Attachment 1
Declaration of Kim Strach

Part 1 of 4
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 MCCORORY, in his
official capacity as Governor of North
Carolina, et al.,

Defendants.

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

Plaintiffs,

and

LOUIS M. DUKE, et al.,

Plaintiffs-Intervenors,

v.

THE STATE OF NORTH CAROLINA, et al.,

Defendants.

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UNITED STATES OF AMERICA,

 Plaintiff,

v.

THE STATE OF NORTH CAROLINA, et al.,

Defendants.

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DECLARATION OF KIM WESTBROOK STRACH

NOW COMES Kim Westbrook Strach who deposes and says:

1. I am over 18 years of age, legally competent to give this declaration and have personal knowledge of the facts set forth in it.

2. I am the Executive Director of the State Board of Elections ("State Board"), a position I have held since May 2013. My statutory duties as Executive Director of the State Board include staffing, administration, and execution of the State Board's decisions and orders. I am also the Chief Elections Officer for the State of North Carolina under the National Voter Registration Act of 1993 ("NVRA"). The Executive Director of the State Board is responsible for the administration of elections in the State of North Carolina. The State Board has supervisory responsibilities for the 100 county boards of elections, and as Executive Director of the State Board, I provide guidance to the directors of the county boards.

3. Even-numbered years such as 2010, 2012, and 2014 are major election years in North Carolina because of the number of federal, state and county offices on the ballot. The year 2012 differed from 2010 and 2014, however, in that 2012 was a presidential election year. In addition, the 2012 election, unlike the 2010 and 2014 elections, included Council of State elections. Both the 2010 and 2014 elections included elections for United States Senator and members of the North Carolina General Assembly and appellate judicial seats.

4. The recent primary and general elections most comparable to those of 2014 are the primary and general elections that took place in 2010.

5. As the Executive Director of the State Board and chief elections officer for the State of North Carolina, I am familiar with the procedures for registration and voting in this State.
The Registration Process

6. A county board of elections is required to register any person who is qualified to vote in the county and not excluded from the electoral franchise pursuant to N.C. Gen. Stat. § 163-55(a), provided that person makes an application in accordance with Article 7A of the North Carolina General Statutes. N.C. Gen. Stat. § 163-82.1(b).

7. To qualify to vote in North Carolina, a person must have been born in the United States or be a naturalized citizen, and must have resided in the State of North Carolina and in the precinct in which the person offers to vote for 30 days next preceding an election. N.C. Gen. Stat. § 163-55(a). The requirements for establishing residency in a precinct are specified in N.C. Gen. Stat. § 163-57. Generally, a person resides in the precinct in which he or she lives, and to which he or she intends to return whenever absent.

8. Application forms for registering to vote are available on the website of the State Board, http://www.ncsbe.gov/ncsbe/Voter-Information/VR-Form; at the office of the State Board; at the offices of all county boards of elections; at public libraries; and at public high schools and college admissions offices.

9. The application form must be completed and signed. The form may be mailed, faxed, or emailed to the county board of elections. A mailed registration form must be postmarked on or before the voter registration deadline, which is at least 25 days before a primary or general election, in order for the applicant to be able to vote in the election. The application may also be faxed, sent as a scanned document, or delivered in person. If the application is faxed or sent as a scanned document, and if the application is for new registration or change of party affiliation, a permanent copy must be received by the county board of elections no later than 20 days before the election. N.C. Gen. Stat. § 163-82.6.
10. As an alternative to submission of an application form to the county board of elections, the NVRA requires certain agencies in the State to offer voter registration services to persons who are at these locations for agency services. These agencies include the Department of Motor Vehicles; public assistance agencies (departments of social services and departments of public health); disability services agencies (vocational rehabilitation offices, departments of services for the blind, departments of services for the deaf and hard of hearing, and departments of mental health services); and the Employment Security Commission. Persons who register at the North Carolina Division of Motor Vehicles or another voter registration agency will be considered registered as of the date the application is given to the agency. As long as this date is on or before the voter registration deadline, then the application will be deemed timely for an upcoming election. N.C. Gen. Stat. §§ 163-82.19, 163-82.20.

11. It is also possible to register through a voter registration drive. Any individual, group, or organization that desires to conduct a voter registration drive may do so. No special training or permission is needed to conduct a voter registration drive; however, the State Board has published guidelines that organizers should follow. Voter registration supplies may be obtained from county boards of elections or the State Board. Applications collected at voter registration drives must be delivered to the appropriate county board of elections by the voter registration deadline.

12. Prior to the enactment of House Bill 589, a qualified applicant had the additional option of registering in person and voting on the same day (or later) during the one-stop absentee voting period (sometimes referred to as “early voting”). With the enactment of House Bill 589, this so called “same-day registration” is no longer permissible.
13. Although same-day registration is no longer available, it is still possible for a voter to update his or her registration information, including a change in address, during one-stop absentee voting. N.C. Gen. Stat. § 163-82.6A(e).

14. Information explaining all the possibilities for registration and deadlines, including but not limited to the information provided in the foregoing paragraphs, is provided on the State Board's website http://www.ncsbe.gov/ncsbe/registering-to-vote. Also on the State Board’s website is contact information for county boards of elections and the State Board. In addition, information about registration is provided in the printed Voters Guide, which is mailed before every election to every residential address in North Carolina maintained by the U.S. Postal Service.

The Verification Process and List Maintenance

15. Once a county board of elections receives a registration application form, it makes an initial determination whether the applicant is qualified to vote at the address provided. If the county board of elections determines that the applicant is not qualified, the county denies the registration, which denial can be appealed. N.C. Gen. Stat. § 163-82.7(a), (b).

16. If the county determines tentatively that the applicant is qualified to vote at the address given, the county initiates the mail verification process, N.C. Gen. Stat. § 163-82.7(e)-(f), which consists of the following:

   a. The county sends a notice to the applicant by non-forwardable mail to the address provided by the applicant on the application form. If the notice is not returned to the sending county board within 15 days as undeliverable, the applicant is verified and the county board adds the applicant to the registration rolls.
b. If the notice is returned as undeliverable, the county sends a second notice by non-forwardable mail to the same address. If the second notice is not returned within 15 days as undeliverable, the county board verifies the applicant. If the second notice is returned as undeliverable, the county board denies the application.

17. If both notices are returned as undeliverable prior to an election, then, because the application would have been denied, the person is prevented from voting in the election.

18. Once a county board of elections has made an initial determination that an applicant is qualified to vote, that applicant may not be prevented from voting in person until the applicant's registration has been denied by the second notice being returned as undeliverable. Therefore, it is possible under the verification system for an applicant to submit an application for registration, vote in an election while the verification process is underway, and then, subsequent to the individual's vote being counted, have his or her registration application denied, because the verification process was not successfully completed. In that case, the registrant's status is changed from "active" to "inactive."

19. If one or both notices are returned as undeliverable after an applicant has already voted in an election, then the county must treat that person as a registered voter but is required to initiate the process specified in N.C. Gen. Stat. § 163-82.14(d)(2) of verifying that person's address, which may ultimately lead to removal of that person from the registration list. Under such a circumstance, the voter's status will be deemed "inactive."

20. Once a person has been registered to vote, that person remains registered until one of the following occurs:

   (1) the registrant requests in writing to the county board of elections to be removed from the list of registered voters; or
(2) the registrant becomes disqualified through death, conviction of a felony, or removal out of the county; or

(3) the county board of elections determines, through the procedure outlined in G.S. 163-82.14, that it can no longer confirm where the voter resides.


21. “List Maintenance” is the procedure by which information on registered voters is updated and registered voters who are no longer eligible to vote are removed from the registration list. The List Maintenance procedure is set forth in N.C. Gen. Stat. § 163-82.14.

22. The verification process is not ideal, and the verification process and List Maintenance procedure together operate in a way that leads to inflated registration rolls.

23. For example, the verification process is predicated on the assumption that if the verification notice is not returned, then it was received by the registration applicant and the address given by the registration applicant is therefore the applicant’s address. On the contrary, there can be other reasons that the verification is not returned. For instance, there could be an error with the postal service, such as happened at Winston Salem State University (“WSSU”). In early 2013, the Forsyth County Board of Elections was alerted to the fact that hundreds of undeliverable mail verification cards were piling up at the mail service area at WSSU, and that no one from the board of elections had come to retrieve them (as was allegedly the arrangement with the then elections director of Forsyth County). The cards should have been returned to the county board for processing, but were not; the result was that voters remained on the rolls as verified when, instead, the verification process leading to removal, N.C. Gen. Stat. § 163-82.14(d)(2), should have been initiated or completed, as the case may be.
Another serious problem with mail verification can be highlighted by the findings of the investigation into the incidents at WSSU: the process is dependent upon residents of an address to which a verification mailing is sent to indicate, in the event that the mailing is addressed to an individual who is not a resident of that address, that the addressee does not live there and to place the mailing back into the mailbox for the postal service to pick up. Such voter verification and list maintenance mailings should be returned to the board of elections for processing, with the ultimate result that unverified voters would be removed from the registration rolls.

24. North Carolina recently joined a consortium of states sharing voter information. As a result of the information obtained through the consortium, the State Board has identified 35,750 registered voters in North Carolina who share the same first and last name and date of birth with someone who voted both in North Carolina and another state in the 2012 general election. The State Board has identified 765 registered voters in North Carolina who share the same first and last name, date of birth, and last four digits of the social security number with someone who voted both in North Carolina and another state in the 2012 general election. I recently presented this information to the Joint Legislative Elections Oversight Committee. Attached hereto as Exhibits 1 and 2 are copies, respectively, of the transcript of the presentation and accompanying PowerPoint presentation to the Committee.

25. In addition, the verification process allows persons to vote who ultimately are deemed unqualified to vote. As described above, if a person votes in an election before the second notice is returned as undeliverable, that person, even if the mail verification ultimately fails, remains on the registration list. Until the person is removed pursuant to N.C. Gen. Stat. §
163-82.14(d)(2), the person's status is flagged as "inactive," but the person remains registered to vote.

26. Although the problems inherent in the verification process are not limited to same-day registration ("SDR"), the problems with the verification process are easily manipulated with SDR. If, for example, a person who was ineligible to vote by virtue of not having a residence within North Carolina were to submit a registration application with a false address prior to the registration deadline of 25 days in advance of an election, it would be possible for the verification process to come to completion with a denial prior to the election, thereby preventing that ineligible person from voting. If, on the other hand, that same person were to submit a registration application with a false address on the same day that person votes, it would be virtually impossible for the verification process to come to completion and prevent the ineligible person from voting.

