

# **Exhibit D**

**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, )

Plaintiffs, )

v. )

**Case No.: 1:13-CV-658**

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,

v.

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 LLOYD MCCRORY, in his official  
capacity as the Governor of North Carolina,

Defendants.

Case No.: 1:13-CV-660

**DEFENDANTS MEMBERS OF THE NORTH CAROLINA STATE BOARD OF  
ELECTIONS OBJECTIONS AND RESPONSES TO PLAINTIFFS' JOINT FIRST SET  
OF REQUESTS FOR PRODUCTION**

**GENERAL OBJECTIONS**

Defendants 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, and MAJA KRICKER in her official capacity as a member of the State Board of Elections (“defendants”) object to this First Set of Requests for Production of Documents (“Discovery Requests”) to the extent that they seek information protected from discovery as trial preparation materials or by the attorney work product, attorney/client communication, or any other applicable privilege, including but not limited to legislative immunity, legislative privilege, and legislative confidentiality. Defendants also object to these Discovery Requests to the extent that they seek the identity of persons, including lawyers, who received documents in preparation of litigation and to the extent that they seek the identities of outside persons, including counsel, retained by defendants in connection with claims that are directly or indirectly related to the subject matter of this action.

Defendants’ answers identify persons and documents based on defendants’ current knowledge and belief, subject to general and specific objections set forth herein. Defendants’ ongoing investigation may hereafter determine the identities of additional persons or documents with knowledge of the matters inquired about.

Defendants’ answers identify solely those persons currently believed by defendants to have direct knowledge of matters of which the Discovery Requests inquire. Defendants object to the Discovery Requests to the extent, if any, that they seek identification of persons not having direct personal knowledge on the grounds that requesting such information is unduly burdensome.

Defendants object to any instructions that exceed what is required by the Federal Rules of Civil Procedure.

Defendants object to the Discovery Requests to the extent that they seek information not directly related to the matters at issue in this action on the grounds that the Discovery Requests

are overly broad, unduly burdensome, and exceed the scope of discovery permissible under Rule 26(b) of the Federal Rules of Civil Procedure because the information sought is not admissible evidence and is not reasonably calculated to lead to the discovery of admissible evidence.

Defendants object to the Discovery Requests to the extent that they seek information to which defendants have no direct knowledge and which is otherwise obtainable from the direct knowledge of other individuals.

Defendants object to the Discovery Requests to the extent they seek information outside of the relevant time frame. In particular, defendants object to requests that seek information for a time period that exceeds a reasonable time period on the grounds that such information is not relevant or likely to lead to the discovery of admissible evidence, and is unduly burdensome and harassing. Moreover, defendants object to requests that seek information after August 12, 2013, the date on which SL 2013-581 was formally enacted, on the grounds that such information is not relevant or likely to lead to the discovery of admissible evidence, and is unduly burdensome and harassing.

Defendants object to preparing a privilege log for the following categories of documents: (1) documents created by or exchanged between counsel for the parties in this litigation; (2) documents exchanged between counsel for the parties and their respective clients once the litigation was initiated (August 12, 2013); and (3) documents created by or exchanged between legislators and their staff at any time which are shielded from disclosure by established doctrines of legislative immunity, privilege, and confidentiality. Defendants' objection is for the same reasons outlined in Defendants' Brief in Support of Motion Regarding Order on Electronically Stored Documents, filed January 2, 2014. Defendants object to preparing a privilege log for communications other than those listed above at the current time because, as of the date of the

instant objections and responses, the parties have not yet agreed on search terms or custodians of electronic information from whom electronically stored information should be produced.

Although these general objections are not expressly restated in each response, these general objections are incorporated by reference as if fully set forth in connection with each response.

## RESPONSES TO REQUESTS FOR PRODUCTION

### REQUEST FOR PRODUCTION NO. 1:

All documents and communications relating to the implementation of H.B. 589, or plans for implementation of H.B. 589, including but not limited to training materials, guidance documents, and other instructions issued by Defendants or others to agencies, employees, or agents of the State of North Carolina.

### RESPONSE:

Defendants object to this Document Request on the grounds that:

- (a) it seeks post-enactment information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality.

