.  
 12 (Brief Recess.)  
 13 THE VIDEOGRAPHER: Back on the record,  
 14 the time is 4:38 p.m.  
 15 BY MR. COOPER:  
 16 Q. All right. I would like to shift gears a  
 17 little bit and ask you some questions about  
 18 same day registration.  
 19 And I understand that same day  
 20 registration was authorized by the legislature  
 21 in 2007; is that right?  
 22 A. I couldn't answer that.  
 23 Q. Does it --  
 24 A. Sounds about right, but I can't confirm that,  
 25 but it sounds about right.

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1 Q. When did you become aware of the existence of  
 2 same day registration? Was it after the  
 3 legislature acted or before?  
 4 A. I'm -- I'm not sure.  
 5 Q. Were you aware that the legislature was  
 6 considering the issue before they actually did  
 7 it?  
 8 A. Not in my capacity, no. Back then I was an IT  
 9 manager and I just dealt with our  
 10 infrastructure in our office.  
 11 Q. Okay. Your job did include working with the  
 12 SEIMS system, though, correct?  
 13 A. In the infrastructure capacity, yes. Not the  
 14 development of the application, no, not at that  
 15 point.  
 16 Q. If changes were made to the application, one of  
 17 the applications, would you have known about  
 18 it?  
 19 A. No, I wouldn't have. I'm not -- I may have  
 20 offhand known about changes, but the changes  
 21 that I was aware of was change that was made to  
 22 like the database of data, if columns and  
 23 fields were added, if servers were added, if  
 24 desktops were added. Again, I wasn't involved  
 25 with the application development prior to me

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1 becoming the CIO in 2008.  
 2 Q. So after you took over as CIO, did you then  
 3 become more familiar with the functions of the  
 4 various applications in SEIMS?  
 5 A. Yes.  
 6 Q. Were there specific functions of those  
 7 applications that were needed for same day  
 8 registration?  
 9 A. I know the biggest function -- or for same day  
 10 registration. I'm sorry. Just getting it  
 11 clear in my head. There's one stop voting;  
 12 there's early voting.  
 13 So if you're talking about same day  
 14 registration, yes, the biggest function I was  
 15 aware of was we had 48 hours to validate the  
 16 driver's license number, and that was one of  
 17 the requirements that I know I was involved  
 18 with.  
 19 Q. Okay. That was a difference from the regular  
 20 registration process?  
 21 A. Yes.  
 22 Q. Do you recall any problems or glitches with --  
 23 with the development -- with -- let me start  
 24 again.  
 25 After same day registration started to

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1 be used, do you remember any problems or  
 2 glitches that arose that related to the SEIMS  
 3 system?  
 4 A. After a release we always have defects that we  
 5 have to fix. You never test a hundred percent.  
 6 Were they related to same day registration, I  
 7 don't know. I just know after every release we  
 8 have issues we need to deal with.  
 9 Q. Did you have issues related to the 48-hour  
 10 window to do the validation?  
 11 A. No, not that I'm aware of because there was  
 12 really no change to that. Currently we  
 13 validate -- prior to that, we -- you know, when  
 14 we implemented the HAVA in 2006 and we were  
 15 validating driver's license, last four soc, the  
 16 same day registration process just utilized the  
 17 same process. There was -- just a window was  
 18 tightened of when they had to get these  
 19 registrations processed.  
 20 So, for example, if a paper came in to  
 21 Wake County prior to the registration and it  
 22 was a normal registration, they're going to put  
 23 it in the pool and process it, and that may  
 24 take a week. I mean, if they've got a million  
 25 applications of processing, they may not be

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1 able to get to it.  
 2 The only difference that I'm aware of  
 3 for that is that they're required to do certain  
 4 things and these applications have to be  
 5 processed within 48 hours.  
 6 So I don't think that was a change to  
 7 the application itself other than there was now  
 8 a time requirement.  
 9 Q. Okay. And so you don't remember any -- you  
 10 don't remember any problems that arose relating  
 11 to that function?  
 12 A. I don't remember any, no.  
 13 Q. What about -- is there a SEIMS application  
 14 that's used for the mail verification process?  
 15 A. That is part of the SEIMS application. I don't  
 16 know that there's -- I can't remember exactly  
 17 which application does it.  
 18 It's more of a process and it's  
 19 initiated through an application. It's  
 20 actually initiated as a -- as a back-end  
 21 process, when an event happens. So it's not  
 22 really tied to one application because mail  
 23 verification can be done on list maintenance,  
 24 it can be done under data entry, a new  
 25 application for voter registration.

