

Exhibit A

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

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 ZION CHURCH,)
BARBEE’S CHAPEL MISSIONARY BAPTIST)
CHURCH, INC., ROSANELL EATON,)
ARMENTA EATON, CAROLYN COLEMAN,)
BAHEEYAH MADANY, JOCELYN FERGUSON-)
KELLY, FAITH JACKSON, and MARY PERRY,)

Case No.: 1:13-CV-658

Plaintiffs,)

v.)

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,)

Defendants.)

LEAGUE OF WOMEN VOTERS OF NORTH)
CAROLINA, A. PHILIP RANDOLPH)
INSTITUTE, UNIFOUR ONESTOP)
COLLABORATIVE, COMMON CAUSE)
NORTH CAROLINA, GOLDIE WELLS, KAY)
BRANDON, OCTAVIA RAINEY, SARA)
STOHLER, and HUGH STOHLER,)

Plaintiffs,)

vs.)

THE STATE OF NORTH CAROLINA,)
JOSHUA B. HOWARD in his official capacity as a)
member of the State Board of Elections, RHONDA)
K. AMOROSO in her official capacity as a member)
of the State Board of Elections, JOSHUA D.)
MALCOLM in his official capacity as a member of)
the State Board of Elections, PAUL J. FOLEY in)
his official capacity as a member of the State Board)
of Elections, MAJA KRICKER in her official)
capacity as a member of the State Board of)
Elections, and PATRICK L. MCCRORY in his)
official capacity as Governor of the state of North)
Carolina,)

Defendants.)

Case No.: 1:13-CV-660

**PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION TO DEFENDANT
PATRICK LLOYD MCCRORY**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiffs in the above captioned matters jointly submit their first set of requests for the production of documents and tangible things to Governor Patrick Lloyd McCrory, in his official capacity as the Governor of North Carolina. In accordance with Rule 34, Governor McCrory shall respond to these requests for production and shall produce the documents requested. Responses to the *NAACP* Plaintiffs are to be served to Tin Fulton Walker & Owen, PLLC, 312 West Franklin Street, Chapel Hill, NC 27516, to the attention of Adam Stein, and are due within thirty days of service

of these requests for production. Responses to the *League of Women Voters* Plaintiffs are to be served to American Civil Liberties Union, 125 Broad St., 18th Fl., New York, NY 10004, to the attention of Dale Ho, and are due within thirty days of service of these requests for production. Each document request is subject to the Instructions and Definitions preceding the specific requests.

INSTRUCTIONS

1. If the Defendant objects 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 the Defendant or subject to your reasonable access or control. Documents requested are those in the actual or constructive possession or control of you, your attorneys, investigators, experts, and anyone else acting on your 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 the Defendant's 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 your 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 your 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 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 you obtain after you serve your 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); filepathway (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. “Absentee ballot” shall mean a paper ballot issued to a voter who is unable to attend a polling place in person on Election Day or during Early Voting.
2. “Communication” means any transfer of information of any type, whether written, oral, electronic, or otherwise.
3. “Complaint” shall mean the First Amended Complaint filed by Plaintiffs in the above-captioned action.
4. “Defendants” shall mean 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.

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, and all documents Defendants have provided to Defendants’ counsel. 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(b).

7. “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.

8. “NCDOT” shall mean the North Carolina Department of Transportation, including the Division of Motor Vehicles.

9. “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.

10. “Office of the Governor” shall mean the Governor of North Carolina and any of his employees, agents, representatives, or other personnel involved in the function or duties of the political office of the Governor.

11. “Photo identification” shall mean a photo identification card that meets the requirements to vote as set forth in H.B. 589.

12. “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.

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

14. “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.

15. “You” and “your” shall mean Governor Patrick Lloyd McCrory, in his official capacity as the Governor of North Carolina, and all of his employees, agents, or representatives.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All documents and communications received or created by the Office of the Governor that reflect or discuss the rationale or purpose for enacting any provision in H.B. 589 or signing H.B. 589 (or similar provisions proposed previously) into law.