### REQUEST FOR PRODUCTION NO. 2:

All documents and communications related to any incident of in-person voter fraud from 1995 to the present, including but not limited to documents and communications related to the reporting, investigation, or prosecution of any instance in-person voter fraud.

### RESPONSE:

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and is therefore not relevant nor reasonably calculated to lead to the discovery of admissible evidence;
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality;
- (c) the phrase “in-person voter fraud” is vague and ambiguous; and
- (d) it seeks documents in the possession, custody, or control of persons other than these defendants.

**REQUEST FOR PRODUCTION NO. 3:**

All documents and communications relating to the procedures and budget for identifying or detecting in-person voter fraud.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and is therefore not relevant nor reasonably calculated to lead to the discovery of admissible evidence;
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality;
- (c) the phrases “in-person voter fraud” and “procedures and budget” are vague and ambiguous; and
- (d) it seeks documents in the possession, custody, or control of persons other than these defendants.

**REQUEST FOR PRODUCTION NO. 4:**

All documents and communications related to any incident of voter fraud involving absentee ballots from 1995 to the present, including but not limited to documents and communications related to the reporting, investigation, or prosecution of any instance voter fraud involving absentee ballots.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and is therefore not relevant nor reasonably calculated to lead to the discovery of admissible evidence;
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality;
- (c) it seeks documents in the possession, custody, or control of persons other than these defendants.

**REQUEST FOR PRODUCTION NO. 5:**

All documents and communications related to any incident of voter fraud involving Same Day Registration and standard (non-Same Day) registration from 1995 to the present, including but not limited to documents and communications related to the reporting, investigation, or prosecution of any instance voter fraud involving same day registration.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and is therefore not relevant nor reasonably calculated to lead to the discovery of admissible evidence;
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality;
- (c) it seeks documents in the possession, custody, or control of persons other than these defendants.

**REQUEST FOR PRODUCTION NO. 6:**

All documents and communications relating to any any reports, studies, estimates, or analyses comparing the rate of return of verifiable mailings following voters' use of same-day registration with the rate of return of verifiable mailings following voters' use of traditional, non-

same-day Registration.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and is therefore not relevant nor reasonably calculated to lead to the discovery of admissible evidence;
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality; and
- (c) the phrase “verifiable mailings” is vague and ambiguous.

**REQUEST FOR PRODUCTION NO. 7:**

All documents and communications relating to the procedures and budget for identifying or detecting voter fraud involving absentee ballots.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and is therefore not relevant nor reasonably calculated to lead to the discovery of admissible evidence;
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality; and
- (c) the phrase “procedures and budget” is vague and ambiguous.

**REQUEST FOR PRODUCTION NO. 8:**

All documents and communications relating to the process for obtaining the photo identification required to vote as set forth in H.B. 589.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment and post-enactment information that exceeds a reasonable time frame and is otherwise not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality.

**REQUEST FOR PRODUCTION NO. 9:**

All documents and communications relating to reports, communications, lobbying and testimony issued by the State Board of Elections concerning proposed, debated, and/or enacted voting legislation during the 2013 session of the General Assembly.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence;
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality; and
- (c) the word “lobbying” and the phrase “voting legislation” are vague and ambiguous.

**REQUEST FOR PRODUCTION NO. 10:**

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

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence;
- (b) to the extent that it seeks information protected by the attorney-client privilege,

work product doctrine, legislative immunity or privilege, or legislative confidentiality; and

- (c) the phrases “reports, studies, estimates, or analyses” and “voting legislation” are vague and ambiguous.

**REQUEST FOR PRODUCTION NO. 11:**

All documents and communications relating to proposed election reforms or changes to the rules, procedures, or practices for early voting, voter identification, same-day registration, out-of-precinct voting, voter challenges pursuant to G.S. §§ 163-84 and 163-87, pre-registration for 16 and 17 year olds, or the process of reviewing and counting provisional ballots.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and is therefore not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality.