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1 So it's not really tied to one  
 2 application, so to say. It's a process that  
 3 happens when certain events happen.  
 4 Q. Were there -- did implementation of same day  
 5 registration require any changes to SEIMS that  
 6 was related to mail verification?  
 7 A. I would have to research. I don't know off the  
 8 top of my head.  
 9 Q. So you weren't aware of any problems --  
 10 A. Not that I was aware, no.  
 11 Q. Okay. So that's all that I have. Thank you  
 12 for your time. I will turn it over to  
 13 Ms. Riggs.  
 14 MS. RIGGS: Can we go off the record.  
 15 THE VIDEOGRAPHER: Going off the  
 16 record, the time is 4:44 p.m.  
 17 (Brief Interruption.)  
 18 THE VIDEOGRAPHER: Back on the record,  
 19 the time is 4:45 p.m.  
 20 FURTHER EXAMINATION  
 21 BY MS. RIGGS:  
 22 Q. Mr. Burris, did you receive a litigation hold  
 23 notice in conjunction with this litigation?  
 24 A. What would that be?  
 25 Q. It would have been a document from the lawyers

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1 saying don't destroy anything, e-mails, papers,  
 2 et cetera.  
 3 A. I believe I did.  
 4 Q. Do you remember when you got it?  
 5 A. No, I do not.  
 6 Q. Did you comply with what it asked you to do?  
 7 A. I did.  
 8 Q. So since you received that, you destroyed no  
 9 paper documents or e-mails?  
 10 A. Correct.  
 11 Q. Were you responsible for gathering the SEIMS  
 12 database that was produced to plaintiffs in  
 13 this litigation?  
 14 A. I was.  
 15 Q. I just want to understand a couple of  
 16 differences between what's on the FTP site now  
 17 and what was -- what was produced to us.  
 18 On the FTP site, the voter reg files or  
 19 the snapshots and the voter history files both  
 20 contain NC ID numbers.  
 21 A. That is correct.  
 22 Q. In the production, we got voter snapshots that  
 23 had NC ID numbers but the voter history files  
 24 didn't have NC ID numbers.  
 25 A. Really. Huh. I'll have to look -- I don't

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1 recall that.  
 2 Q. Well, okay. So I believe there was an e-mail  
 3 chain where Mr. Peters might have forwarded  
 4 some questions from Mr. Cooper. I mean, I  
 5 don't know who answered it, but we sent  
 6 Mr. Peters some questions that we got answers  
 7 to, and I think one of the answers was, well,  
 8 you can just join them together.  
 9 But my question is: If the voter -- if  
 10 the voter history files don't have the NC ID  
 11 number, does that mean it was stripped at some  
 12 point?  
 13 A. I don't know what that means. I don't know  
 14 history file I gave you and when, what was  
 15 actually in it. I'd have to look at the data.  
 16 I don't understand why it wouldn't have been in  
 17 there. It was part of the table, so...  
 18 Q. If you were joining a voter reg file that had  
 19 NC ID number and a voter history file that  
 20 didn't have NC ID number, what criteria would  
 21 you use to join the two databases?  
 22 A. It depends on what I'm trying to get out of it.  
 23 County ID and voter reg number is unique within  
 24 the county. So if I'm looking for county  
 25 specific data only, that's a criteria I would

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1 use. If I'm looking for voter history across  
 2 the state, I would trying to utilize the NC ID  
 3 because the NC ID is supposedly unique across  
 4 the state for a voter. So therefore, if a  
 5 voter moves from place to place, you can in  
 6 theory track their voter history from place to  
 7 place.  
 8 Q. Right, but if one of my files doesn't have NC  
 9 ID, what would be your second choice for  
 10 matching criteria?  
 11 A. Across the state for voter history?  
 12 Q. Across the state.  
 13 A. There is none. NC ID is the link unless you  
 14 can -- I mean, you can still -- you can still  
 15 use the NC ID in the voter table to link the  
 16 voters together and then ultimately combine the  
 17 voter history for that voter. You can still do  
 18 it. It's just a little -- it's an extra step.  
 19 Q. What do you mean by link the voters together?  
 20 A. Well, if you link -- if you link based on  
 21 county ID and voter reg number between the  
 22 history and the voter reg table and then you  
 23 link the voters together by NC ID in the voter  
 24 table, you now have the link. You have the  
 25 join for the voter history. There's just no

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1 direct link to voter history.  
 2 Q. So if you didn't -- if the voter history file  
 3 did not have an NC ID associated with it, that  
 4 was an omission?  
 5 A. I -- do you know what the name of the file was,  
 6 the file you're referring to?  
 7 Q. I'll get back to you on that.  
 8 In the produced data there are about  
 9 nine different files that are labeled  
 10 voter\_snapshot of some variation.  
 11 A. Yes.  
 12 Q. What are the differences between the snapshot  
 13 files?  
 14 A. I'm sorry, say that again.  
 15 Q. So there's voter\_snapshot and then some  
 16 numbers, like a date, then a later date. What  
 17 are the differences between the two files?  
 18 A. Well, from my recollection, that file it has is  
 19 voter snapshot and a date, but you're saying  
 20 the different files with a different date.  
 21 Q. Yes.  
 22 A. That's a snapshot in time. That date on the  
 23 file is the date that that snapshot was taken  
 24 of the voter data, because as I alluded to  
 25 before, voter data changes every day.

