

Exhibit A

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

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

Plaintiffs,

v.

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

Defendants.

Civil Action No. 1:13-CV-658

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

Plaintiffs,

v.

THE STATE OF NORTH CAROLINA, et al.,

Defendants.

Civil Action No. 1:13-CV-660

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF NORTH CAROLINA; et al.,

Defendants.

Civil Action No. 1:13-CV-861

**LEAGUE OF WOMEN VOTERS PLAINTIFFS' FIRST SET OF REQUESTS FOR
PRODUCTION TO DEFENDANT STATE OF NORTH CAROLINA**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, the North Carolina League of Women Voters, et al. (collectively, the “Plaintiffs”) request that Defendant the State of North Carolina (“Defendant”) produce all documents responsive to the following Requests for Production (“Requests”). Responses are due within thirty days of service of these requests for production. Responses are to be served to American Civil Liberties Union, 125 Broad St., 18th Fl., New York, NY 10004, to the attention of Dale Ho. Each document request is subject to the Instructions and Definitions preceding the specific requests.

INSTRUCTIONS

1. If Defendants object to any part of a request, set forth the basis for your objection and respond to all parts of the request to which you do not object.
2. If any privilege is claimed as a ground for not producing a document or tangible thing, provide a description of the basis of the claimed privilege and all information necessary for the Plaintiffs to assess the claim of privilege.
3. In responding to these document requests, produce all documents available to Defendants or subject to your reasonable access or control. Documents requested are those in the actual or constructive possession or control of the Defendants, your attorneys, investigators, experts, and anyone else acting on the Defendants’ behalf.
4. Documents are to be produced as they are kept in the ordinary course of business.

5. Each request seeks the requested documents in their entirety, without abbreviation, redaction, or expurgation, including all attachments or other matters affixed to them.

6. If any otherwise responsive document was, but is no longer, in existence or in Defendants' possession, custody, or control, identify the type of information contained in the document, its current or last known custodian, the location/address of such document, and the identity of all persons having knowledge or who had knowledge of the document, and also describe in full the circumstances surrounding its disposition from Defendants' possession or control.

7. All responsive documents in existence as of the date of production are to be produced. Any documents created or obtained after that date are to be produced under Defendants' continuing obligation to supplement its production immediately upon the creation or development of additional responsive documents.

8. The singular form of a noun or pronoun includes the plural form, and the plural form includes the singular.

9. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of a request all responses that otherwise might be construed to be outside of its scope.

10. The relevant time period for these requests runs from the start of your term as a Legislator through the present, unless otherwise stated.

11. These document requests are continuing in nature, up to and during the course of any hearing in this proceeding. Documents and tangible things sought by these requests that

Defendants obtain after Defendants serve Defendants' answers must be produced to counsel for the Plaintiffs by supplementary answers or productions.

12. All documents are to be produced in electronic form. To the extent documents can be accurately represented in black and white, they should be produced in single page Tagged Image File Format (TIFF), together with any related field-delimited loadfiles (e.g. Concordance DAT, CSV, OPT, LOG). The following fields should be included in the loadfiles: begin Bates number; end Bates number; begin Attachment Bates number; end Attachment Bates number; custodian; date sent (for e-mail messages); date modified (for email and non-email messages where information is available); date created (for email and non-email messages where information is available); author (for email and non-email messages); to (for email messages); from (for email messages); cc (for email messages); bcc (for email messages); subject (for email messages); filename (for electronically collected files); file pathway (for electronically collected files). All images should be endorsed with a unique Bates number as well as appropriate confidentiality designation. The Bates number should consist of a prefix which can be used to identify the producing party and a page number. These endorsements should not obstruct any portion of the text in the image. All spreadsheet and presentation files, such as Excel and PowerPoint files, should be provided in native format with a link to the native file in the loadfile.

DEFINITIONS

1. "Concerning" as used herein means relating to, referring to, reflecting, regarding, describing, evidencing, or constituting.
2. "Communication" means any transfer of information of any type, whether written, oral, electronic, or otherwise.

3. “Complaint” shall mean the Complaint filed by Plaintiffs in the above-captioned action.