27. In the 2012 general election, for example, there were multiple cases of voters utilizing SDR who cast ballots that were counted despite those voters being ineligible to vote. For instance, there are documented cases of voters presenting at a one-stop location, registering to vote and casting a ballot, who were ineligible to vote due to a felony conviction. Because the voters utilized SDR, the fact of their ineligibility was not determined until after their ballots were cast, and their improper ballots were inappropriately counted. Additionally, there were many cases of voters who voted utilizing SDR despite having had a registration application denied due to a failure to successfully complete the verification process. These voters had attempted to register during the open registration period and were properly denied because the county boards of elections were unable to verify the voter at the address provided. Nonetheless, these voters were able to present at a polling place and, utilizing SDR, vote a ballot after providing the same
address at which they had been previously denied because the address was either not correct or nonexistent.

28. SDR has been the direct cause of significant problems in an election. In the 2013 Town of Pembroke municipal elections, as a result of improper votes being cast during SDR, the State Board was required to issue an order for a completely new election. In its Order, the State Board found as a fact that the abuses of the SDR process “constitute irregularities occurring to such an extent that they tainted the results of the 2013 Pembroke municipal elections and cast doubt upon its fairness.” The irregularities consisted in large part of an entire travelling basketball team of young men, many of whom were residents of other states, being bused to the polling place by their coach. Nine of the team members were able to same-day register to vote and cast a ballot, using as their proof of identity and residence in North Carolina a sham private lease agreement dated to go into effect in December 2013, a month after the election. This incident is under current criminal investigation by the Robeson County District Attorney’s office.

29. I am familiar with a report prepared by State Board staff which some have interpreted as suggesting that people who register using SDR verify at a higher rate than those who register 25 days or more before an election (the report in question was marked as Exhibit 41 to my deposition in this case). Basing such a conclusion on the report is unwarranted without further analysis of the data. The information in that report represents a “snapshot” of data at the time the information was accessed. The fact that a particular registrant had a particular status on a given date does not tell us how that registrant acquired that status without research into that registrant’s application and voter history.
30. Once registered, a person has several voting options available. In addition to appearing at his or her precinct on Election Day, the voter may use one-stop absentee voting or mail-in absentee voting.

One-Stop Absentee Voting

31. One-stop absentee voting, often referred to as “early voting,” permits a registered voter to request an absentee ballot in person and immediately vote that ballot in person. One-stop absentee voting sites are established at various locations within a county for a prescribed period of time preceding the election. N.C. Gen. Stat. § 163-277.2.

32. Among the changes effected by the enactment of House Bill 589, the period allowed for one-stop absentee voting has decreased from 17 days to 10 days and discretion has been removed from county boards of elections to allow one-stop absentee voting to continue past 1:00 p.m. on the final Saturday of the one-stop absentee voting period. N.C. Gen. Stat. § 163-277.2(a).

33. As discussed in more detail below, the decrease in the length of the one-stop absentee voting period did not affect voter turnout in the 2014 primary election as compared to the 2010 primary election, nor did it decrease the number of voters using one-stop absentee voting in the 2014 primary election as compared to the 2010 primary election.

34. I am aware that Gary Bartlett stated in a declaration filed in this case that “African Americans participated much more heavily in early voting than other racial and ethnic groups.” While this statement is true for the 2008 and 2012 general elections, it is not true for the 2012 primary or for the 2010 primary and general elections. In the latter elections, a smaller percentage of African American registered voters used one-stop absentee voting as compared to the percentage of other registered voters.
35. I am not aware of any complaints about long wait times or long lines during the 2014 primary election, neither during one-stop absentee voting, nor on Election Day. If there had been any significant problems, I would have heard about them.

Mail-in Absentee Voting

36. In addition to one-stop absentee voting, the law permits a voter to vote an absentee ballot by requesting a ballot and then mailing the completed ballot to the appropriate county board of elections.

37. Any qualified voter may vote by absentee ballot; North Carolina does not require a voter to provide an excuse in order to vote by absentee ballot. N.C. Gen. Stat. § 163-226(a).

38. With some exceptions, county boards of election must make mail-in absentee ballots available 60 days prior to a general election in even-numbered years and within 50 days of any other election, including primary elections. N.C. Gen. Stat. § 163-227.3(a).

39. To request an absentee ballot, the voter must complete and sign a written request form, which is available at the State Board’s office, on the State Board’s website at http://www.ncsbe.gov/ncsbe/Portals/0/FilesP/AbsBallotReqFormv112013.pdf (in English) or http://www.ncsbe.gov/ncsbe/Portals/0/FilesP/AbsenteeBallotRequestFormEspanol.pdf (in Spanish), and at the offices of county boards of elections. N.C. Gen. Stat. § 163-230.2. The written request form is also included in the Voter’s Guide which the State Board mails to every household in the State.

40. The signed and completed request form may be mailed, faxed, e-mailed or delivered in person to the county board of elections office. The request form must be received by the county board of elections no later than 5:00 p.m. on the last Tuesday prior to the date of the election for which the ballot is being requested. The county board of elections, upon receipt
of the completed request form, must confirm the voter's registration and mail a ballot to the voter, together with a container-return envelope and instructions. N.C. Gen. Stat. §§ 163-230.1, 163-230.2.

41. In order to vote an absentee ballot by mail, the voter must mark his or her ballot in the presence of two persons who are at least 18 years of age and not disqualified by N.C. Gen. Stat. § 163-226.3(a) or 163-237(b1). In the alternative, the voter may mark his or her ballot in the presence of a notary public (who may not charge a fee for these services under N.C. Gen. Stat. § 10B-30(d)). Once the ballot is marked, the voter must seal the ballot in the container-return envelope and complete the Absentee Application and Certificate on the back of the ballot container-return envelope. The voter's witnesses must complete and sign the envelope in the space designated as Witnesses' Certification (or Alternative Notary-Witness Certification, if using a notary-public as the witness). N.C. Gen. Stat. § 163-231.

42. The ballot must be returned in the container-return envelope to the county board of elections no later than 5:00 p.m. on the date of the election. The envelope may be mailed or delivered in person to the board of elections' office. An absentee ballot may also be delivered to an election official at a one-stop voting site during any time that site is open for voting. Ballots received after 5:00 p.m. on Election Day will be timely if they are received by mail and bear a postmark that is dated on or before the date of the election and are received no later than 5:00 p.m. on the third day following the election. N.C. Gen. Stat. § 163-231.

43. Information regarding the process of casting an absentee ballot by mail is contained in the Voter's Guide mailed to every household and on the State Board's website, at http://www.ncsbe.gov/ncsbe/Voting/Absentee-Voting.
44. The request form may be reproduced, and any organization may request and distribute absentee ballot request forms to groups, much like registration applications are distributed during a registration drive; however, the absentee ballot itself must be mailed directly to the voter.

45. The State Board did receive requests from organizations for absentee ballot request forms in advance of the 2014 primary election.

Out-of-Precinct Voting

46. A registered voter is entitled to vote in the precinct in which the voter has lived for the 30 days prior to the election ("the official precinct"). N.C. Gen. Stat. § 163-55(a). If a registered voter moves from one precinct to another precinct in the same county, the voter is not required to re-register, but the voter is required to update his or her information. N.C. Gen. Stat. § 163-82.15(a). A registered voter who moves from one precinct to another may continue to vote in his or her former precinct for up to 30 days. N.C. Gen. Stat. § 163-55(a).

47. An "out-of-precinct voter" is a registered voter who presents on Election Day to vote at a precinct other than that voter's official precinct. The issue of out-of-precinct voting only arises on Election Day, because it is only on Election Day that the voter is required to vote in his or her official precinct; during one-stop voting, the voter may vote at any designated site within the county.

48. An "unreported-move voter" is a registered voter who moved to a new precinct within the same county more than 30 days prior to an election but did not update his or her registration information as required.

49. Prior to the enactment of House Bill 589, any out-of-precinct voter was allowed to cast a provisional ballot, which would have been counted in all contests for which the out-of-
precinct voter would have been eligible to vote in that voter's official precinct. For example, all
ballots in a county will include State-wide and county-wide election contests, but district contests
may vary among precincts. Under the former law, if an out-of-precinct voter cast a provisional
ballot in a precinct which included a district contest which was not included on the ballot of his
or her official precinct, the vote in the district election would not have been counted.

50. Allowing out-of-precinct provisional voting makes it difficult for the county
boards of elections to predict resource allocation and staffing needs for each precinct on Election
Day. While every county board knows the number of registered voters in a given precinct, the
board cannot predict the number of out-of-precinct voters who might appear to vote at that
precinct on Election Day. In addition, due to the need to reconcile ballot styles, out-of-precinct
ballots must be counted by hand.

51. Under the law as amended, ballots cast by out-of-precinct voters will no longer be
counted, with one exception: If an unreported-move voter presents at his or her former precinct
and informs a precinct official of his or her move, the voter is offered the choice of voting in his
or her new precinct, voting at a central location, or voting a provisional ballot in the old precinct.
Unreported-move voters (and only unreported-move voters) may cast provisional out-of-precinct
ballots and have those ballots counted. N.C. Gen. Stat. § 163-82.15(e); N.C. Gen. Stat. § 163-
166.11(5).

52. Numbered Memos consist of directives from the Executive Director to county
boards of elections for the purpose of preserving the fair, consistent, and uniform administration
of elections in North Carolina. Attached hereto as Exhibit 3 is Numbered Memo 2014-5, which
was sent to the county boards of elections in order to clarify the proper procedures under the new
law for handling voters with unreported moves.
53. I am aware that Gary Bartlett stated in a declaration filed in this case that he believes “Marc Burris, currently the Chief Information Officer for the State Board, provided data about racial disparities in the use of out-of-precinct voting that the General Assembly used in its findings” included in the 2005 session law directed towards out-of-precinct ballots. After consulting with Mr. Burris and a search of our records, this office has been able to locate an email with attached file that Mr. Burris provided in reference to this topic dated February 21, 2005, to Gary Bartlett and Bob Hall, during the time in which the General Assembly was considering Session Law 2005-2. The attached file contained data on provisional ballots cast in the 2004 general election, but did not include specific out-of-precinct information for Forsyth, Guilford, Mecklenburg, or Wake Counties. It also did not contain complete race data for the other counties that identified out-of-precinct voting as the reason for the ballot being cast provisionally. The data that was contained in the spreadsheet showed 4,870 ballots cast in the incorrect precinct, and, of those, only 710 contained any identifier for race. The remaining 4,160 did not include any information on the race of the out-of-precinct provisional voter.