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1 Q. So does the later date snapshot contain all of  
 2 the information of the previous snapshot?  
 3 A. It contains all the voter records of the  
 4 previous snapshot, but their states or  
 5 information may be different. For example, in  
 6 a prior snapshot, a voter may be active; in a  
 7 more current snapshot, the voter could be  
 8 removed.  
 9 Q. There's a file called voter\_reg\_changes.txt.  
 10 A. Yes.  
 11 Q. How do that relate to the snapshots and the  
 12 voter history file?  
 13 A. It only relates to the voter registration table  
 14 that was sent.  
 15 Q. Okay. How so?  
 16 A. The voter registration table is basically a  
 17 culmination of all of our data with all  
 18 statuses. No data has actually been removed  
 19 there since we put together the statewide  
 20 database, so everything that has happened to a  
 21 voter or any voters in North Carolina is in  
 22 that table.  
 23 Any change that happens to a voter  
 24 record goes in the changes table. So if the  
 25 status change, party change, they change their

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1 gender, whatever's changed, every change is  
 2 recorded in that table.  
 3 Q. So that's why it was a 29 gig file?  
 4 A. Yes, exactly.  
 5 Q. The file that's called  
 6 provisional\_voter\_20140127.txt has a whole  
 7 bunch of extra carriage returns in it.  
 8 Does a cleaned up copy of that file  
 9 exist?  
 10 A. There was some correspondence I believe about  
 11 that file. Or no, that was a different file.  
 12 That was an EPB file.  
 13 I can make one available, yes.  
 14 Q. How long would it take you to make that  
 15 available?  
 16 A. A couple days, I guess.  
 17 Q. Okay. I may follow up with Mr. Peters on that.  
 18 A. I might have to analyze the data because it is  
 19 possible that some of the free form entry  
 20 fields of the provisional data could retain a  
 21 carriage return.  
 22 Q. So it was --  
 23 A. It could be a data entry thing. So all we did  
 24 was export all the data to a flat file, but  
 25 again, if there's an extra tab or a carriage

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1 return in the data, we'll have to look at that.  
 2 Q. So if you look at the FTP absentee files and if  
 3 you look at the FTP voter history files and  
 4 then if you look at the SEIMS voter history  
 5 files that was produced to us, it seems like  
 6 they're all a little bit different, and I want  
 7 to the understand the source of that.  
 8 For example, if you look at Wake County  
 9 in 2012, the FTP absentee file reports that  
 10 260,726 one-stop votes were cast.  
 11 A. Okay.  
 12 Q. The FTP voter history file says 260,697. It's  
 13 pretty close, a difference of 29.  
 14 The SEIMS voter history file that was  
 15 produced says it is 261,238, and I just want to  
 16 understand the source of the difference.  
 17 A. Well, on the FTP site, when the data's  
 18 produced, it's done, it's there, it doesn't  
 19 change. It doesn't stop any county from going  
 20 in and correcting or changing or doing  
 21 something with the data after that fact.  
 22 So without analyzing the one-by-one  
 23 issues, I can just tell you that when the data  
 24 is put in the FTP site, it's put there,  
 25 especially static data, it's there and it's

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1 just -- we don't update it really unless we get  
 2 a request or someone identifies an issue with  
 3 it, but if counties update that data after  
 4 election and we're not aware of it, then we  
 5 wouldn't produce a new file.  
 6 Q. Why would there be more ballots cast later  
 7 after the election? I mean, if you're looking  
 8 at a date that's, you know, January 1st after  
 9 an election, why would that number change?  
 10 A. Without looking at it, it may be data entry  
 11 error, maybe an administrative fix to  
 12 something. I don't know. I'd have to look at  
 13 the data to see what the issue is and contact  
 14 the county and find out why it is different.  
 15 Q. And so the differences, then, on the FTP site  
 16 between absentee and voter history, is that the  
 17 same sort of issue that may have been put up at  
 18 these different dates?  
 19 A. I can only speak to each individual issue. So  
 20 that was about the FTP.  
 21 So what was the issue with the voter  
 22 history?  
 23 Q. Well, the number on the FTP absentee is  
 24 different than the number on the FTP voter  
 25 history is different than the number on the

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1 SEIMS voter history that was produced.  
 2 A. So you're saying the absentee file doesn't  
 3 match the counts of absentees in the voter  
 4 history file that doesn't match the --  
 5 Q. SEIMS voter history file.  
 6 A. If I could have taken all those snapshots at  
 7 the exact same time and left them alone, they  
 8 would have all been the same.  
 9 Q. Now, the discrepancies between those three  
 10 are -- get bigger the further you go back. So  
 11 if you look at 2006, the voter history file  
 12 produced to us in Wake County, May 2006  
 13 primary, indicates that there were 3,394  
 14 one-stop votes cast, but the absentee file from  
 15 the FTP site indicates that there were 68,000  
 16 one-stop ballots cast.  
 17 A. Again, I'd have to -- I'd have to go back and  
 18 look at the data to understand why there's a  
 19 difference.  
 20 Q. Okay. That might be something we need to  
 21 follow up more.  
 22 MR. PETERS: Okay.  
 23 BY MS. RIGGS:  
 24 Q. And then finally, the absentee files on the FTP  
 25 site indicate that the date that a ballot --