4. “Defendants” means the State of North Carolina. For the purposes of this request for production, “Defendants” shall include all members of the North Carolina General Assembly acting in their official capacity and its employees, agents, or representatives, its counsel, and all employees, agents, or representatives of the North Carolina General Assembly. “Defendants” shall further include all predecessors in interest, parents, subsidiaries, partners, joint ventures, or other corporate affiliates of the North Carolina General Assembly, and all of their employees, agents, or representatives, their counsel, and all employees, agents, or representatives of counsel.

5. “Document” means the complete original or a true, correct and complete copy and any non-identical copies of any written or graphic manner, no matter how produced, recorded, stored or reproduced, including, but not limited to, any writing, letter, envelope, telegram, electronic mail, computer file, meeting minute, memorandum, statement, book, record, survey, map, study, handwritten note, working paper, chart, tabulation, graph, tape, data sheet, data processing card, database, printout, microfilm, index, appointment book, diary, diary entry, calendar, calendar entry, desk pad, telephone message slip, note of interview or communication or any other data compilation in Defendants’ possession, custody or control, including all drafts of all such documents. Defendants are requested to produce all drafts and notes, whether typed, handwritten, or otherwise, made or prepared in connection with such documents, whether or not used.

6. “Early Voting” shall mean one-stop voting whereby a registered voter goes to their county board of elections or an alternative location to vote prior to Election Day as provided for in N.C. Gen. Stat. § 163-227.2.

7. “General Assembly” shall include any individual members of the North Carolina General Assembly acting in their official capacity including their employees, agents, or representatives or counsel, and the General Assembly as a whole and its employees, agents, or representatives or counsel.

8. “In-person voter fraud” shall mean attempted fraudulent voting by means of a person claiming to be someone else in order to vote at a polling place in person on Election Day.

9. “Legislator” shall mean an elected member of the North Carolina House of Representatives or the North Carolina Senate, including any employees, staff, interns, representatives, designees, agents, or any person acting or purporting to act on a Legislator’s behalf or on behalf of the General Assembly, as well as committee, agency, or other group of Legislators.

10. “Minority Persons” refers to American citizens who are black or African American, Hispanic or Latino American, Asian American, American Indian, and/or Alaskan Native.

11. “H.B. 589” shall refer to Session Law 2013-381/House Bill 589 ratified by the General Assembly on July 26, 2013 and signed into law by the Governor on August 12, 2013.

12. “Procedural irregularities” shall mean any legislative processes outside of the standard floor debate, amendments, tabling procedures, and passage by majority vote.

13. “Registered voter” shall mean all persons currently registered to vote in the State of North Carolina’s database and all persons who may properly register to vote by the close of discovery in this case.

14. “Relating to” as used herein means concerning, referring to, reflecting, regarding, describing, evidencing, or constituting.

15. “Same day registration” refers to the provisions of N.C. Gen. Stat. § 163-82.6A before it was repealed by H.B. 589, which permitted qualified voters to register to vote in person and then vote at one-stop voting sites located in each county.

16. “You” means Senators Tom Apodaca, Phil Berger, and Bob Rucho and Representatives Frank Iler, David Lewis, Tom Murry, Ruth Samuelson, Thom Tillis, Harry Warren, and all of Your employees, agents, or representatives, its counsel, and all employees, agents, or representatives of counsel. “You” shall further include all predecessors in interest, parents, subsidiaries, partners, joint ventures, or other corporate affiliates of the above named Senators and Representatives, and all of their employees, agents, or representatives, their counsel, and all employees, agents, or representatives of counsel.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All documents and communications received or created by you concerning the drafting, introduction, passage, and implementation of H.B. 589.

REQUEST FOR PRODUCTION NO. 2:

All documents received or created by you concerning the General Assembly’s reasons, justifications, rationales, interests, and/or purposes in enacting any of the provisions of H.B. 589, including but not limited to reports, studies, or analyses issued by or to the General Assembly, its agencies, employees, agents or individual Legislators.