Registration of 17-year-olds

54. Prior to the enactment of House Bill 589, anyone at least 16 years of age was allowed to preregister to vote if they were otherwise qualified to vote. After preregistering, they would be automatically registered when they turned 18, subject to the verification procedure described above.

55. With the enactment of House Bill 589, preregistration was eliminated; registration is now limited to those people who will be 18 by the date of the next election. N.C. Gen. § 163-82.4(d).
56. Despite the change in the law, some 17-year-olds are still permitted to register, namely, those who will have turned 18 by the date of the next election following their application. At the time of my deposition in this case, the State Board had requested that the Department of Motor Vehicles ("DMV") not register 17-year-olds, out of concerns that DMV personnel should not be required to master a complicated set of timeframes and concerns that young people left the DMV believing they had been registered when, as it turned out, they were not in fact eligible to register. Since the date of my deposition, the DMV has been instructed to register 17-year-olds who will be eligible to vote in the general election; the county boards of election will determine whether the applicant is in fact eligible and will notify the applicant accordingly.

**Education and Outreach**

57. The State Board has redesigned its website in order to make it more accessible to the public and has ensured that forms are available for downloading.

58. In addition to the information provided on the State Board’s website and in the Voter’s Guide sent to all residential addresses, the State Board has sent representatives to speak to interested groups about the changes in the law.

59. The State Board has hired one of four new staff who will be responsible for public outreach. The State Board is in the process of interviewing and hiring the remaining staff responsible for outreach. Already, plans are in the development stage for mailings, public service announcements, other advertising, and on-location physical outreach to those registered voters who have been identified as possibly not having the necessary identification required by the new law.
60. The State Board collects and maintains election data through the Statewide Elections Information Management System ("SEIMS"). The Exhibits cited below and attached to this Declaration have been created by staff under my supervision, at my request, and the information reported below and in the Exhibits is derived from the data collected in SEIMS.

Voter Turnout Statistics: 2010 Primary vs. 2014 Primary

61. As of May 4, 2010, the date of the 2010 primary election, North Carolina had a total of 6,114,178 registered voters. The total number of votes cast in the 2010 primary was 878,858. Thus, 14.4% of registered voters voted in the 2010 primary.

62. As of May 6, 2014, the date of the 2014 primary election, North Carolina had a total of 6,516,126 registered voters. The total number of votes cast in the 2014 primary was 1,028,053. Thus, 15.8% of registered voters voted in the 2014 primary.

63. The total voter turnout increased in the 2014 primary, as compared to the 2010 primary. The turnout among African American voters also increased in the 2014 primary, as compared to the 2010 primary: 150,829 African Americans voted in the 2010 primary election, and 195,551 African Americans voted in the 2014 primary election, a 29.6% increase in African American voter participation between 2010 and 2014.

64. Attached hereto as Exhibit 4 and Exhibit 5 are, respectively, copies of spreadsheets for the 2010 primary and the 2014 primary showing the various voting procedures used by voters, both the total number of votes cast and the number of votes broken down by race.

65. Exhibits 4 and 5 show that use of one-stop absentee voting increased in the 2014 primary, as compared to the 2010 primary. Specifically, a total of 171,477 voters (2.8% of registered voters) used one-stop absentee voting in the 2010 primary, while a total of 255,075
voters (3.9% of registered voters) used one-stop absentee voting in the 2014 primary, a 48.75% increase.

66. This same trend is evident for African American voters. Exhibits 4 and 5 show that 34,337 African American voters used one-stop absentee voting in the 2010 primary, while 57,015 African American voters used one-stop absentee voting in the 2014 primary. This is a 66% increase in the number of one-stop absentee ballots cast by African American voters in the 2014 primary over the 2010 primary.

67. Exhibits 4 and 5 also show that African Americans comprised 20.02% of all one-stop absentee voters in the 2010 primary, and 22.35% of all one-stop absentee voters in the 2014 primary.

One-Stop Absentee Voting Analysis

68. Attached hereto as Exhibit 6 is a graphic showing the total number of one-stop absentee voters per day of one-stop absentee voting, for the 2010 primary election and the 2014 primary election.

69. Attached hereto as Exhibit 7 and Exhibit 8, respectively, are copies of spreadsheets showing, for the 2010 primary and the 2014 primary, by county, the total number of one-stop absentee voting sites available, the total number of hours one-stop absentee voting was available, and the average voters per hour during the one-stop voting period.

70. More sites are necessary for one-stop absentee voting during the general election as compared to the primary election of any given year. For example, attached hereto as Exhibit 9 and Exhibit 10, respectively, are spreadsheets containing data the State Board has on file from the primary election of 2010 and from the general election of 2010, showing the locations and dates and hours of operation of the one-stop absentee voting sites for each county.
71. The majority of county boards of elections have not yet submitted their implementation plans for one-stop absentee voting for the 2014 general election, but it is anticipated that the number of sites for one-stop absentee voting in the general election, as compared to the primary, will increase in a manner commensurate with the increase seen in 2010.

72. Prior to the enactment of House Bill 589, there was considerable variation among the counties in the hours of operation and locations of one-stop absentee voting sites and the days on which one-stop absentee voting was offered, as can be seen from Exhibits 9 and 10.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of June, 2014.

[Signature]
Kim Westbróok Straeh, Executive Director
State Board of Elections
NORTH CAROLINA GENERAL ASSEMBLY
JOINT LEGISLATIVE ELECTIONS OVERSIGHT COMMITTEE

TRANSCRIPT OF THE PROCEEDINGS

In Raleigh, North Carolina
Wednesday, April 2, 2014
Transcribed by Brad Worley

Worley Reporting
P.O. Box 91447
Raleigh, NC 27675
919-870-8070

EXHIBIT 1
REP. LEWIS: The Joint Legislative Elections Oversight Committee will come to order. The first order of business is the approval of minutes from the October 2nd, 2013, meeting. Representative Harry Warren moves that the minutes stand approved as written. Is there any discussion or debate or correction to the minutes that you have before you? Seeing none, those who favor the approval of the minutes will say aye.

(Voice vote.)

Those opposed will say no. In the opinion of the chair, the ayes have it, and the minutes stand approved. The Chair apologizes. Senator Rucho, did you have any remarks that you would like to make at this time?

SEN. RUCHO: No, sir. I'm very comfortable.

REP. LEWIS: Well said. At this time, we will move on to a presentation on statutory requirements for voter registration and list maintenance. The Chair is pleased to invite to the dais Kara McCraw and Erika Churchill, both committee counsel with the Research Division. Ladies, welcome. Thank you for your hard work, and you have the floor.
MS. CHURCHILL (STAFF): Thank you. I am Erika Churchill, and I am counsel to the committee. This is Kara McCraw, who is also counsel to the committee, and we are going to do a little tag team presentation so that you don't get too bored with either one of us. We are going to focus only on the statutory requirements for list maintenance, which is going to include how you get on the list and how you get off the list under North Carolina law, which is Article 7A of Chapter 163 and the National Voter Registration Act.

REP. LEWIS: Ms. Churchill, excuse me just a minute. The microphone is on, but if you ladies would stand directly in front of it when you speak, the Chair would appreciate it. Thank you.

MS. MCCRAW (STAFF): So we are going to start with the process of how you get on the voter rolls in North Carolina, and that is all set out in Article 7A of Chapter 163.

So, there are three general principles of voter registration that are established in 163-82.1. The first of those is that a person must register to be permitted to vote, and that echoes a requirement in the Constitution and set out in other statutes as well, that registration is a
prerequisite to voting. The second is that the
county board must register a person who is
qualified to vote and has submitted an application
in the manner required by law. And then the third
is that a person stays on that list of voter --
registered voters, until one of three things
occurs.

The first is if the voter asks in writing
to be removed from the voter rolls. The second is
if the voter becomes disqualified by death, by
felony conviction, or by removal from the county.
In other words, they have moved out of the county.
And finally, the county board of elections can
remove a voter from the roll through the list
maintenance procedure if it determines that it can
no longer determine where the voter resides. And
we will go into more depth about that list
maintenance procedure shortly.

The State Board of Elections is also
charged with the responsibility of developing the
voter registration application form in North
Carolina. And that form can be used for one of
three purposes: to register, to change your party
affiliation, or to register as an unaffiliated, and
also to report any changes of addresses and changes
of names.

There are two other -- or there is another form that a voter can use, and that is the national mail voter registration form, that has been developed by the Federal Election Commission under federal law. And then finally, subject to the State Board's approval, there are forms that the North Carolina DMV, when a person goes to get a driver's license, they can also register to vote, as well as people interacting with public services at DHHS and through the Division of Employment Security, can also register to vote, and there are forms there that have been approved by the State Board.

What is the process once a person turns in the form? The County Board of Elections has to make a determination whether the applicant is qualified to vote at the address given. So, they first make that determination. If they determine that the voter is not qualified, then they are required to send a denial by certified mail to the voter within two business days of making the denial. The denial can be appealed by the applicant by requesting a public hearing before the county board of election, and that determination is
appealable to Superior Court.

If the county board of elections does determine tentatively that the person is qualified to vote at that address, then they have to go through a mail verification process. And this is also set out in the statute, in 163-82.7. It's a four-step process. First, the county board sends out a notice that is going to be sent by non-forwardable mail through the U.S. Postal Service to the address that the person put on their voter registration form. The county is going to include in that notice the precinct and the voting place where the applicant is assigned to vote. If that is not returned, then the county registers the person to vote.

If the mailing is returned, then the county sends out a second, non-forwardable mail to the address that was listed on the application. If it is not returned, then the voter is registered. But if the second mailing is returned, the county is to deny the application, and they are not required to make any further notice to the applicant. I am going to turn it over to Erika, who is going to discuss how you get off the voter list.
MS. CHURCHILL: So, list maintenance, the State Board of Elections is required to adopt a uniform program that makes a diligent effort at least twice a year to remove the names of ineligible voters and to update the addresses and other necessary data of persons who remain on the official list of registered eligible voters. That uniform program must comply with all the provisions of the Voting Rights Act and the National Voter Registration Act.