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1 the day that a ballot was cast for -- a  
 2 one-stop ballot was cast in an election, and  
 3 that data goes -- on the FTP site goes back to  
 4 2002.  
 5 A. Okay.  
 6 Q. In the file abs\_corr\_20140127, do you know that  
 7 file?  
 8 A. I do.  
 9 Q. The day data only goes back to 2008.  
 10 A. That is correct.  
 11 Q. Why is that?  
 12 A. Up until 2008, counties had the ability in the  
 13 system to delete their absentee data and start  
 14 fresh. I locked that down in 2008 so they  
 15 couldn't do that.  
 16 Q. That's all I have.  
 17 A. I don't know why it was done, but I made that  
 18 change.  
 19 Q. Okay. Thank you.  
 20 EXAMINATION  
 21 BY MS. MACKIE:  
 22 Q. Good afternoon, Mr. Burris.  
 23 A. Hello.  
 24 Q. We switched it up a little bit so you're not  
 25 going to be asked questions over the phone.

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1 You get me in person. So hopefully that will  
 2 be a little bit easier, a little bit faster.  
 3 A. The phone works so well.  
 4 Q. My name is Caroline Mackie. I'm with the law  
 5 firm of Poyner Spruill here. We represent the  
 6 plaintiff intervenors in this lawsuit. I have  
 7 just a couple categories of questions for you.  
 8 I think it will go pretty quickly.  
 9 A. Okay.  
 10 Q. I want to talk about pre-registration first.  
 11 A. Okay.  
 12 Q. Are you familiar with the term  
 13 "pre-registration"?  
 14 A. I am.  
 15 Q. What does that mean to you?  
 16 A. To me it just means anyone who attempts to  
 17 registration prior to being of legal  
 18 registration age gets stuck in a queue until  
 19 they -- until they're eligible or -- to vote in  
 20 an election. Then they come out of that queue  
 21 and end up on the voter rolls.  
 22 Q. Describe that queue for me.  
 23 A. Basically, in my world, a queue is just a  
 24 holding place for them that's outside the voter  
 25 registration database.

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1 Q. Okay. So it's a database?  
 2 A. It's a -- yeah, it's a database.  
 3 Q. Okay. When a person reregisters and they later  
 4 turn 18, what happens?  
 5 A. So what happens is actually going to happen  
 6 when they're 17. As long as they are eligible  
 7 to vote in the upcoming election or, obviously,  
 8 if they're eligible to vote for the general  
 9 election, for example, they would be eligible  
 10 for the primary if they were 18 by the general  
 11 election. So a trigger would happen in our  
 12 database that would push these  
 13 pre-registrations into what we call the Voter  
 14 Scan queue, the working queue so the counties  
 15 could process those registrations like any  
 16 other paper application that came in.  
 17 Q. So at that point it's like any other person  
 18 over 18 --  
 19 A. Correct.  
 20 Q. -- who registers to vote?  
 21 A. That's correct. That would be certain points  
 22 of time prior to those elections the queues  
 23 would analyze and then flush into the system.  
 24 Q. Did you ever have any problems with the  
 25 pre-registration queue?

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1 A. Not that I'm aware of.  
 2 Q. Is pre-registration still in effect?  
 3 A. Now, no, it is not.  
 4 Q. What happened?  
 5 A. My understanding is I was told to turn it off.  
 6 Q. Okay. When was that?  
 7 A. I believe it was the first of the year when we  
 8 did our release.  
 9 Q. 2014?  
 10 A. Correct. Any pre-registration still in the  
 11 queue I believe were set to fulfill their --  
 12 you know, ultimately flow through and make it  
 13 to the May primary, for example.  
 14 Q. Okay. Explain that for me.  
 15 A. Well, there are people already sitting in the  
 16 pre-registration queue prior to us turning it  
 17 off in the beginning of January, so any -- what  
 18 we didn't allow for is any new  
 19 pre-registrations to come in. We just let  
 20 anything in there finalize and --  
 21 Q. Okay.  
 22 A. -- work through the process.  
 23 Q. And the people who were in the pre-registration  
 24 queue may or may not be 18 by the election?  
 25 A. I think that may be a possibility. Yeah, it

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1 is -- I think it's possible.  
 2 Q. That they --  
 3 A. Because you can pre-registration at 18. So,  
 4 yes, there is a possibility.  
 5 Q. Okay. Describe for me from a technical  
 6 standpoint what you had to do within SEIMS with  
 7 respect to the repeal of pre-registration.  
 8 A. It was a significant change. We had to just --  
 9 we had to update our system and there was a lot  
 10 of pieces we had to change to take that out,  
 11 basically, or --  
 12 Q. When did you start that process?  
 13 A. I'd have to go look at my notes. We didn't  
 14 start it until after I think the law passed,  
 15 but at least they were nice enough to give us a  
 16 little bit of time until the first of the year  
 17 rather than saying it took effect when the law  
 18 passed.  
 19 Q. How long did it take?  
 20 A. Well, I don't remember how long it took. I  
 21 know we did the release in January for that and  
 22 whenever we started on it.  
 23 Q. Was it last fall?  
 24 A. I don't know.  
 25 Q. Last summer?