REQUEST FOR PRODUCTION NO. 2:

All documents and communications concerning any instructions issued to or actions by the Office of the Governor or others to require state agencies to take steps to implement the

provisions of H.B. 589.

REQUEST FOR PRODUCTION NO. 3:

All documents and communications received or created by the Office of the Governor related to the incidence of in-person voter fraud in North Carolina from 1995 to the present.

REQUEST FOR PRODUCTION NO. 4:

All documents and communications received or created by the Office of the Governor relating to the procedures and budget for identifying or detecting in-person voter fraud.

REQUEST FOR PRODUCTION NO. 5:

All documents and communications received or created by the Officer of the Governor related to the incidence of voter fraud involving absentee ballots in North Carolina from 1995 to the present.

REQUEST FOR PRODUCTION NO. 6:

All documents and communications received or created by the Office of the Governor relating to the procedures and budget for identifying or detecting voter fraud involving absentee ballots.

REQUEST FOR PRODUCTION NO. 7:

All documents and communications relating to the Office of the Governor's consideration, evaluation, or review of the process for obtaining the photo identification required to vote as set forth in H.B. 589.

REQUEST FOR PRODUCTION NO. 8:

All documents and communications relating to the Office of the Governor's

consideration, evaluation, or review of reports issued by the State Board of Elections concerning proposed, debated, or enacted voting legislation during the 2013 session of the North Carolina General Assembly.

REQUEST FOR PRODUCTION NO. 9:

All documents and communications relating to the Office of the Governor's appointments to the NCDOT, including to the DMV, from 2012 to present.

REQUEST FOR PRODUCTION NO. 10:

All documents and communications relating to the Office of the Governor's appointments to the State Board of Elections, from 2012 to present.

REQUEST FOR PRODUCTION NO. 11:

All documents and communications between the Office of the Governor and the NCDOT, including the DMV, regarding the prospective impact or implementation of proposed, debated or enacted voting legislation during the 2013 session of the North Carolina General Assembly.

REQUEST FOR PRODUCTION NO. 12:

All communications between the Office of the Governor and any state and local election officials regarding the prospective impact or implementation of proposed, debated or enacted voting legislation during the 2013 session of the North Carolina General Assembly.

REQUEST FOR PRODUCTION NO. 13:

All documents and communications relating to the Office of the Governor's consideration, evaluation, or review of any voting legislation proposed, debated, or enacted by

the North Carolina General Assembly from the 2013 session of the North Carolina General Assembly.

REQUEST FOR PRODUCTION NO. 14:

All documents and communications referring or relating to any estimate, report, study, or analysis received or created by the Office of the Governor concerning the number of registered voters who do not have any of the forms of photo identification acceptable to vote under H.B. 589.

REQUEST FOR PRODUCTION NO. 15:

All documents and communications received or created by the Office of the Governor concerning estimates, reports, studies, or analyses of the costs to voters to secure documents required to obtain photo identification under H.B. 589.

REQUEST FOR PRODUCTION NO. 16:

All documents and communications received or created by the Office of the Governor relating to any cost or expense that will be incurred by the State in connection with the photo identification requirement set forth in H.B. 589.

REQUEST FOR PRODUCTION NO. 17:

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

REQUEST FOR PRODUCTION NO. 18:

All documents and communications referring or relating to any estimate, report, study, or

analysis received or created by the Office of the Governor concerning early voting in North Carolina from 2000 to the present.

REQUEST FOR PRODUCTION NO. 19:

All documents and communications received or created by the Office of the Governor relating to the cost or expense, including any estimates or analyses, of administering early voting in North Carolina from 2000 to the present.

REQUEST FOR PRODUCTION NO. 20:

All documents and communications received or created by the Office of the Governor relating to the costs or expense of administering local, state, and federal elections in North Carolina from 2000 to the present.

REQUEST FOR PRODUCTION NO. 21:

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

REQUEST FOR PRODUCTION NO. 22:

All documents and communications referring to relating to any estimate, report, study, or analysis received or created by the Office of the Governor concerning out of precinct voting in North Carolina from 2000 to the present.