**REQUEST FOR PRODUCTION NO. 12:**

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

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and is therefore not relevant nor reasonably calculated to lead to the discovery of admissible evidence;
- (b) to the extent that it seeks information protected by the attorney-client privilege,

work product doctrine, legislative immunity or privilege, or legislative confidentiality; and

- (c) the phrase “estimate, report, study, or analysis” is vague and ambiguous.

**REQUEST FOR PRODUCTION NO. 13:**

All documents and communications referring or relating to estimates, reports, studies, or analyses of the cost to voters to secure documents required to obtain photo identification under H.B. 589.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and is therefore not relevant nor reasonably calculated to lead to the discovery of admissible evidence;
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality; and
- (c) the phrase “estimates, reports, studies, or analyses” is vague and ambiguous.

**REQUEST FOR PRODUCTION NO. 14:**

All documents and communications referring or relating to a comparison of the State of North Carolina’s registered voter database with NCDOT records, including but not limited to any such documents that provide a subset of registered voters who do not have NCDOT issued ID.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality; and
- (b) the phrase “NCDOT records” is vague and ambiguous.

Subject to the foregoing objections and prior Orders and Agreements between the parties

regarding the use and production of electronically stored information, defendants will make relevant state databases available for inspection and copying.

**REQUEST FOR PRODUCTION NO. 15:**

All documents and communications 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.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality.

**REQUEST FOR PRODUCTION NO. 16:**

All documents and communications relating to the cost or expense of administering local, state, and federal elections in North Carolina in each future election year from 2014 forward.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks post-enactment information and other information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality.

**REQUEST FOR PRODUCTION NO. 17:**

All documents and communications relating to the costs or expense of administering local, state, and federal elections in North Carolina in each election year from 2000 to the 2013.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and is therefore not relevant nor reasonably calculated to lead to the discovery of admissible evidence;
- (b) it seeks information that is not relevant nor reasonably likely to lead to the discovery of admissible evidence; and
- (c) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality.

**REQUEST FOR PRODUCTION NO. 18:**

The North Carolina "Voter File," including the file of all registered voters in the State including full name, address, and date of birth, provided in a reasonably accessible, searchable, and sortable electronic format (including Excel or other database-compatible format but not including paper or portable document format (.pdf)).

**RESPONSE:**

Defendants will make the requested database available subject to prior Orders and Agreements between the parties regarding the use and production of electronically stored information.

**REQUEST FOR PRODUCTION NO. 19:**

All documents and communications related to the number of voters who participated in same-day registration since 2007, including the precinct, race, ethnicity, age, gender, and any other identifying voter information.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and is therefore not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and

- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality.

Subject to the foregoing objections and prior Orders and Agreements between the parties regarding the use and production of electronically stored information, defendants will make relevant state databases available for inspection and copying.

**REQUEST FOR PRODUCTION NO. 20:**

All documents and communications related to the number of voters who voted on each individual day of the early voting period since 2000, including the precinct, race, ethnicity, age, gender, and any other identifying voter information.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and is therefore not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality.

Subject to the foregoing objections and prior Orders and Agreements between the parties regarding the use and production of electronically stored information, defendants will make relevant state databases available for inspection and copying.

**REQUEST FOR PRODUCTION NO. 21:**

All documents and communications related to the acceptance rate of provisional ballots since 2000, including but not limited to documents sufficient to show the reasons provisional ballots were cast, accepted or rejected.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and is therefore not relevant nor reasonably calculated to lead to the discovery of

admissible evidence; and

- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality.

Subject to the foregoing objections and prior Orders and Agreements between the parties regarding the use and production of electronically stored information, defendants will make relevant state databases available for inspection and copying.

**REQUEST FOR PRODUCTION NO. 22:**

All documents and communications relating to training provided to pollworkers on the casting of provisional ballots by out-of-precinct voters since 2008, including documents and communications relating to training that may be provided pollworkers in 2014.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks post-enactment and pre-enactment information that exceeds a reasonable time frame and is otherwise not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality.

**REQUEST FOR PRODUCTION NO. 23:**

All documents and communications related to the use of out-of-precinct voting since 2000, including the precinct, race, age, gender, and any other identifying information of voters who participated in out-of-precinct voting.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and is therefore not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and

- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality.