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1 A. There's a lot of -- there's a lot of  
 2 enhancements in our releases, and I don't baby  
 3 sit every one of them, but we work through them  
 4 to get them all done.  
 5 Q. So sitting here today you don't know exactly  
 6 when you started?  
 7 A. I don't know exact dates. I don't know exact  
 8 dates when we started. And I can't tell you  
 9 the exact development time every developer  
 10 worked on it. I just know that these requests  
 11 came in, we review them, we go over them, we  
 12 look at the scope of work, we come up with a  
 13 project plan and we get them done.  
 14 Q. Did the process take more than 30 days?  
 15 A. Again, I have to say yes and I don't know. I  
 16 mean, obviously we have a scope of work that  
 17 has to be done and that can take over 30 days.  
 18 I mean, I have enhancements that can take over  
 19 30 days to do to actually implement, but it may  
 20 only take 10 hours to actually do the  
 21 enhancement, so -- but when you factor in  
 22 everything between the development time, the  
 23 time to prepare for it, so all the project work  
 24 needs to be done to it, the actual development  
 25 time and the testing and QA time, all

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1 Q. So you didn't tell them specifically what to  
 2 test?  
 3 A. No. They test -- they test the process and  
 4 that piece is removed from the process and they  
 5 would retest the process to make sure it's not  
 6 broken and we would do a regression test and  
 7 test everything.  
 8 Q. Okay. Understood.  
 9 Do you have any documentation about the  
 10 testing that you did?  
 11 A. We have test plans. So, yeah, there are some  
 12 documentation.  
 13 Q. Who has those?  
 14 A. They're under Veronica Degraffenreid in her  
 15 support group.  
 16 Q. So after you did all of this testing, you're  
 17 confident that the system works without the  
 18 pre-registration?  
 19 A. I'm always as confident as I can be, but again,  
 20 testing is never a hundred percent, and if your  
 21 software gets released, it's going to have a  
 22 bug or two, but did this produce a bug, I don't  
 23 know. We had defects from the January release  
 24 where they directly affected pre-registration,  
 25 I don't know. I just know we had bugs and we

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1 enhancements take a decent amount of time.  
 2 Q. You mentioned testing time.  
 3 A. Uh-huh.  
 4 Q. Describe the testing that you did.  
 5 A. We have -- I have testers that work for me, and  
 6 everything that finishes development goes into  
 7 a testing environment, what we call user  
 8 acceptance testing environment, so the users go  
 9 through and they go through their scripts and  
 10 they make sure it works and then they make sure  
 11 everything else works around it.  
 12 Q. Okay. Did they test different scenarios?  
 13 A. Yes.  
 14 Q. Can you describe those for me?  
 15 A. I can't because I don't know what they tested.  
 16 I know there's a feature in the system and they  
 17 would test the feature and then we would do a  
 18 full regression test to test everything else  
 19 and make sure the change didn't break anything  
 20 else.  
 21 So I can just tell you the feature was  
 22 tested as it worked and then it was tested  
 23 after they did the fix to see what was changed  
 24 and would the process work without that piece  
 25 in it.

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1 had to fix them.  
 2 Q. Testing is complete today on the system without  
 3 pre-registration or is this something that  
 4 you're constantly doing?  
 5 A. Well, no. I mean, for every release and every  
 6 release item we test, and we try to -- we  
 7 actually finish testing before we release it,  
 8 it doesn't mean we don't miss something and  
 9 then have to fix something and retest it and  
 10 then send it back out, but everything from that  
 11 release has been finish tested and there are no  
 12 defects in it.  
 13 Q. Before the first of the year?  
 14 A. Yes.  
 15 Q. Okay. When you discover a bug, what do you do?  
 16 A. Well, typically if we discover -- if we  
 17 discover or if a county discovers it, because  
 18 we're not perfect, the counties do all the  
 19 works, so we rely on them heavily for helping  
 20 us with our user acceptance testing, but if  
 21 there's a bug found, we have a defect and  
 22 enhancement tracking system that they enter  
 23 into and then we have a whole work flow wrapped  
 24 around that.  
 25 Q. So if you found a bug, you try to figure it?

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1 A. Yeah. If it goes into our work flow process,  
 2 we fix it and we go on.  
 3 Q. So what happens now if a voter who is not  
 4 eligible to register to vote because of their  
 5 age attempts to registration?  
 6 A. That's a good question. I don't know.  
 7 Q. Who would know?  
 8 A. Veronica Degraffenreid.  
 9 Q. Okay.  
 10 A. I can only tell you the system will not allow  
 11 an underage person to be accepted into the  
 12 system. They could be entered in the system,  
 13 but they would be in a holding queue until they  
 14 were of a valid age.  
 15 Q. Would it be the pre-registration queue?  
 16 A. No. We have -- we have what's called -- we  
 17 have an incomplete queue and that's when  
 18 applications come in, everything goes into a  
 19 queue. And then based on criteria, if the  
 20 registration is accepted, it gets processed  
 21 through. If there's an issue, the application  
 22 goes into the incomplete queue, and there could  
 23 be many reasons. For example, the registration  
 24 is not signed, invalid address, there could be  
 25 lots a reason, but an underage would go into