REQUEST FOR PRODUCTION NO. 23:

All documents and communications referring or relating to any estimate, report, study, or analysis received or created by the Office of the Governor concerning same day registration in North Carolina from 2000 to the present.

REQUEST FOR PRODUCTION NO. 24:

All documents and communications referring or relating to any estimate, report, study, or analysis received or created by the Office of the Governor regarding poll observers in North Carolina from 2000 to the present.

REQUEST FOR PRODUCTION NO. 25:

All documents and communications referring or relating to any estimate, report, study, or analysis received or created by the Office of the Governor regarding straight ticket voting in North Carolina from 2000 to the present.

REQUEST FOR PRODUCTION NO. 26:

All documents and communications relating to plans or efforts by the Office of the Governor to educate citizens of North Carolina about the provisions in H.B. 589.

REQUEST FOR PRODUCTION NO. 27:

All documents and communications relating to information you prepared or provided for use in a submission to the Department of Justice pursuant to Section 5 of the Voting Rights Act from 2000 to the present.

REQUEST FOR PRODUCTION NO. 28:

All documents and communications concerning drafts, notes, talking points, or other materials made in preparation for any public (or media-related) appearance or statement by the Office of the Governor relating to any provision in H.B. 589 or any voting law proposed or enacted during the 2013 session of the North Carolina General Assembly

REQUEST FOR PRODUCTION NO. 29:

All recordings made in connection with any public (or media-related) appearance or

statement made by the Office of the Governor by video or other electronic media relating to any provision of H.B. 589 or any voting law proposed or enacted during the 2013 session of the North Carolina General Assembly, including draft recordings that were not released to the public.

REQUEST FOR PRODUCTION NO. 30:

Any document retention policies that were in effect at the Office of the Governor from 2012 to the present concerning the preservation of public records.

REQUEST FOR PRODUCTION NO. 31:

Any litigation hold notices issued to the Office of the Governor in connection with the above captioned matters, *North Carolina State Conference of the NAACP, et al. v. McCrory, et al.* and *League of Women Voters of N.C., et al. v. North Carolina.*

REQUEST FOR PRODUCTION NO. 32:

All documents and communications relating to the claims and defenses you 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.

REQUEST FOR PRODUCTION NO. 33:

All documents and communications received or created by the Office of the Governor that reflect or discuss the U.S. Supreme Court's consideration of *Shelby County v Holder* or the constitutionality of Section 5 of the Voting Rights Act from 2012 to present.

Dated: January 24, 2014

Respectfully submitted,

Penda D. Hair
Edward A. Hailes, Jr.
Denise D. Lieberman
Donita Judge
Caitlin Swain
ADVANCEMENT PROJECT
Suite 850
1220 L Street, N.W.
Washington, DC 20005
Phone: (202) 728-9557
phair@advancementproject.com

Irving Joyner (N.C. State Bar # 7830)
P.O. Box 374
Cary, NC 27512
Phone: (919)319-353
ijoyner@ncu.edu

By: /s/ Adam Stein

Adam Stein (N.C. State Bar # 4145)
Of Counsel
TIN FULTON WALKER & OWEN, PLLC
312 West Franklin Street
Chapel Hill, NC 27516
Phone: (919) 240-7089
astein@tinfulton.com

Thomas D. Yannucci
Daniel T. Donovan
Susan M. Davies
K. Winn Allen
Uzoma Nkwonta
Kim Knudson
Anne Dechter
Jodi Wu
KIRKLAND & ELLIS LLP
655 Fifteenth St., N.W.
Washington, DC 20005
Phone: (202) 879-5000
tyannucci@kirkland.com

Attorneys for Plaintiffs in North Carolina Conference of NAACP, et al. v. McCrory, et al.