The uniform program may use address updating services provided by the U.S. Postal Service, and it may use data sharing agreements with other states to cross-check information. The ability to use data sharing agreements with other states to cross-check information and the requirement that this be done at least twice a year both came into effect last year as a result of the VIVA bill, House Bill 589.

So, when can a voter be removed? There are three instances: death, felony conviction, and a change of address. For death, the State Board sends a list of deceased North Carolina residents that comes from information from the Department of Health and Human Services on a monthly basis. The
county board must remove the names from the voter list that match up with those on the deceased list. The county board must also remove a voter identified as deceased by a signed statement of a near relative or the personal representative of the estate.

For felony convictions, the county board receives notice from the state and federal government on felony convictions. The county board mails a notice to the voter, giving the voter 30 days to object to their removal from the voter rolls. If no objection is made, the voter is removed. If objection is made, it is treated as a challenge to their ability to remain on the rolls.

Change of address. The county board must conduct systematic reviews to remove voters who have moved out of the county and to update the records of voters who move within the county. A voter must be removed if either of the following occur: the voter gives written confirmation of their change of address, or the voter fails to respond to a confirmation mailing and does not vote or appear to vote in two consecutive elections for the U.S. House of Representatives. And that is a general election, not just primary or general.
Any registered voter that is removed due to a change of address provision must be reinstated if the voter appears to vote and gives affirmation, whether written or orally, that the voter has maintained their residence continually within the county, and that voter is permitted to vote.

So, we talked about what happens with the confirmation mailing. This would be the item two that the voter has -- can be removed if they fail to respond to a confirmation mailing and don't vote or appear to vote in two federal elections. What is that confirmation in writing? It is a report to the county board of elections from DOT or another voter registration agency that the voter has reported a change of address that is outside the county; it is a notice of cancellation requested by the voter registering to vote in another county; or it is a notice of cancellation requested by the voter registering to vote outside of the state.

And lastly, what is a confirmation mailing? The mailing itself is a postage-prepaid and pre-addressed return card, sent by forwardable mail that has a space for the registrant to state their current address; a notice that if the registrant did not change residence but remained
within the county, the registrant should return the
card not later than the 25th day before the primary
or election. It also includes information as to
how the registrant may continue to be eligible to
vote if they have moved outside of the county. A
county board must send a confirmation mailing to
every registrant after every congressional election
if the county board has not confirmed the
registrant's address by other means.

So, now, what does the federal law say
about list maintenance? And with that, we are
talking about the National Voter Registration Act.
The National Voter Registration Act requires states
to conduct a general program that makes a
reasonable effort to remove the names of ineligible
voters by reason of death and change of address.
That requirement can be met by establishing a
program under which the change of address
information is supplied by the Postal Service and
verified by a notice to the voter. Beginning to
sound familiar?

For removal of names, the National Voter
Registration Act requires that states may not
remove voters in elections for federal office due
to change of address unless the voter confirms the
move outside of the county in writing, or fails to 
respond to a mailing and does not vote or appear to 
vote in two consecutive federal general elections.

   So, what happens if your name is removed 
under the National Voter Registration Act and you 
appear to vote? Well, the National Voter 
Registration Act says that if the voter is in the 
same polling place, the voter is allowed to vote 
upon oral or written affirmation of the change of 
address. If the voter is within the same county 
and same congressional district, the voter may 
update the record and vote. And that is it.

   REP. LEWIS: Thank you. Representative 
Warren, please state your purpose.

   REP. WARREN: I'd like to ask a question, 
please.

   REP. LEWIS: The gentleman is recognized.

   REP. WARREN: Thank you for the 
presentation. I have a question on the 
[unintelligible, distortion in microphone signal] 
confirmation in writing. Do you not have any type 
of -- you were talking about the registrations, but 
do we not have any type of shared information or 
database within BOE that if somebody registers in 
another county, that it would show up in the county
that they are currently registered in?

MS. CHURCHILL: I believe that is the case. I believe there are -- if you register in Granville County and you are confirmed on the rolls, and then you move to Wake County, when the new voter registration occurs from Wake, I believe there is a conversation that it is removed from Granville and placed in Wake. But the State Board is going to be able to confirm that with their presentation, how they actually go about that.

REP. LEWIS: Representative Warren, you will be recognized for a follow-up. The chair was just going to point out to the gentleman that as far as list maintenance, that that will be a part of Ms. Strach's presentation.

REP. WARREN: All right, thank you.

REP. LEWIS: But you can --

REP. WARREN: Another question I have is that when someone shows up and [unintelligible], or somebody shows up to vote [unintelligible], is that a provisional ballot, or just a ballot?

MS. CHURCHILL: I think that may depend on a whole lot of other circumstances, but I think generally, it is probably going to be a provisional ballot.
REP. LEWIS: Representative Harrison,

please state your purpose.

REP. HARRISON: To ask a question.

REP. LEWIS: The lady is recognized.

REP. HARRISON: Thank you, Mr. Chair.

And thank you for the presentation. This is not
directly on point to the subject of the slides, but
on the felony conviction, once they are removed,
can you just remind me of the procedure for getting
reinstated on the voter rolls?

MS. CHURCHILL: I will try with my really
basic rudimentary knowledge of criminal law. But
the first thing is, you have to complete your
sentence, whatever it happens to be, serve out all
of your time, and I also believe you have to finish
any probation and restitution. Then, you are
eligible to have your rights restored. Then, you
are eligible to register to vote.

REP. LEWIS: Senator Bryant for an
inquiry. The lady is recognized.

SEN. BRYANT: I'm interested in the NVRA
provisions that you show up and tell me -- I was
doing a little bit of multi-tasking, I confess.
But if you show up in the same congressional
district, and if you have moved within the same
congressional district, even at the wrong precinct, you are allowed to vote in the congressional election? Or in all elections, or what? Explain, thank you.

MS. CHURCHILL: What the NVRA actually says is that if the voter is still within the same county and within the same congressional district, they are allowed to vote. Most likely, that is going to be a provisional ballot.

SEN. BRYANT: Okay. Follow-up?

REP. LEWIS: Senator Bryant.

SEN. BRYANT: How does that dovetail? Does that supersede our provision that out-of-precinct provisional ballots will not be counted, which was also part of VIVA, I think.

REP. LEWIS: Ms. Churchill?

MS. CHURCHILL: The NVRA just simply says they are allowed to cast a ballot. It does not get into whether or not that ballot is counted.

REP. LEWIS: I have --

SEN. BRYANT: Follow-up?

REP. LEWIS: Actually, Senator Bryant, I think Mr. Cohen wanted to address that. Do you mind if we ask him to address that?

(Mr. Gerry Cohen (Staff) makes remarks
out of range of microphone.)

REP. LEWIS: Mr. Cohen, would you use your microphone? And you are more than welcome to sit up here if you feel more comfortable.

MR. GERRY COHEN (STAFF): I'm sorry. We had the statute passed in '93 implementing NVRA, and what it says is that if you -- which I think is in comport with NVRA, is that if you fail to report your address, you can go to your new correct polling place on Election Day and vote, and report your change of address there; you will get a provisional ballot, which once they have confirmed that you didn't vote in your old polling place, will be counted. That was not repealed by House Bill 589. House Bill 589 just dealt with when you picked, like, a random precinct to vote in.

If you have moved, haven't reported your address change, NVRA and our statute say you can go to your new polling place and vote, or you can go to your old polling place and report your address change there as well. We don't restrict it to where it is the same congressional district, though. We are a little broader in that if you move from one end of Wake County to another, it is a different congressional district; you can still
report your address change. But you have to go to
your correct new polling place.

SEN. BRYANT: Okay. Just one more
follow-up, please.

REP. LEWIS: Yes, ma'am, Senator Bryant.

You are recognized.

SEN. BRYANT: This is a little
complicated. So what is that we actually have
prohibited in the most recent bill, in terms of
out-of-precinct ballots?

REP. LEWIS: Mr. Cohen?

MR. COHEN: What the statute now
prohibits is voting in a precinct that you don't
live in.

REP. LEWIS: Thank you, Senator Bryant.
Any further inquiries for our counsel? And just
for the record, two of Senator Bryant's questions
were addressed by Gerry Cohen, who is general
counsel I guess at the Assembly. The Chair did not
properly introduce him and express the gratitude
for the wealth of knowledge he brings.

Representative Mobley for an inquiry?

REP. MOBLEY: Thank you. I have been
thinking about this, and I am not sure when is the
best time to ask it. But if a person shows up at
the wrong precinct and it is nearing whatever
cutoff time it is, my first question is, would all
precincts have a databank that would list
registered voters for the county, or just for that
precinct?

MS. MCCRAW: It would depend on the
county. They have to have the list of the voter --
registered voters in the precinct. There are some
counties that use electronic poll books, that would
have the whole county list. But all -- our
understanding, and Kim may be able to speak to this
further, I don't know that all counties have
electronic poll books at this point that would
include all of the registered voters in the county.

REP. MOBLEY: Follow-up?

REP. LEWIS: Representative?

REP. MOBLEY: If it is obvious when a
person attempts to vote that they are in the wrong
precinct, and it is closing time, are they allowed
a provisional vote at that particular precinct
because they can't make it over to their correct
one to vote?

MS. MCCRAW: Any voter or any individual
who walks into the precinct would be allowed to
vote a provisional ballot. The question as to what
would happen to that ballot afterwards is a
different question.

REP. LEWIS: Thank you. And before you
step down, Ms. McCraw, the Chair just wanted to be
clear. During the early voting time, the early
voting sites are essentially super-precincts, and
so anyone in that county could have shown up in
that precinct -- that super precinct, if you will,
would have been equipped with every ballot style
and access to every voter's name so that they would
have had a chance to vote. Thank you.

The Chair is aware of no further
inquiries, so the Chair thanks the presenters and
is pleased to invite to come forward now Kim
Westbrook Strach. Ms. Strach is the Executive
Director of the State Board of Elections. I know
that Ms. Strach is joined by two of her senior
staff, and I will ask her to introduce them when
she is ready to do that, because I don't actually
have their titles, and I don't want to misspeak.
So, Ms. Strach, you have the floor, and we are glad
that you are here with us today.