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1 that same queue.  
 2 Q. And if I understood your testimony earlier, you  
 3 said you don't know how long it took to  
 4 effectuate the change of taking out  
 5 pre-registration?  
 6 A. I know it went out with the January release. I  
 7 just don't know how long it took.  
 8 Q. Do you know how many people had  
 9 pre-registration applications pending at the  
 10 time pre-registration was repealed?  
 11 A. I don't know that number off the top of my  
 12 head.  
 13 Q. Ballpark?  
 14 A. I don't even have a clue. It's not --  
 15 typically something like that is something I'm  
 16 not typically asked of. So I can typically do  
 17 a ballpark of other numbers that I'm frequently  
 18 asked on, but pre-registration is not one of  
 19 them.  
 20 Q. And what happened to those applications? I  
 21 believe you testified to this earlier but I  
 22 just want to make sure.  
 23 A. I'm sorry, say that again.  
 24 Q. All of them that were pending at the time  
 25 pre-registration.

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1 A. They're still following the pre-registration  
 2 process and will flow into the voter  
 3 registration system once they are valid to do  
 4 so.  
 5 Q. Do you know how many people are still in the  
 6 pre-registration queue today?  
 7 A. You just asked me that.  
 8 Q. No. I think I asked you when it was repealed.  
 9 A. Okay. Do I know how many --  
 10 Q. Today.  
 11 A. Today, I have no idea.  
 12 Q. Something less than when it was repealed, I  
 13 assume.  
 14 A. I would -- I don't know.  
 15 Q. Okay. Fair enough.  
 16 Is it possible to reverse the changes  
 17 to SEIMS to permit pre-registration again?  
 18 A. With enough time and effort, yes, anything's  
 19 possible.  
 20 Q. Do you have an idea of how much time and effort  
 21 that would take?  
 22 A. I don't have an idea. And it's also not about  
 23 time and effort. It's about priority. So, you  
 24 know, things are also done on a priority basis.  
 25 So there's time and effort involved and then

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1 there's a priority to it. So, for example,  
 2 someone said I want, wants are assigned a  
 3 different priority then, it all changes or  
 4 needs.  
 5 Q. If you had to put back in the pre-registration  
 6 part of the system, could you do it?  
 7 A. Oh, it can be done, yes.  
 8 Q. Do you have an idea of how quickly you could do  
 9 it?  
 10 A. I don't have an idea. It wouldn't take longer  
 11 than a year, but it would take a few months  
 12 because the actual change itself may not take a  
 13 long time but it's the whole testing, you know,  
 14 the actual, you know, figuring the work part  
 15 that needs to be done, then assigning it to the  
 16 development group, then testing it and then  
 17 releasing it. So that itself is easily at  
 18 least a month or two.  
 19 Q. Let's talk about the people who were not yet 18  
 20 but who are going to be 18 by election day.  
 21 Is it your understanding that if  
 22 somebody is going to be 18 by election day,  
 23 they're entitled to vote -- sorry -- they're  
 24 entitled to register before the election?  
 25 A. Yes.

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1 Q. And at some point DMV was registering those  
 2 people?  
 3 A. Yes.  
 4 Q. Is DMV still registering those people?  
 5 A. No, they're not.  
 6 Q. Do you know why?  
 7 A. Because I remember Veronica Degraffenreid  
 8 requested a change for them to take that out.  
 9 Q. Were there any discussions about that within  
 10 your agency?  
 11 A. Not that I'm aware of.  
 12 Q. How did you become aware of that change?  
 13 A. I just -- I think because we had an issue where  
 14 I was receiving data from the DMV and I know we  
 15 had already made a change, so I'm getting data  
 16 that wasn't going to funnel into our system  
 17 because it was -- they were going all in the  
 18 incomplete queue because they were underage.  
 19 So that's probably where I first --  
 20 Q. Okay. Can you explain that a little bit more.  
 21 I mean, how many, how big of a problem was it?  
 22 A. I can't give you numbers. I have no idea. I  
 23 just know when there are anomalies to  
 24 something, I typically have an idea of what's  
 25 going on and I just say, hey, this doesn't look

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1 right.  
 2 And we do a lot of auditing. So when  
 3 something doesn't look right, we're like what's  
 4 going on here. So if we have an abnormal  
 5 number of -- or if there's -- you know, a lot  
 6 of -- if our incomplete queue starts filling up  
 7 with people with no birth dates, what's going  
 8 on. So we -- I contact Veronica or whoever's  
 9 dealing with that issue, whoever's over that  
 10 issue and let them know what's going on.  
 11 Q. And you noticed that all of these or most of  
 12 these were from DMV?  
 13 A. No. I just noticed there was -- you know, I'm  
 14 just saying I noticed there were some filling  
 15 up in the queue, so was there a change. I  
 16 started asking around.  
 17 Q. But the some that you noticed came from DMV?  
 18 A. I don't know. I didn't -- I didn't -- I don't  
 19 remember how many came from what or how they  
 20 came from. I just know there were some coming  
 21 in. I can assume but I don't like to assume.  
 22 Q. Were you involved in any attempts to consider  
 23 other remedies other than directing DMV not to  
 24 register people before they are 18?  
 25 A. I'm not aware of that.