Respectfully submitted,

By: /s/ Dale Ho

Anita S. Earls (State Bar # 15597)
Allison J. Riggs (State Bar # 40028)
Clare R. Barnett (State Bar #42678)
Southern Coalition for Social Justice
1415 Highway 54, Suite 101
Durham, NC 27707
Telephone: 919-323-3380 ext. 115
Facsimile: 919-323-3942
E-mail: anita@southerncoalition.org

Dale Ho*
Julie Ebenstein*
ACLU Voting Rights Project
125 Broad Street
New York, NY 10004
(212) 549-2693
dale.ho@aclu.org
**appearing pursuant to Local Rule 83.1(d)*

Christopher Brook (State Bar #33838)
ACLU of North Carolina Legal
Foundation
P.O. Box 28004
Raleigh, NC 27611-8004
Telephone: 919-834-3466
Facsimile: 866-511-1344
E-mail: cbrook@acluofnc.org

Laughlin McDonald*
ACLU Voting Rights Project
2700 International Tower
229 Peachtree Street, NE
Atlanta, GA 30303
(404) 500-1235
lmcdonald@aclu.org
** appearing pursuant to Local Rule 83.1(d)*

Attorneys for Plaintiffs in League of Women Voters of North Carolina, et al. v. North Carolina, et al.

CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2013, I served Plaintiffs' First Set of Requests for Production to Defendant Patrick Lloyd McCrory via email to all named parties below. I also hereby certify that I will serve these same Requests via FedEx to all named parties below on December 2, 2013.

Adam Stein, Esq.
Tin Fulton Walker & Owen, PLLC
312 West Franklin Street
Chapel Hill, NC 27516
Telephone: (919) 240-7089
Facsimile: (919) 240-7822
Email: astein@tinfulton.com
Attorney for Plaintiffs

Karl S. Bowers, Jr.
Bowers Law Office LLC
P.O. Box 50549
Columbia, SC 29250
Telephone: (803) 260-4124
Facsimile: (803) 250-3985
Email: butch@butchbowers.com
Attorney for Governor Patrick L. McCrory

Penda D. Hair
Advancement Project
Suite 850
1220 L Street, N.W.
Washington, DC 20005
Email: phair@advancementproject.com
Attorney for Plaintiffs

Robert C. Stephens
General Counsel
Office of the Governor of North Carolina
20301 Mail Service Center
Raleigh, North Carolina 27699
Telephone: (919) 814-2027
Facsimile: (919) 733-2120
Email: bob.stephens@nc.gov
Of Counsel

Daniel T. Donovan, Esq.
Kirkland & Ellis LLP
655 Fifteenth St., N.W.
Washington, DC 20005
Telephone: (202) 879-5174
Facsimile: (202) 879-5200
Email: daniel.donovan@kirkland.com
Attorney for Plaintiffs

Alexander Peters, Esq.
NC Department of Justice
PO Box 629
Raleigh, NC 27602
Telephone: (919) 716-6913
Facsimile: (919) 716-6763
Email: apeters@ncdoj.gov
Attorney for Defendants Strach, Howard, Amoroso, Malcolm, Foley, & Kricker

Irving Joyner, Esq.
PO Box 374
Cary, NC 27512
Email: ijoyner@ncsu.edu

Thomas A. Farr, Esq.
Phillip J. Strach, Esq.
Ogletree, Deakins, Nash Smoak & Stewart, P.C
4208 Six Forks Road
Raleigh, NC 27609
Telephone: (919) 787-9700
Facsimile: (919) 783-9412
Email: thomas.farr@ogletreedeakins.com
Email: phil.strach@ogletreedeakins.com
Attorneys for Defendants Strach, Howard, Amoroso, Malcolm, Foley, & Kricker

Respectfully Submitted,

/s/ Daniel T. Donovan
Daniel T. Donovan, Esq.
Kirkland & Ellis LLP
655 Fifteenth St., N.W.
Washington, DC 20005
Telephone: (202) 879-5174
Facsimile: (202) 879-5200
daniel.donovan@kirkland.com

/s/ Adam Stein
Adam Stein (N.C. State Bar #4145)
TIN FULTON WALKER & OWEN, PLLC
312 West Franklin Street
Chapel Hill, NC 27516
Telephone: (919) 240-7089
astein@tinfulton.com