

Exhibit H

From: [Pocklington, Amy M.](#)
To: [Pocklington, Amy M.](#); ["thomas.farr@ogletreedeakins.com"](#); [allison@southerncoalition.org](#); [AnitaEarls@southerncoalition.org](#); [apeters@ncdoj.gov](#); ["AStein@tinfulton.com"](#); [bob.stephens@nc.gov](#); [butch@butchbowers.com](#); [catherine.meza@usdoj.gov](#); [cbrook@acluofnc.org](#); [dale.ho@aclu.org](#); [david.cooper@usdoj.gov](#); [Donovan, Daniel T.](#); [*dlieberman@advancementproject.org](#); [gill.beck@usdoj.gov](#); [jebenstein@aclu.org](#); [john.russ@usdoj.gov](#); [Rancour, Kimberly D.](#); [lmcdonald@aclu.org](#); [spencer.fisher@usdoj.gov](#); [Strach, Phillip J.](#); [Yannucci, Thomas D.](#); [Allen, Winn](#); ["jjoyner@NCCU.EDU"](#); [*phair@advancementproject.org](#); [boconner@kirkland.com](#); [Lange, Michelle A.](#)
Subject: Outstanding ESI issues
Date: Thursday, January 16, 2014 10:15:37 AM
Attachments: [List of Potential Custodians - Revised - 01 13 15 \(2\).docx](#)

Counsel,

I am attaching a proposed list of potential custodians. As previously discussed, this list is subject to and likely will change. You will note that legislators do not appear on the list. Consistent with Defendants' position that the legislative privilege shields individual legislators from discovery, Defendants have not identified members of the NC General Assembly as custodians. Defendants have, nevertheless, taken steps to preserve responsive documents in the custody or control of individual legislators.

With regard to the databases at issue and your email dated 1/9/14 where you requested a data dictionary for the SADLS database, we have confirmed that a data dictionary does not exist for that database. We are in the process of reviewing the data and scrubbing it for confidential and personally identifying information. To the extent you would like to access the SBE data from the SEIMS database quickly, it is all available on the SBE's website. We can provide detailed instructions for you on gaining access to the information there.

We also received your revised search terms today. In lieu of making further redlines to the document, we will address the issues you raised in this email. As an initial matter, Defendants note that although the list appears to only contain 66 terms, because of the connectors and phraseology used by Plaintiffs, the proposed list exceeds 380 search terms. Defendants have agreed to the majority of these proposed terms, but cannot agree with others, as addressed below.

In response to Comments 1, 4, 5, 6, 7, 8, 9, 10, 17 in the draft circulated on 1/15, we are able to search for terms that contain hyphens, periods, or capitalized words, by using a single iteration of that term. For example, if we search for "voter id", it is not necessary to also search for the terms "Voter I.D.", and "voter i.d." Accordingly, we will accept the changes we made to the Proposed Search Terms which reflect our ability to search with a single term.

Comment 2 - adding "or County" would require us to search for the term Shelby w/3 County and will lead to large amounts of unresponsive documents including any time a reference was made to Shelby County or to any county if it followed or preceded a reference to Shelby. Because this term is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant documents, Defendants do not agree to its inclusion in the list of search terms.

Comment 3 - Defendants agree to Plaintiffs change of "early voting" to "early vot*."

Comment 11 - Defendants agree to reinserting the terms contained at 23.

Comment 12 - Defendants struck certain bills from Plaintiffs' proposed search terms, because they are completely unrelated to the issues in this litigation. For example, SB 386 is the Board of Agriculture Swine Appointment Bill, which had the effect of adding a pork farmer to the NC Board of Agriculture. Defendants left intact all bills that related to elections. Defendants do not agree to reinsert bills and legislation that have nothing to do with the issues in this litigation.

Comment 13 – the proposed terms would hit on any documents that contained the words “student” and any iteration of the word “vote”. These terms are overly broad and unduly burdensome as they will lead to the collection of large amounts of unrelated documents and communications.

Comment 14 – the proposed terms, as currently drafted, are overly broad and unduly burdensome as they would lead to the collection of large amounts of documents and communications completely unrelated to the issues in this litigation. For example, Defendants would be required to search for any time the terms “cost” and “election” appeared in the same document. The use of these terms is not likely to lead to the discovery of relevant data and should be excluded.

Comment 15 – the proposed terms are overly broad and unduly burdensome as they would lead to the collection of large amounts of unrelated documents, even with Plaintiffs' proposal to narrow them by adding “w/30.” For example, these terms would yield hits anytime the words “poll” and “length” appeared within 30 words of each other. The use of these terms is not likely to lead to the discovery of relevant data and should be excluded.

Comment 16 - Defendants agree to reinsert the terms with the proposed change from Plaintiffs of “w/30” instead of “and.”

Comment 18 - Defendants do not agree to reinsert these terms as they are overly broad and unduly burdensome and would hit on large amounts of unrelated documents and communications. For example, any document that contained the words “birth certificate” and “ID” would be collected if these search terms were used. These terms are not likely to lead to the discovery of relevant data and should be excluded.

Comment 19 - Defendants agree to reinsert the terms at 43.

Comment 20 - Defendants agree to the addition of “Voter Identification Verification Act”

Comment 21-25 - Defendants agree and will make the changes to the typos.

Comment 26 - Defendants will respond to Plaintiffs on the proposed additional terms 54-66 by the end of the week.

We look forward to resolving these outstanding issues quickly so that we may begin searching

emails.

Best,

PLEASE NOTE NEW ADDRESS

Amy M. Pocklington | Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

Riverfront Plaza - West Tower, 901 East Byrd Street, Suite 900 | Richmond, VA 23219 | Telephone:
804-663-2335 | Fax: 804-225-8641

amy.pocklington@ogletreedeakins.com | www.ogletreedeakins.com | [Bio](#)

This transmission is intended only for the proper recipient(s). It is confidential and may contain attorney-client privileged information. If you are not the proper recipient, please notify the sender immediately and delete this message. Any unauthorized review, copying, or use of this message is prohibited.

Unless expressly stated to the contrary herein, nothing in this message was intended or written to be used, nor may be relied upon or used: (a) to avoid any penalties that could be imposed under the Internal Revenue Code of 1986, as amended, or (b) to recommend or support the promotion or marketing of any federal tax transaction or issue discussed herein.