Subject to the foregoing objections and prior Orders and Agreements between the parties regarding the use and production of electronically stored information, defendants will make relevant state databases available for inspection and copying.

**REQUEST FOR PRODUCTION NO. 24:**

All documents and communications related to the number of ballots challenged by poll observers since 2000, including precinct locations for each challenge and whether or not the challenges were ultimately determined to be valid.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and is therefore not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality; and
- (c) it seeks documents in the possession, custody, or control of persons other than these defendants.

**REQUEST FOR PRODUCTION NO. 25:**

All documents and communications related to voters who were challenged on Election Day or before Election Day pursuant to G.S. §§ 163-84 and 163-87, respectively, since 2000, including the reason for each challenge; whether reported to you by a local board or otherwise brought to your attention, easily obtainable by you from a local board, or the subject of an appeal to you.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and is therefore not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality; and
- (c) it seeks documents in the possession, custody, or control of persons other than these defendants.

**REQUEST FOR PRODUCTION NO. 26:**

All documents and communications related to the individuals or organizations that have challenged voters pursuant to G.S. §§ 163-84 and 163-87 since 2000, including the reasons for each challenge; whether reported to you by a local board or otherwise brought to your attention, easily obtainable by you from a local board, or the subject of an appeal to you.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame as well as additional information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality; and
- (c) it seeks documents in the possession, custody, or control of persons other than these defendants.

**REQUEST FOR PRODUCTION NO. 27:**

All documents and communications related to the number of pollworkers, by county, employed during the early voting period and on Election Day for the last five years.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and additional information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence;
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality; and
- (c) it seeks documents in the possession, custody, or control of persons other than these defendants.

**REQUEST FOR PRODUCTION NO. 28:**

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

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and is therefore not relevant nor reasonably calculated to lead to the discovery of admissible evidence;
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality; and
- (c) the phrase “data tracking, recording, or study of voting patterns by race” is vague and ambiguous.

**REQUEST FOR PRODUCTION NO. 29:**

All documents and communications related to the number of voting jurisdictions that extended voting to 5 p.m. on the Saturday before election during 2004, 2006, 2008, 2010, and 2012.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and

additional information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and

- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality; and
- (c) it seeks documents in the possession, custody, or control of persons other than these defendants.

**REQUEST FOR PRODUCTION NO. 30:**

All documents and communications relating to the average waiting time of voters during the 2006, 2008, 2010, and 2012 elections.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and additional information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality.

**REQUEST FOR PRODUCTION NO. 31:**

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

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and additional information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and

- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality; and
- (c) it seeks documents in the possession, custody, or control of persons other than these defendants.

**REQUEST FOR PRODUCTION NO. 32:**

All documents and communications relating to the number of county boards of elections that have requested to decrease the cumulative number of hours for early voting, and the number of such requests that have been granted.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks post-enactment information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality.

**REQUEST FOR PRODUCTION NO. 33:**

All documents and communications provided by the State Board of Elections to local and county boards of elections relating to the calculation and maintenance of aggregate number of early voting hours in the 2010 general election for the 2014 general election under G.S. §§ 163-227.2(g2).

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks post-enactment information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality.

**REQUEST FOR PRODUCTION NO. 34:**

All documents and communications relating to the aggregate number of hours, as calculated under G.S. §§ 163-227.2(g2), for the May 2010 primary elections for each county in the state.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks post-enactment information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality; and
- (c) it seeks documents in the possession, custody, or control of persons other than these defendants.

**REQUEST FOR PRODUCTION NO. 35:**

All documents and communications relating to the number of polling places open on Election Day in the May 2010 primary elections, including the hours that each polling place was open, in each county in the state.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality; and
- (c) it seeks documents in the possession, custody, or control of persons other than these defendants.

**REQUEST FOR PRODUCTION NO. 36:**

All documents and communications related to the counties and precincts that conducted early voting on any Sunday that fell within the early voting period permitted under North Carolina law for each election from 2008 to the present.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality; and
- (c) it seeks documents in the possession, custody, or control of persons other than these defendants.