MS. STRACH: Thank you, Mr. Chairman,
Chairman Rucho and members of the committee. I
appreciate the opportunity to come before you and
speak, to present to you about our voter registration and this maintenance processes from the perspective of the State Board of Elections and the county board of elections. We would like to take you through that process that we engage in and also provide to you some of the challenges that we face in the list maintenance process in ensuring that our voter rolls are accurate.

Chairman Lewis is correct: I have asked two of our senior staff members to be with me today in this presentation, and I would ask these, Veronica Degraffenreid and Marc Burris. A part -- another thing that we were supposed to provide to you today is a report on, speaking of electronic poll books, our digital capabilities for the future and how we can implement electronic poll books with images of voters already in them, and Marc Burris is going to provide that report to you today.

I would like to start off by asking Veronica Degraffenreid to come, and she is going to provide to you an overview -- Kara McCraw and Erika Churchill have provided the law. We want to show you how we are complying with those laws and how our processes work. And then I would like to come back and talk to you about some of the challenges
REP. LEWIS: Ms. Degraffenreid, the Chair is pleased that you are here with us today, and you have the floor, ma'am.

MS. DEGRAFFENREID: All right. Thank you very much, Representative Lewis and Senator Rucho and members of the committee. I am Veronica Degraffenreid with the State Board of Elections. I'm the elections preparation and support manager, and I'm pleased to be with you today. I'm going to kind of go through and talk about some of the same things that Erika and Kara presented to you, but talk about how we implement the verification and the list maintenance process with the State Board of Elections.

Everything that we do is guided either by federal or state law, either in Chapter 163-82.7, or the National Voter Registration Act, or the Help America Vote Act. And I'm going to talk a little bit briefly about what that is, and what we do to be in compliance with that.

NVRA essentially says that when a person registers to vote -- I'm going to take you through the point that we have someone who has already submitted their voter registration application, and
that tentative decision has been made by the county board of elections that they are indeed qualified to be registered to vote. At that point, the person is sent a verification mailing, a verification mailing. And as long as that verification mailing is not returned as undeliverable, the person is considered an active, verified voter. However, if the verification mailing is returned as undeliverable, then there is a process that we have to go through to determine whether or not that person needs to remain a registered voter in North Carolina.

Essentially, when a person registers to vote -- again, and they are on the voter lists; they are on the voter rolls. The first part of the process under state law is that they are sent a verification mailing. That verification mailing is the voter card. It is just the voter card.

So that mailing is a non-forwardable mailing that is sent to the address provided by the applicant on their voter registration application. Again, once that voter card or the verification mailing is sent to the applicant or to the registrant, as long as the card or the mailing is not returned as undeliverable by the postal
service, that individual is considered an active, verified voter. They are -- they're verified; their address has been verified.

However, under state law, if that mailing is returned as undeliverable, then North Carolina law requires that we send the applicant another verification mailing. Again, it is a voter card, and it is sent by non-forwardable mail. If that card, the second attempt, as long as it is not returned as undeliverable, then the person's registration is verified. However, if the second attempt fails, and that card is returned undeliverable, that person's voter registration would be denied. So although they were initially on the voter rolls, the system will deny them.

And in North Carolina, by the way, we have a statewide voter registration database system. All 100 counties use the statewide voter registration database system. That system is more than just a list of registered voters. Obviously, it is the list, the official list of registered voters, but it does a lot more, and there are lots of processes that built into the application, and we are going to talk a little bit about some of those processes today.
But what the system does, I mean, all of these processes are kind of facilitated by our statewide voter registration database system that we call SEIMS, and that is the State Elections Information Management System. So, if I forget where I am and I start talking about SEIMS, because I am used to speaking to our counties, just know that I am just talking about our voter registration database system. In essence, SEIMS, as facilitated by the counties, will deny those applicants who fail mail verification.

So, kind of taking you through the process, and the little icons you see are some icons that come from SEIMS, from the statewide voter registration database system. Voter scan: person submits a voter registration application; it is scanned into SEIMS, where we clip the signature, and we do all of the data entry. That image of that voter registration application is placed into the record on that voter's record. So it goes through voter scan.

If everything is complete with the voter registration application, person's name, date of birth, it has been signed, they have indicated that they are a citizen, the address is in the county --
that's where the tentative decision is made that
that person is qualified to be registered. And
then, that record is processed through to the next
step, which is voter view.

So, voter scan, data entry, voter view.

It is the list of registered voters, and again, it
does some other things as well. At that point,
when that record of that person is registered, they
are in the voter registration database system, they
are in voter view. At that point, the county,
that's where the system will allow the counties to
send that new registrant, or it could be an
existing registrant, a voter registration mailing.

And that is the verification mailing, again, the
voter card. At that point, the process is that the
system is waiting about 15 days. That's just the
time that when we first implemented NVRA about 20
years ago, because that is how old NVRA is, from
1993, a little over 20 years, I guess. Our system
will wait about 15 days for that applicant's mail
verification to be verified.

After 15 days, if that card does not come
back undeliverable, then the system will mark that
person's record as active verified. So it is
pending for 15 days, and then they are active
verified. Again, if it does come back
undeliverable, second card goes to the applicant.
Another 15-day countdown, and then the applicant is
considered active verified. If that comes back
undeliverable, the person's voter registration is
denied. Now, this is the process for new
registrations, for new registrations. The process
would be different for those who are already an
existing voter.

Why would an existing voter get a
verification mailing? For any number of reasons:
they changed their name, they changed their
address, they changed their party affiliation.
Sometimes, the counties will need to send them an
administrative mailing, and as part of our current
process, the biennial list maintenance that Ms.
Churchill and Ms. McCraw spoke of, where we send a
mailing to individuals who have not voted or really
who have had no contact with their county board of
elections for two federal elections, may get a
verification mailing.

And this is important. It's a lot of
really administrative stuff, but this is how we --
as part of the process as to how your counties
maintain the list of registered voters and it
determines who remains registered and who gets
removed, which is why we are spending a little bit
of time talking about this today.

So, with an existing voter, the
verification process is that they get -- they go
through voter scan the same way. Those changes are
made and are processed over into voter view. They
get a verification mailing; they get the voter card
with the change. Or, if it is an administrative
mailing, sometimes that could be a change of
precinct, change of polling location, 15-day
countdown. If all is good, they remain an active,
registered voter. However, if that verification
mailing on an existing voter comes back
undeliverable, those voters do not get a second
verification mailing; they get an address
confirmation mailing. And there is a difference.

The address confirmation mailing requires
the voter to make an affirmative response that they
are where they live. And they have to tell the
county board of elections what their current
address is, because obviously, if the first
verification mailing was returned undeliverable,
then the county does not know what that
registrant's current address is. So they will get
an address confirmation mailing.
The system will give them 30 days to
respond. If they don't respond to the confirmation
mailing, at that point, that's when voters go
inactive. And that's the difference between our
active voters in North Carolina and our inactive
voters in North Carolina; they are both registered,
they are both qualified to -- their names show up
on the poll list when they present to vote.

The difference would be, an inactive
voter, again, is a voter for whom a county has been
unable to verify what their current address is.
So, for those individuals, when they present to
vote, their record is flagged, either whether it is
a paper poll book or the electronic poll book,
those individuals have to provide confirmation or
affirm what their current address is. Okay? So
they are both registered, but inactive voters are
just sitting in an administrative category. They
are flagged because the county needs to know what's
their address.

If a voter -- and the ladies who spoke
before me spoke to this, if they remain inactive
for two federal election cycles, then they would be
removed. They would be removed from the voter list
if they don't have any contact with the board of elections.

So, quick recap, there are verification mailings and there are confirmation mailings. Verification mailings are the voter card; they are non-forwardable. If they don't come back undeliverable, the person remains active. Confirmation mailing, they are forwardable, and they do require an affirmative response. If the voter does not respond to it, they go inactive. If they remain inactive for two federal election cycles, those individuals would be removed. So, don't want to belabor this, but that's -- that is the mail verification process in North Carolina.

With all that being said, with all that being said, now, I am going to talk about list maintenance. List maintenance is the method by which the county board of elections and the State Board of Elections, under its uniform program, maintains the list of registered voters in North Carolina to ensure the accuracy of the data, ensuring that qualified registrants remain registered and those who are no longer qualified are removed under state and federal law.

Our guiding principles to this, again, is
state and federal law. I mean, there are
undeliverable notices that determine whether or not
someone is denied or whether they go inactive and
are removed after two federal elections. But NVRA
also gives us guidance on how we remove people from
the list. And that confirmation, yes, needs to be
in writing, or the person, if they have failed the
mail verification process, or maybe they no longer
qualify due to some other factors. Those other
factors would be if the person, for instance, dies
or has been convicted of a felony.

Now, North Carolina's uniform program
under state and federal law sets out how we remove
voters to the extent that a voter moves out of
their precinct, out of their county, out of the
state. That uniform program dictates what happens
if a voter dies or if the voter loses his or her
citizenship rights. And that's -- the source of
how we remove voters comes from lots of -- lots of
places.

Essentially with -- by voter request.
That is the confirmation in writing. That may be
on a voter registration application. Confirmation
in writing could be that if they register to vote
in a different state, and they provide that they
once lived in North Carolina, that state will send
a cancellation notice to North Carolina or to that
county so that voter could be removed in this
state.

It may be just that the voter decides
that they do not want to be registered to vote in
North Carolina or in their county anymore. That is
the confirmation in writing that is based on a
voter request.

Death: state law dictates that our death
information comes from the Department of Health and
Human Services, North Carolina Vital Statistics,
especially. Or it may come from a near relative.
We do allow death information to come from near
relatives, and some counties even get information
from their local register of deeds to help
supplement how they remove people who are no longer
qualified due to death.

Felony conviction from the North Carolina
Department of Corrections, or the U.S. Attorney's
Office for federal felony convictions.

And then the change of address. Again,
the voter cancellation notices, the national change
of address program, and confirmation mailings. If
a voter is sent the confirmation mailing, they may
send it back within that 30-day cycle indicating
what their correct address is.

As an overview, our job, our goal is to
update the addresses and other necessary data of
person's who remain on the official list of
eligible voters, and obviously to remove people who
are no longer qualified or eligible. And in that
mission, as part of our unicorn program, it is not
twice a year, it is not once a year, it is actually
daily. Daily, on a daily basis, our county boards
of elections receive applications for new
registration. Applications for change of name,
address, party affiliation. Maybe there is a typo
in their date of birth. All of this information
goes into how we maintain the voter list.