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1 Q. Were you aware of any discussions about that?  
 2 A. Not off the top of my head.  
 3 Q. So you don't know if any other options were  
 4 considered?  
 5 A. Again, not off the top of my head.  
 6 Q. Do you know who Barbara Webb is?  
 7 A. I do.  
 8 Q. Who is she?  
 9 A. She is the director of driver services over at  
 10 DMV.  
 11 Q. Did you ever talk to her about these problems?  
 12 A. I've talked to her about lots of problems.  
 13 Q. Okay. Did you talk to her specifically about  
 14 the problem of people being registered who were  
 15 underage?  
 16 A. I don't know. I might have. I just -- I don't  
 17 recall.  
 18 Q. Do you know if there were any discussions with  
 19 DMV about making this change?  
 20 A. About making what change?  
 21 Q. Strike that.  
 22 Before the decision was made to not  
 23 allow DMV to register people who would not be  
 24 18 by election day, were there discussions with  
 25 DMV about the possibility of this change?

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1 A. Well, I don't even know what the exact change  
 2 was made to DMV. I don't recall what that was.  
 3 So I think in some cases -- again, I  
 4 don't know what the exact change is but I think  
 5 if you're 17, you can still registration with  
 6 DMV not as a pre-reg but I think you can still  
 7 register at the DMV office. I just don't -- I  
 8 don't know exactly what was changed. I don't  
 9 know the rules wrapped around what was given to  
 10 DMV in their change control.  
 11 Q. So it's your understanding that DMV can still  
 12 register 17-year-olds?  
 13 A. Yes, I believe.  
 14 Q. So long as they will be 18 by election day?  
 15 A. Yeah, because they're going to be 18 by  
 16 election day. So, yeah, we have to be able to  
 17 register 17-year-olds.  
 18 Q. Because those people are eligible to vote?  
 19 A. Correct. I don't know -- I don't know what  
 20 change in our system was set for them to  
 21 determine eligibility by.  
 22 Q. I just have two quick questions. This one is a  
 23 little bit technical, but in the database that  
 24 was produced to us, there was a file named  
 25 abs\_corr -- did you already ask this?

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1 MS. RIGGS: You can ask.  
 2 BY MS. MACKIE:  
 3 Q. -- \_20140127. Do you know what that file would  
 4 have contained?  
 5 A. That is the database -- that's pretty much all  
 6 of our absentee data in normal form in the  
 7 database.  
 8 Q. Okay. In that file there was data that was  
 9 labeled print\_dt.  
 10 A. Okay.  
 11 Q. Do you know what that data would be?  
 12 A. I'm not a hundred percent, but I would  
 13 assume -- I better not assume because I don't  
 14 know. I know it had to do with printing  
 15 something. I just don't remember what it is  
 16 off the top of my head.  
 17 Q. Can you find out what it is? Is there a way to  
 18 find out what that --  
 19 A. Not this second.  
 20 Q. But at --  
 21 A. I can find out. We have a data dictionary that  
 22 defines what those are. I just -- again, I  
 23 don't remember what that is.  
 24 Q. Could it be the date and time that a voter  
 25 casts their ballot?

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1 A. Again, I'm not going to speculate.  
 2 Q. But you have a data dictionary --  
 3 A. We do.  
 4 Q. -- that would give the answer to that?  
 5 Okay. Thank you. I don't have any  
 6 anything else.  
 7 FURTHER EXAMINATION  
 8 BY MS. RIGGS:  
 9 Q. I tricked you because I promised to give you  
 10 the file name. The file is just  
 11 voter\_history\_20140127.txt. And actually we  
 12 had asked Mr. Peters why the voter history file  
 13 didn't have an NC ID, and the answer we got  
 14 back was it doesn't have an NC ID, you can join  
 15 the voter reg file to the voter history file to  
 16 get the NC ID for -- you can join the voter-reg  
 17 table with the voter\_history table to obtain an  
 18 NC ID number for the individual voter history  
 19 record.  
 20 A. That could be accurate.  
 21 Q. Okay. So then let me go back to my question --  
 22 A. Again, I can't remember the whole data  
 23 dictionary off the top of my head.  
 24 Q. Sure. But you understand that adds a  
 25 complicating step of joining?