**REQUEST FOR PRODUCTION NO. 37:**

All documents and communications relating to each county's early voting plan for the May 2014 primaries, including the number of sites open and the number of hours each site will be open during early voting.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks post-enactment information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality; and
- (c) it seeks documents in the possession, custody, or control of persons other than these defendants.

**REQUEST FOR PRODUCTION NO. 38:**

All documents and communications relating to the number of polling places that will be open for the May 2014 primaries, including the hours that each polling place will be open, in each county in the state.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks post-enactment information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality; and
- (c) it seeks documents in the possession, custody, or control of persons other than these defendants.

**REQUEST FOR PRODUCTION NO. 39:**

All documents and communications sufficient to identify, from each election from 2000 to present, the rates by precinct of straight ticket voting.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and additional information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality.

**REQUEST FOR PRODUCTION NO. 40:**

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

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and additional information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence;
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality; and
- (c) the phrase “estimate, report, study, or analysis” is vague and ambiguous.

**REQUEST FOR PRODUCTION NO. 41:**

All documents and communications sufficient to identify, for each election from 2008 to the present, number of people between the age of 16-18 who pre-registered to vote, including the race, age, gender, and any other identifying information of voters who pre-registered to vote.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and is therefore not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality; and
- (c) it seeks documents in the possession, custody, or control of persons other than these defendants.

**REQUEST FOR PRODUCTION NO. 42:**

All documents and communications relating to Defendants’ plans and efforts to educate citizens of North Carolina as to the provisions of H.B. 589.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks post-enactment information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality.

**REQUEST FOR PRODUCTION NO. 43:**

All documents and communications relating to information Defendants 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.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks pre-enactment information that exceeds a reasonable time frame and additional information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence; and
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality; and
- (c) it seeks documents in the possession, custody, or control of persons other than these defendants, such as the United States Department of Justice.

**REQUEST FOR PRODUCTION NO. 44:**

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

**RESPONSE:**

Defendants will make responsive documents, if any, available for inspection and copying.

**REQUEST FOR PRODUCTION NO. 45:**

Any litigation hold notices issued to the State Board of Elections, or its representatives, in connection with the above captioned cases, *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.*

**RESPONSE:**

Defendants will make responsive documents available for inspection and copying.

**REQUEST FOR PRODUCTION NO. 46:**

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.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence;
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality;
- (c) it is unduly burdensome; and
- (d) it is premature – defendants will comply with all applicable deadlines regarding the disclosure of exhibits.

**REQUEST FOR PRODUCTION NO. 47:**

All documents and communications relating to financial data, budgets, or monetary effects of House Bill 589, prepared by any State Board of Elections official or staff member.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks post-enactment information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence;
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative

confidentiality; and

- (c) the phrase “financial data, budgets, or monetary effects” is vague and ambiguous.

**REQUEST FOR PRODUCTION NO. 48:**

All documents and communications relating to financial data, budgets, or monetary effects of House Bill 589, sent or presented to any State Board of Elections official or staff member by any person or entity.

**RESPONSE:**

Defendants object to this Document Request on the grounds that:

- (a) it seeks post-enactment information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence;
- (b) to the extent that it seeks information protected by the attorney-client privilege, work product doctrine, legislative immunity or privilege, or legislative confidentiality; and
- (c) the phrase “financial data, budgets, or monetary effects” is vague and ambiguous.

Respectfully submitted, this the 8<sup>th</sup> day of January, 2014

ROY COOPER  
ATTORNEY GENERAL OF NORTH  
CAROLINA

By: /s/ Alexander McC. Peters  
Alexander McC. Peters  
Senior Deputy Attorney General  
N.C. State Bar No. 13654  
apeters@ncdoj.gov  
N.C. Department of Justice  
P.O. Box 629  
Raleigh, NC 27602  
Telephone: (919) 716-6900  
Facsimile: (919) 716-6763  
*Counsel for Defendants North Carolina and State  
Board of Election Defendants.*

OGLETREE, DEAKINS, NASH  
SMOAK & STEWART, P.C.