Monthly, statutorily, we have to remove
people for death, felony conviction. We also look
at duplicate registrations, when someone registers
to vote. I think one of the questions was, well,
what happens if one person registers in one county,
and they are already an existing voter in another
county, what do we do? Remember, we have SEIMS; it
is a centralized, statewide voter registration
database system. The system will identify a match.
It will identify if there is enough information to
make the match, and once the person is registered in one county, if the system determines there is a match, that person is automatically removed. The counties do not have to talk to each other; sometimes they do, if there is a questionable match.

If it is probable or likely, we will flag, the State Board of Elections, as part of our uniform program, on a monthly basis will provide a list of possible matches to the counties where we could not make an exact match. And then the counties, at that point, will talk to each other. So we have a comprehensive uniform program in this state.

Quarterly, we get certainly notices of felony convictions from DOC, from the Department of Corrections, monthly. The U.S. Attorney's Office, that is a quarterly process when they send that report. Semi-annual, every -- twice a year, twice a year, we use the national change of address, and we identify -- we take that list, match it with the voter list, and say, okay, we have a mismatch in address. And so, the counties will send those voters a mailing and ask, you know, which address is your correct address? And then biennial list
maintenance, that is the -- you haven't voted in
two federal election cycles; we send initially a
verification mailing, and the second one is a
confirmation mailing.

So, we do a lot of things to identify
people who are no longer eligible to be on the
voter list. Whether they moved, death, felony
conviction, or no contact for two federal election
cycles, and what I haven't spoken about yet is a
new process, and that's our check for U.S.
citizenship using information from the Department
of Motor Vehicles and the United States Department
of Homeland Security, and we can talk about that in
a few minutes.

Before I wrap up, I just -- one of the
questions that we get a lot -- I've talked about
active voters and inactive voters. Again, the
difference, one is verified, address verified, the
other one, address not verified. We also have
temporary voters on our voter rolls. That's our
military overseas voters, and we -- when you look
at the list of registered voters, there are people
who are removed, and then there are individuals who
may be denied. And there are lots of reasons that
we have discussed today as to why someone would be
removed under the law. The other one that we haven't talked about is removed due to a sustained challenge. North Carolina does have that additional measure in its state law that allows someone to be removed due to a sustained challenge, and typically that goes to whether or not that person is indeed still qualified to remain on the voter rolls.

As part of our comprehensive list maintenance program, we also do some periodic accuracy checks. We check for date of birth mismatches, and we use the data from the Department of -- Division of Motor Vehicles. We -- again, we do some duplicate registration checks, and Ms. Strach is going to talk about our interstate cross check, looking for duplicate registrations across, not just in North Carolina, but in other states. And then we, in addition to using information from DHHS, we also look at people whose driver's -- to the extent that they have a driver's license number on their voter record, we look at the DMV information, customer information, to see if they show that that person is deceased.

And then for DHHS, although we get the report monthly, we sometimes will do an audit. We
look at all of our data and go back and match it
and see if any county has missed anyone.

The next couple of slides, and I won't go
through each one -- I just wanted to give you some
idea of the number of people that we remove from
the voter lists for various reasons. 2012, over
200,000 individuals were removed in North Carolina
due to list maintenance activity. 2013, over
300,000 were removed in North Carolina due to
various list maintenance activity.

And so, from there, that was a lot,
hopefully not too boring, but it does dictate how
we maintain the integrity of the voter lists in
North Carolina. And at this point, I am going to
turn it back over to Ms. Strach.

REP. LEWIS: If you will, hold just one
moment, Ms. Harrison. Ms. Strach, did you -- I
think Representative Harrison had an inquiry, but
if it's okay with the Representative, we will let
Ms. Strach and Mr. Burris, perhaps, proceed, and
then we will take inquiries of the group. So, Ms.
Strach, if --

MS. STRACH: Thank you. Now, what I want
to talk about, as you've heard Veronica talk to you
about verification mailings, confirmation mailings,
that's how people are -- become registered voters
and how they remain on the voter rolls or how they
are removed from the voter rolls. And one of the
things that we often hear, it's sort of a fallacy
with that, is that the verification mailing, that
is -- verifies that a person lives where they say
they live. That's what the law requires, is that
we are trying to determine if you are eligible at
the address that you have provided.

But really, what is happening through the
verification process is that we are verifying
where you get mail. And sometimes, that is your
residence, and sometimes, that's not your
residence. So, that is sort of one of the issues
that you will see with the list, with the mail
verification process.

So, specifically, the flaws in this is
that we all understand, as Veronica talked about,
when a voter registration application is received
by a county board of elections, that county board
of elections makes a tentative determination that
the person is qualified. Are they old enough, do
they live in the county, have they -- do they mark
the citizenship box to say that they are a U.S.
citizen.
If that determination is made, then there is one step left, and that is the verification process. So, we want to make sure that you live where you say you live, and that is the purpose of the mail verification.

There are issues with that. Some of those is that voters simply cannot help, and that comes in is because, first of all, there may be, and the second one is, we are not always verifying the residence. We may have voters that live in places that they don't -- cannot receive their mail at their residence. They have to use a post office box. So, we are not verifying that residence when we do that. That is something that a lot of people do not understand.

Also, you are dependent upon the mail being returned. That is another issue, is that we talk about being verified. Mail verification says you're verified if you receive your voter card and the board of elections does not receive it back. If they do not receive it back -- as Veronica said, we wait 15 days -- you become a verified active voter.

If that means that if someone receives the card at their home and they're not, it's not
their card, but they simply just decide to throw it in the trash can, that voter will become verified, because that is not returned. So, that is an issue that people need to understand. And when it comes to verified, that person is then on the voter rolls. So that is where we are always trying to work to get good addresses to keep people that are eligible on the voter rolls at the places where they are eligible to vote.

There are also postal issues. I mean, common postal issues you will have. Maybe it doesn't get delivered to the proper place. We had one thing that comes to mind recently is, we had at Winston-Salem State University, they were not returning the cards back to the Board of Elections, so those people became verified without being able -- have the opportunity to go through a confirmation process.

If someone votes before the mail verification is complete, this is another issue, and this still happens. If someone is in the mail verification process, there are two mailings. You get the first mailing, it comes back undeliverable, you get a second chance. It comes back undeliverable, you are denied.
There is an exception to that, and that is -- and it goes back to Veronica's slide, if you register to vote, you get your first verification mailing, and you fail the -- mail verification, it is returned undeliverable, and you vote after that before your second verification mailing comes back undeliverable, you now are an existing voter. So instead of going through the new voter process and being denied, you are an existing voter, and so you can not be denied. You have to then go through the confirmation process.

So that voter would then -- having voted, they have voter history. The NVRA says that once you are a voter, we can't remove you unless you go through the list maintenance removal processes. So then, that person would then get another verification mailing. If that comes back undeliverable, they would get a confirmation mailing, which gives them the opportunity to say, "Hey, I live here, or "I don't live here." and if that -- they don't respond to that, they are not denied; they become inactive. And so then, they would go through the process of two federal elections, and then if they are not -- if there is no contact with the Board of Elections, then they
would be removed.

So, what is the Board of Elections doing?
What we are trying to do is, we are trying -- we understand these challenges, these limitations. And we are all very devoted to making sure that our voter rolls are as accurate as possible, that eligible people are on the voter rolls, and that we are removing those that are not eligible. And so these are some of the things that we have done.

In 2010 -- Veronica was talking about the national change of address. That's something that was started in 2010 that's two times a year we compare addresses, and if the addresses do not match, counties send out confirmation mailings to see if people are still residing where they say they were residing.

Because of House Bill 589, the new legislation, we have entered into an agreement with a Kansas consortium that has -- I think there are 28 states, and I will talk about that, but the interstate cross-check. And the purpose of the cross-check, this particular cross-check is to determine if there are double registrations, if people are registered in more than one state, or if they are voting in more than one state. And that
is the purpose of this interstate cross-check that
we just started this year.

    As Veronica also talked about, we are
looking now at DMV address changes, because
sometimes we don't get information. DMV gets
address changes, and so they provide us that
information. We don't remove people because they
have changed addresses, but we can now reach out to
them and have another opportunity to confirm
whether or not they, in fact, live at the address
that we have on record.

    Regarding deaths, there are -- there are
issues and challenges that we have with removing
people due to death. As Veronica talked about, we
do get a monthly report from DHHS. There are
limitations with that report. For example, if
someone dies out of state, we may not get that
information. In fact, there are some states that
we will -- they share that information with DHHS
and allow them to share it with states. There are
some states that do not allow that sharing. South
Carolina and Virginia happen to be two of those
states. So, we have an awful lot of people that
may die in South Carolina and Virginia, and we will
not know about that.
So we are fortunate enough to have such a wonderful working relationship with DMV, they are notified sometimes -- notified of deaths, and we are able to use that data as well, and we started looking at that in 2013 and using that information as an additional check on deaths.

Also, due to legislation, we have now notice of deceased relative forms, which is when Veronica talks about daily, we may be getting these; the county board of elections may be getting that notice as well. One of the things that is not on here, and Veronica alluded to it, is for non-citizens. We are part of a -- we have signed a memorandum of understanding with SAVE. It is a program with the Department of Homeland Security which allows us -- if DMV provides us a flag that a person, they do not have information to show that they are just a legal presence driver, then we can check the SAVE database to determine what the status of that voter is, whether they are a legal presence or whether they have been naturalized. So we are utilizing that for the first time too.

So, regarding the interstate cross-check, there are 28 states that participated. We signed on, and we were one of the -- I think there were
probably 22 or 23 states when we signed on. It is very important to look at, when we were looking at which interstate cross-checks we want to be involved in, we want to look at places that are likely for North Carolina voters to go. So, you see Virginia, North Carolina, Georgia, Tennessee, Kentucky, all of those states are included. We had information that when we joined this, that Florida also was going to be on this list, and at the last minute, Florida backed out. So, understanding that the information and data that we received does not include Florida data.

There are over 101 million records that were reviewed and cross-checked to make those -- provide us back data on possible duplicate voters and duplicate registrations, and this is what the results we have received are. There are 765 voters that have an exact match, first and last name, date of birth and last four of their Social Security number, that are registered in North Carolina and some other state and appear to have voted in both states in the 2012 election. Now, that is what the data shows.

What we will now need to do is look individually at every single one, all 765, to see.
Could it have been data error on either state's part? There could be other explanations, but it is something that we are going to have to take a look at individually.