REQUEST FOR PRODUCTION NO. 3:

All documents received or created by you concerning any analysis, assessment, or review of whether the proposed or enacted provisions of H.B. 589 will have a negative disparate impact, or otherwise will have any retrogressive effect, on the ability of Minority Persons to participate effectively in the electoral process or which otherwise concern the effect of these changes on Minority Persons' participation in the electoral process.

REQUEST FOR PRODUCTION NO. 4:

All documents concerning communications between you and members of the public, lobbyists, public interest groups or organizations relating to reports, communications, lobbying and testimony concerning election related legislation proposed, debated, and/or enacted during the 2013 session of the General Assembly.

REQUEST FOR PRODUCTION NO. 5:

All documents concerning communications relating to any reports, studies, estimates, or analyses concerning election related legislation proposed, debated, and/or enacted during the 2013 session of the General Assembly.

REQUEST FOR PRODUCTION NO. 6:

All documents concerning your communications with North Carolina Executive officials concerning the enactment or implementation of any provision of H.B. 589.

REQUEST FOR PRODUCTION NO. 7:

All documents concerning communications among North Carolina Legislators concerning the enactment or implementation of any provision of H.B. 589.

REQUEST FOR PRODUCTION NO. 8:

All documents concerning your communications with, to, or from members of the North Carolina State Board of Elections concerning the enactment or implementation of any provision of H.B. 589.

REQUEST FOR PRODUCTION NO.9:

All documents and communications received or created by you relating to proposed election reforms or changes to the rules, procedures, or practices for early voting, same-day registration, out-of-precinct voting, or the process of reviewing and counting provisional ballots.

REQUEST FOR PRODUCTION NO. 10:

All documents and communications received or created by you referring or relating to any estimate, report, study, or analysis of H.B. 589's impact on future elections, including the impact of H.B. 589 on voter turnout, early voting, or potential increased waiting times at polls.

REQUEST FOR PRODUCTION NO. 11:

All documents and communications received or created by you concerning procedural irregularities in enacting H.B. 589.

REQUEST FOR PRODUCTION NO. 12:

All documents and communications received or created by you relating to any data tracking, recording, or study of voting patterns by race.

REQUEST FOR PRODUCTION NO. 13:

All documents and communications received or created by you relating to complaints or instances of long lines or waiting times during early voting and on Election Day in any county in the state during the 2006, 2008, 2010, and 2012 elections.

REQUEST FOR PRODUCTION NO. 14:

All documents and communications received or created by you related to any incident of in-person voter fraud or any incident of voter fraud involving absentee ballots from 1995 to the present.

REQUEST FOR PRODUCTION NO. 15:

All documents and communications received or created by you relating to the General Assembly's plans and efforts to educate citizens of North Carolina as to the provisions of H.B. 589.

REQUEST FOR PRODUCTION NO. 16:

All documents and communications received or created by you referring or relating to any estimate, report, study, or analysis of H.B. 589's impact on future elections, including the impact of H.B. 589 on voter turnout, one-stop absentee voting (early voting), and/or potential increased waiting times at polls.

REQUEST FOR PRODUCTION NO. 17:

All documents and communications received or created by you relating to the cost or expense, including any estimates or analyses, of administering any provision in H.B. 589 or any

election law proposed or enacted during the 2013 session of the North Carolina General Assembly.

REQUEST FOR PRODUCTION NO. 18:

All documents and communications received or created by you relating to the costs or expense of election administration for local, state, and federal elections, before the implementation of H.B. 589.

REQUEST FOR PRODUCTION NO. 19:

Any document retention policies that were in effect at the North Carolina General Assembly or individual North Carolina Legislators from 2012 to the present concerning the preservation of public records.

REQUEST FOR PRODUCTION NO. 20:

All documents and communications relating to the claims and defenses the State of North Carolina have raised or intend to raise in response to the Complaint, including all communications and/or documents on which you intend to rely on at trial or otherwise in this case.

Dated: December 20, 2013

Respectfully submitted,

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**appearing pursuant to Local Rule
83.1(d)*

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CERTIFICATE OF SERVICE

I, Julie A. Ebenstein, hereby certify that on **December 20, 2013**, I served Plaintiffs' **First Set of Requests for Production to Defendant the State of North Carolina** via email and UPS to all named parties below:

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