/s/ Thomas A. Farr  
Thomas A. Farr  
N.C. State Bar No. 10871  
Phillip J. Strach  
N.C. State Bar No. 29456  
thomas.farr@ogletreedeakins.com  
phil.stach@ogletreedeakins.com  
4208 Six Forks Road, Suite 1100  
Raleigh, North Carolina 27609  
Telephone: (919) 787-9700  
Facsimile: (919) 783-9412  
*Co-counsel for Defendants North Carolina and  
State Board of Election Defendants.*

BOWERS LAW OFFICE LLC

By: /s/ Karl S. Bowers, Jr.  
Karl S. Bowers, Jr.\*  
Federal Bar #7716  
P.O. Box 50549  
Columbia, SC 29250  
Telephone: (803) 260-4124  
E-mail: [butch@butchbowers.com](mailto:butch@butchbowers.com)  
\*appearing pursuant to Local Rule 83.1(d)  
*Counsel for Governor Patrick L. McCrory*

By: /s/ Robert C. Stephens  
Robert C. Stephens (State Bar #4150)  
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  
E-mail: [bob.stephens@nc.gov](mailto:bob.stephens@nc.gov)  
*Counsel for Governor Patrick L. McCrory*

**CERTIFICATE OF SERVICE**

I, Thomas A. Farr, hereby certify that I have this day served the foregoing **Defendants Members of the North Carolina State Board of Elections Objections and Responses to Plaintiffs' Joint First Set of Requests for Production** by United States Mail in accordance with the Federal Rules of Civil Procedure to the following:

***Counsel for United States of America:***

John A. Russ IV  
Catherine Meza  
David G. Cooper  
Spencer R. Fisher  
Elizabeth M. Ryan  
Attorneys, Voting Section  
Civil Rights Division  
U.S. Department of Justice  
Room 7254-NWB  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Gill P. Beck  
Special Assistant United States Attorney  
Office of the United States Attorney  
United States Courthouse  
100 Otis Street  
Asheville, NC 28801

***Counsel for NCAAP Plaintiffs:***

Penda D. Hair  
Edward A. Hailes, Jr.  
Denise D. Liberman  
Donita Judge  
Caitlin Swain  
ADVANCEMENT PROJECT  
Suite 850  
1220 L Street, N.W.  
Washington, DC 20005  
phair@advancementproject.com

Irving Joyner  
P.O. Box 374  
Cary, NC 27512  
ijoyner@ncu.edu

Adam Stein  
TIN FULTON WALKER & OWEN  
312 West Franklin Street  
Chapel Hill, NC 27516  
astein@tinfulton.com

Thomas D. Yannucci  
Daniel T. Donovan  
Susan M. Davies  
K. Winn Allen  
Uzoma Nkwonta  
Kim Knudson  
Anne Dechter  
KIRKLAND & ELLIS LLP  
655 Fifteenth St., N.W.  
Washington, DC 20005  
tyannucci@kirkland.com

*Counsel for League of Women Voters  
Plaintiffs:*

Anita S. Earls  
Allison J. Riggs  
Clare R. Barnett  
Southern Coalition for Social Justice  
1415 Hwy. 54, Suite 101  
Durham, NC 27707  
anita@southerncoalition.org

Dale Ho  
ACLU Voting Rights Project  
125 Broad Street  
New York, NY 10004  
dale.ho@aclu.org

Laughlin McDonald  
ACLU Voting Rights Project  
2700 International Tower  
229 Peachtree Street, NE  
Atlanta, GA 30303  
lmcdonald@aclu.org

Christopher Brook  
ACLU of North Carolina Legal Foundation  
PO Box 28004  
Raleigh, NC 27611-8004  
cbrook@acluofnc.org

This the 8<sup>th</sup> day of January, 2014.

OGLETREE, DEAKINS, NASH  
SMOAK & STEWART, P.C.

/s/ Thomas A. Farr  
Thomas A. Farr (N.C. Bar No. 10871)  
4208 Six Forks Road, Suite 1100  
Raleigh, NC 27609  
Telephone: 919.787.9700  
Facsimile: 919.783.9412  
thomas.farr@odnss.com

*Co-Counsel for Defendants North Carolina and  
State Board of Elections Defendants*

16784954.1