Additionally, this report showed that 35,750 voters had matches with first, last name and date of birth. A lot of states do not provide last four of Social Security number, or they may not have that information. So, that is matched not -- Social Security number is not involved in that match.

And then finally, 155,692 voters have exact match of first and last name, date of birth, last four of Social, and they showed they are registered voters in North Carolina and another state, and they either registered in the other state later or had activity in that state later than North Carolina. So, if that ends up being the case, those may be voters that we need to remove because they have left North Carolina. But we will use this information to engage in confirmation mailings and see if these people are still, in fact, still eligible in North Carolina.

In late 2013, we did -- we worked with the Department of Health and Human Services to
ensure that we had all -- we keep and maintain a
death database, that every time we get monthly
reports from DHHS, we compiled a database that
includes all dead individuals, and this is not just
voters, but it is any individual that DHHS reports
to us. We wanted to make sure that we had all of
that information, so we went and we were able to
identify 50,000 deaths that we didn't have. Now,
understand, we did not -- those were not -- those
50,000, many of those had already been removed.
They had already been removed by the counties
either by death, or maybe they were removed
through the list maintenance process. But out of
that, there were 13,416 voters that we had not been
removed, and have subsequently been removed due to
this audit.

One of the things that we found, this
audit, was that we looked at and said okay, let's
look at this data, and let's see do we have anyone
who has a date of death and has voter history that
is after that date of death. We had 81 individuals
that met this criteria. Now, understand, about 30
of those, it is very likely, based on the dates,
that they probably cast their vote and they died
before Election Day. That happens and no one
challenged those voters, and therefore they have voter history.

There, however, are between 40 and 50 that have died at a time that that is not possible to be the case. So, we are in the process of now -- of looking at each one of these to see. Obviously, we didn't have dead people voting, but they have been attributed voter history. So that means either a poll worker or precinct official made a mistake, marked the wrong person, or there could be an explanation of someone else voting for that. But that is something that we can't determine until we look at each one of these voters. So, that is something that we are going to be working on now.

And at this time, I would like to turn it over to Marc Burris, who with all of these things that we have talked about, we are looking at what can we do to improve our systems? What can we do to make -- take information and be as efficient as we can? Marc Burris is our IT director. He is going to provide you more of an explanation -- what SEIMS is. It is our statewide database, and how we are looking to improve that statewide database.

REP. LEWIS: Mr. Burris, please, sir.
Welcome. You have the floor, and we look forward to hearing your presentation.

MR. BURRIS: Good afternoon. As Kim said, I am the IT director here for the State Board of Elections, and I am going to spend a little bit of time talking about, real briefly, about our voter registration system. And basically, the section 5.5 of the VIVA legislation identifying some of the things that you want to do with electronic poll books.

As Veronica and Kim were alluding to, SEIMS is our statewide elections information management system. That is basically all of the applications the county uses to manage their voter registrations database and all of the voter registration applications. Currently, it is approximately 12-plus years old. We developed it in the early 2000s, and we are looking at upgrading it and making it more modern. And the key words are modernization, centralization and integration.

Modernization is basically to upgrade the application to encompass all of the new technologies out there and make sure that we can take advantage of everything. Centralization is because what we have currently is a hybrid system.
Even though all of the counties use our applications, it is actually deployed in all the counties, and all the data rolls up real time to our central application. What our goal to centralize is not to consolidate and bring it all in house, but to deploy it everywhere so that the counties have access to all the data, because in certain circumstances, the counties do not have all the access to the statewide data. A lot of times, the systems do things back end, but at times, the counties may need access to the statewide data. So, our goal is to provide that to them with centralization.

And integration, as Kim alluded to, we do have partnerships with other agencies like, DMV, DHHS and Department of Corrections. Our goal is to better integrate that data into the system so that things are more automated, and so there is a lot less manual processes.

One of the key integrations we are going to look at doing is with GIS. Our goal is to integrate GIS and mapping into our voter registration system so that, for example, next time redistricting comes around, we can have that done in a day, as opposed to a few months, so.
Right now we are going to talk about implementing the use of electronic and digital information at the polling place. Per the legislative request, section 5.5 of VIVA, six items were identified. One, updating digital photographs of registered voters and verifying the identity of those voters. Two, maintaining information stored electronically in a secure fashion. Three, utilizing electronically stored information, including digital photographs, electronic signatures to create poll books. Number four, using electronic poll books to assist in identifying individuals attempting to vote more than once in an election. Number five, a proposed plan to pilot project to implement electronic poll books, including taking of digital photographs at the polling place to supplement the electronic poll books. And finally, and other related matter identified by the State Board that would impact this use.

So, let's talk about what we have right now. The State Board of Elections currently does have an electronic poll book system for use in all elections, and that is something that we do provide to all the counties as part of our SEIMS or
statewide elections management system, at no cost to them. With our current software, we can do -- we will say two and a half of the following. Number one, we can maintain stored information electronically in a secure fashion. And currently, whenever that data leaves our server to those electronic poll books, it is encrypted and secured all the way through and all the way back into our servers.

We do utilize electronically stored information including digital or, I'm sorry -- someone changed it on me. Anyway, we will utilize electronically stored information, and we can integrate digital photographs and signatures into our current applications without much change.

We have the electronic information in our current poll book, and we plan on adding photographs and signatures. And again, that shouldn't be a challenge for us, because right now, we can already deal with images and signatures.

Next, we would assist in identifying individuals attempting to vote more than once in an election. And currently, the way we do that is with our electronic poll books. When voting is completed, all the data is collected centrally, and
audits are done to check for double voting.

This is just the current screen shot of
our electronic poll book on a search screen, where
they are looking up voters before they can vote.
And here is a typical description of what our voter
information screen looks like, that the poll
workers will actually see when the person is in
front of them presenting to vote.

Now, what do we need? The State Board of
Elections has the ability to upgrade our software
to include photographs of the voters, and we can
supplement them with photographs taken at the
polling site, if needed. Now, to accomplish this,
we are going to have to obtain digital photographs
of registered voters and verify the identity of
those voters.

Now, we are currently working with DMV to
obtain driver's license photographs and signatures.
And even though there's two completely different
systems -- the DMV and us, we have two completely
different systems; they run a mainframe, we run a
Microsoft client server environment -- this should
not be an issue, because right now; we are
currently receiving data and images of the voter
registration application from DMV. So, adding
photographs and signatures from both sides should not be a challenge.

So, new functionality. To accomplish a proposed plan for a pilot project to implement electronic poll books, including taking digital photographs at the polling places to supplement the electronic poll books, we would just need to enhance our current system.

Now, again, our current system is a system that is owned by the State. It is not a vendor-driven system. It is a statewide, State-owned system that we maintain and manage in-house. But anyway, we would enhance that system and add the ability to not only ingest images and signatures from DMV, but to be able to take pictures at the polling places to supplement the missing images that we can’t match, or get an updated image of a voter. And as I said, to get 100 percent of that, we would just work with DMV to make sure we have 100 percent.

So, for example, the easiest solution is, right now, we could add a webcam to the current laptops that are being used at the polling place to capture pictures. Just like when I go to the gym, when I go to the gym and I go to present, I give my
ID number; they look me up in the system; they
already have a picture. We can easily incorporate
a picture and signature into their previous search
screen I showed you.

Conversely --

(Unintelligible remarks from another
speaker off microphone.)

MR. BURRIS: No, I hope not. Not in
North Carolina. But again, this is to show that we
can easily incorporate that in our application
with, you know, little effort.

Now, project plan to pilot. First thing
we have to do, obviously, is obtain the DMV images
so that we can start building this and testing it
and see how this works. Next, we would have to
enhance our current poll book system to accept the
images and deploy them to the counties. And then
third, we would just have to look at the overall
project and cost. And to the State, the cost would
be minimal, because we already have the internal
staff to make these changes. The only changes --
cost challenges would be to the counties, because
the counties, since we provide the application to
the counties at no cost, the counties are actually
responsible for providing the hardware and all the
voting equipment at their sites to vote. So, there
would be a cost incurred from the counties who
currently do not use our election poll book system.
And I will show you here what we are
looking at. So, right now, there are 38 counties
who currently use our electronic poll book systems.
Nine use a third-party vendor, and 53 are using a
paper poll book or manual entry.
So, as I said, some of the challenges are
connectivity. Right now, our current poll book is
only connected within the precinct. Now, there has
been talk that maybe we want to take this and maybe
connect to the county or the statewide database.
The only downside is, the challenge is, is that
there are 2700-plus precincts in North Carolina,
and at least one working poll worker with a laptop
in those precincts. The average is about three.
So, you are going to need at least 8,000 laptops or
polling connections to a statewide system, for
three times out of a general election year. So,
that is your first challenge.
And getting Internet connectivity in
2,700 places, especially in some of the rural
places, is a challenge. It is even a challenge in
some of the non-rural places where you may not get
good wireless or you may not have a connection in
the room that they are using for the polling
location.

And as I stated before, it would be a
county investment, but in order to use our
electronic poll books, they would have to procure
the hardware to do that.

But there would be a lot of efficiencies
gained. For example, right now, when they are
using a manual entry, they do not enter voter
history to record that a person voted. It could
take up to 30 or 60 days for the county to finally
record that in the system. Using electronic poll
books, we could have that information way before
canvass and be able to do better audits to check
for double voting prior to canvass.

So, the future. Some of the challenges
are list maintenance for duplicate voters. That is
our biggest challenge, for duplicate registrations
and duplicate voters. So, if you have ever looked
at the requirements for collecting data, for North
Carolina, to register to vote, really, I really
just have to present my name and address, a
driver's license or Social Security number, last
four of Social Security number, or declare that I
don't have either. So that makes it very challenging on our part to define a duplicate voter, because there can be data entry errors. People can get married. There's a lot of reasons why names may not match in two different places.

So, knowing that, one of the solutions that we were pondering in house is, we would love to use -- if we are collecting these images when you present to vote, and we are collecting the DMV images to supplement that, for those we don't have, we can then easily check for duplicate regis---or duplicate voting, or even duplicate registrations through use of facial recognition. Or, if we don't want to use facial recognition, we can always use some sort of biometrics or something non-name related to help check for that. And with this, I will turn it back over to --

REP. LEWIS: Thank you so much, Mr. Burris.