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1 A. Yes, but not -- not near -- it's not that  
 2 complicated, but it is an extra step, yes.  
 3 Q. Well, first when I asked you about it you said  
 4 you couldn't do without NC ID.  
 5 A. Again, but yes, but NC ID is in the voter  
 6 record. You can't do a direct join between the  
 7 two tables on NC ID, no, that is accurate, but  
 8 you can use NC ID in the voter reg table to  
 9 link the records together from the different  
 10 counties to obtain all the voter history  
 11 information.  
 12 Q. So you did that join up at some point, though,  
 13 if you have a voter history file on the FTP  
 14 site with an NC ID, right?  
 15 A. That is correct, and that's how our voter  
 16 search works. So if you look up yourself or  
 17 someone who has lived in multiple counties, you  
 18 should be able to see all your adjoining voter  
 19 history information. So that is in use, yes.  
 20 Q. So who made the decision not to produce the  
 21 voter history file with an NC ID?  
 22 A. Well, I produced the data as exactly in our  
 23 database. I didn't add or take away from it.  
 24 I was asked for a data dump of this  
 25 information. So when the request came from our

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1 database, I dumped it exactly as it's stored in  
 2 our database.  
 3 Now, again, we have virtual views. We  
 4 have denormalized data. We have data all over  
 5 the place in different formats. For example, I  
 6 don't know if it's in the FTP files in the  
 7 voter history files on the site, if NC ID is in  
 8 there, but again, those are produced -- you  
 9 know, in a database we have data sitting in  
 10 normal format, which means it's kind of hard to  
 11 read on its own, but when we produce data and  
 12 put it on the FTP site, we denormalize it for  
 13 public consumption.  
 14 So what was asked for and what was  
 15 produced was data dumped directly from our  
 16 database.  
 17 Q. Did you see the actual request made in  
 18 litigation or did -- or it was relayed to you  
 19 in some fashion?  
 20 A. I might have seen it, but I don't recall. I  
 21 mean, there was a lot of stuff I saw. There  
 22 were thick pieces of paper so I don't know.  
 23 Q. I have no further questions.  
 24 MR. COOPER: I would like to ask one  
 25 followup.

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1 FURTHER EXAMINATION  
 2 BY MR. COOPER:  
 3 Q. You mentioned that there is auditing that's  
 4 routinely done on your system. Can you give me  
 5 some examples of what kind of auditing that  
 6 includes?  
 7 A. It just depends on the time of the year and the  
 8 functions that are going on. I mean, we do  
 9 auditing every month for felons and deceased  
 10 voters. We do -- I mean, obviously we do daily  
 11 auditings with DMV to ensure we're getting what  
 12 we expect and validations are happening and  
 13 there's no issues.  
 14 I mean, there's just a whole breadth of  
 15 auditing that goes on. So unless you can focus  
 16 in on a question, it will take me all day to go  
 17 over all the auditings that we possibly have.  
 18 Q. Okay. That's helpful. What you said is  
 19 helpful. Thank you.  
 20 THE VIDEOGRAPHER: This concludes the  
 21 deposition, going off the record at 5:18 p.m.  
 22 [SIGNATURE RESERVED]  
 23 [DEPOSITION CONCLUDED AT 5:18 P.M.]  
 24  
 25

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1 A C K N O W L E D G E M E N T O F D E P O N E  
 2 N T  
 3  
 4 I, MARC BURRIS, declare under the penalties of  
 5 perjury under the State of North Carolina that I have  
 6 read the foregoing 197 pages, which contain a correct  
 7 transcription of answers made by me to the questions  
 8 therein recorded, with the exception(s) and/or  
 9 addition(s) reflected on the correction sheet attached  
 10 hereto, if any.  
 11 Signed this the day of , 2014.  
 12  
 13  
 14  
 15  
 16 State of:  
 17 County of:  
 18 Subscribed and sworn to before me  
 19 this day of , 2014.  
 20  
 21  
 22 Notary Public  
 23 My commission expires:  
 24  
 25

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1 E R R A T A S H E E T  
 2  
 3 Case Name: NAACP vs. McCrory and Related Cases  
 4 Witness Name: MARC BURRIS  
 5 Deposition Date: Thursday, April 17, 2014  
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 7 Page/Line Reads Should Read  
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1 Signature Date  
 2 STATE OF NORTH CAROLINA )  
 3 ) C E R T I F I C A T E  
 4 COUNTY OF WAKE )  
 5  
 6 I, DENISE MYERS BYRD, Court Reporter  
 7 and Notary Public, the officer before whom the  
 8 foregoing proceeding was conducted, do hereby  
 9 certify that the witness(es) whose testimony  
 10 appears in the foregoing proceeding were duly  
 11 sworn by me; that the testimony of said  
 12 witness(es) were taken by me to the best of my  
 13 ability and thereafter transcribed under my  
 14 supervision; and that the foregoing pages,  
 15 inclusive, constitute a true and accurate  
 16 transcription of the testimony of the  
 17 witness(es).  
 18 I do further certify that I am neither  
 19 counsel for, related to, nor employed by any of  
 20 the parties to this action, and further, that I  
 21 am not a relative or employee of any attorney  
 22 or counsel employed by the parties thereof, nor  
 23 financially or otherwise interested in the  
 24 outcome of said action.  
 25 This the 21st day of April 2014.

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<p>1 2 3 Denise Myers Byrd 4 CSR 8340, RPR, CLR 102409-02 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>201</p>	