Ladies and gentlemen, where we are now is, we would like to pause and take inquiries to Ms. Strach and, at her direction, her staff before we move into the next item on the agenda, which is the implementation of the Voter Information Verification Act. The Chair saw Representative
Harrison's hand first, so, ma'am, you may state your inquiry.

REP. HARRISON: Thank you, Mr. Chair. I had two questions. I think the first is to Ms. Degraffenreid. How do we accommodate the homeless? I didn't -- I missed that.

MS. DEGRAFFENREID: Sure. Right, so under North Carolina law, if the person's residence is not associated with real property, that person may, in essence, register to vote at that place where the person lays their head at night. And so, that individual can -- and there is even a map, they can either, you know, draw where they live, and the counties will work with that individual to put them into the best possible place for purposes of jurisdiction -- the ballot they are entitled to vote.

In terms of mail verification, the person is asked to provide a mailing address. So, that verification mailing would be sent to a mailing address. And that's why Ms. Strach indicated that one of the challenges, you know, sometimes with mail verification is that we need a residential address for voting purposes where -- those jurisdictions for which you are entitled to vote,
for mail verification, if you provide a mailing
address on your application, your verification
mailing is sent to a mailing address.

REP. HARRISON: And then my other
question relates back to the felony -- the felony
conviction piece. So, the DOC sends an automatic
monthly list to you all, State Board of Elections,
I assume, and not -- and the counties?

MS. DEGRAFFENREID: To the State Board.
It is -- the information is provided -- the data is
provided to the State Board, and then we
disseminate that information out to the county
boards of elections via reports.

REP. HARRISON: So, the -- follow-up.
Is there some sort of automatic process for the
restoration of citizenship rights, for, I mean, is
there some corollary reciprocal, where the DOC says
to you-all they have restored -- they have served
out their sentence and their rights have been
restored?

MS. DEGRAFFENREID: We do receive data in
addition to those who have been convicted of a
felony conviction. We also receive data for whose
felony sentence is complete. And then that
information as well is provided or disseminated to
our county boards of elections via reports on an
intranet site, which is a secure, protected site.
And then the county boards of elections are to
modify the voter's removed record with the fact
that their felony sentence is complete; however,
state law requires the individual to register anew.
They would have to register to vote anew. Their
voter registration previously is not automatically
reactivated.

REP. LEWIS: Senator Bryant, for an
inquiry.

SEN. BRYANT: I have a couple of
questions, Mr. Chair.

REP. LEWIS: Yes, ma'am. Please proceed.

SEN. BRYANT: The first question is about
the duplicate voting. My first question is, how
big a problem is duplicate voting? And you may
have told us in all of this, but I lost count --
track in some of the data that has been provided.

MS. STRACH: What I was speaking to with
the interstate cross-check, is duplicate voting
across state lines. People voting in another state
and in North Carolina. So, that number is looking
at -- and it's only looking at the states that are
a part of the consortium. So states that are
outside of that, we have no way at this point of
knowing if people in Florida, for example, have
voted potentially in North Carolina. So, that is
the limitation with a cross-check like that.

SEN. BRYANT: So, follow-up. How big
is -- just remind me of that number. And then, do
we have an in-state number or any number that you
have been tallying in-state of duplicate voting?

MS. STRACH: Well, these are the numbers
based on the cross-check, so that as we said,
what -- we like exact matches when we're looking,
and that is the 765 that are -- that we have
evidence based on the data that was provided that
ey they not only are registered in two states, but
also voted in North Carolina and that other state.
So, that's exact matches. The next number is the
fact that those are not -- they do not have Social
Security number as part of that match.

SEN. BRYANT: Now, within the -- Follow-
up, Mr. Chair. I am just trying to find out within
the state, what --

REP. LEWIS: You are recognized.

MS. STRACH: Well -- and those numbers, I
don't think we have. Marc can probably speak more
to that after each election. And that's sort of
the issue of what we were talking about and Marc
was alluding to in the electronic poll books. Is
sometimes, we cannot check for double voting until
all the counties get their information in, and they
have voter history. Then at that point, we do
conduct an audit to look and see how many potential
double voters we have. Marc might could provide
you more information on that. Marc, do you have
more information on that?

REP. LEWIS: You are recognized, Mr.
Burris, to respond to this inquiry.

MR. BURRIS: I don't have the numbers off
the top of my head, but I can tell you that the way
this system is designed, you can not -- it would
not allow for the recording of two voters. So,
typically, that is resolved before, so it is really
hard in the system to grab the numbers. Typically,
though, double voting typically does not come by
twice, that we have seen, twice on Election Day.
It is more typical that an absentee vote is filed
and an election day vote is filed. The good thing
about that is, we can identify that in the system,
and typically, the counties are responsible. They
are the ones who do the work and resolve them. Our
job, typically, is to go in afterwards and try to
find the different names who are registered and
those people who voted twice, because in theory,
our systems will not allow them to obtain a ballot
for the same person twice.

SEN. BRYANT: One more question?
REP. LEWIS: Senator Bryant.
SEN. BRYANT: This is, I guess, to Ms.
Degraffenreid. Have I got that right? Okay. You
showed that flow chart where you have a voter scan
system and then a voter view. And I am presuming
that voter scan is scanning the actual paper?
Somebody is scanning in, maybe in the counties or
somewhere, wherever they receive these
registrations, are scanning them in and sending
them to you. And is that being translated from
paper to digital by that software? And if so, how
accurate is that? That's my -- you know, what have
you found, in terms of accuracy?

MS. DEGRAFFENREID: Well, what happens
when someone completes -- I mean, when the county
receives any type of voter registration
application, it's scanned for purposes -- instead
of -- trying to get away from paper, basically. We
have gone green in the past couple of years.

So, that voter registration application
is scanned in, and the counties do their data entry
based on the scanned image. And so, that is -- it
is an electronic filing system for any voter
registration application, change of address, voter
card that comes in, any voter registration
activity.

With our SEIMS rewrite, one of the things
that we would also like to do, is to be able to
start scanning any type of election-related
document, whether it is a petition, the
authorization to vote form, the absentee
application. It is a way of housing all of the
data.

We get quite a bit of public records
requests. It's difficult sometimes for our
counties to be able to respond to that. If we have
it digitally, it's easier, and it's for
efficiencies.

SEN. BRYANT: All of the -- Mr. Chair,
one more.

REP. LEWIS: Yes, ma'am.

SEN. BRYANT: All of the information from
that form is actually entered by a person sitting
down manually, by a person sitting down at a
computer.
MS. DEGRAFFENREID: Yes. Right, yes, Senator Bryant. The only other caveat would be DMV voter registration activity. That is still data entry as well, but it comes from the DMV examiner. Some of the information is pulled from the DMV customer database. And every election year except for maybe a presidential election year, 60 to 65 percent of voter registration activity comes from our partner, the DMV. But there is a manual component, but even those applications when it prints out from the DMV is scanned by the DMV, and then that data is fed electronically into the centralized voter registration application.

Because we have a statewide voter registration application -- I am in Raleigh; if someone calls and they want information for someone in Catawba County, I can look that information up. I can see the application that that person presented.

REP. LEWIS: Senator Brown, for an inquiry.

SEN. BROWN: Thank you, Mr. Chairman. Could someone -- pick an address. Let's just say, 100 Ashe Street, Raleigh. And say there were 75 registrations for that address. Would the system
pick that up and kick that out?

MS. STRACH: Kick it out? Well, if

someone completes a voter registration application
and as part of the data entry process identifying,
are they tentatively qualified, address would be
one. Basically, does the address exist? To the
extent that the address exists in the county’s
database, and we refer to it as geocode, is it a
valid address in the county? That is the first
check.

The second check, if you are asking
almost like a voter registration density, are there
flags to that? No. Many times, counties will know
that there is some issue. For instance, there is
an address in -- Ashe Avenue, I think is in Raleigh
or Oakwood Avenue, may be the central address for
one of our universities here. So, everyone in
terms of -- who registers at that college or
university will have that address. So, there could
be legitimate reasons why, you know, someone has
that address. If it is a house or residence and
there are lots of people there, there is no check
at this point, I don't believe, that would identify
that.

REP. LEWIS: Senator Brown?
SEN. BROWN: Yes, follow-up. So, let's say because Florida is not on a reciprocal basis with North Carolina, if 100 people from Florida wanted to come to North Carolina and pick an address and register, there really would be no way for us to monitor that, I guess.

REP. LEWIS: Ms. Strach?

MS. STRACH: And I think, as Veronica was saying, if those people gave a valid address in the county they came to, they would be registered. And they would then, if they gave a mailing address as -- the problems that we have with the whole mail verification -- they could be verified based on that mailing address. So yes.

REP. LEWIS: Representative Moore, for an inquiry.

REP. T. MOORE: Thank you, Mr. Chairman. I actually have a series of questions along this same information. I think the big bombshell today is the fact that you have documented what appears to be voter fraud that has occurred, at least 765 voters with an exact match of the first and last name, date of birth and last four of the Social Security number. You have also got 35,750 voters with the same name, same first name, same last name
and same date of birth, who have registered and
voted in North Carolina and in another state. So,
there, we have over 36,000 people who it appears
are documented, who actually voted in this state
illegally and committed felonies, exactly.

So, I am just curious. Number one, have
you noticed any trends? Are these coming from
particular counties? I assume you have the names,
addresses and the data on these individual voters.
Is that correct?

REP. LEWIS: Ms. Strach?

MS. STRACH: We do have that data on the
voters, and that is what we are looking at. There
are a couple of things that we have to look at. We
have to look at and see, could it be voter fraud?
Sure, it could be voter fraud. Could it be error
on the part of a precinct official choosing the
wrong person? It could be.

The problem, and I think one of the
greatest concerns that we have, too, from that, is
that these people should not be on the rolls in the
first place. So that even if it's not voter fraud,
a precinct official shouldn't have the opportunity
to choose this person and attribute a vote to them.
So that's -- but we are looking at each individual
one of these cases to determine what in fact it is.

REP. T. MOORE: And a follow-up on those same lines, Mr. Chairman.

REP. LEWIS: You can go ahead.

REP. T. MOORE: And the third point also on there, that is the 155,692 voters, as I understand it, these are folks that are currently on our rolls, right now, registered to vote, but they have had some kind of activity, either registering or voting, doing something in another state, but that is not even all the states. So, that number could actually be much higher, as could all these numbers, I suppose, because we don't have all 50 states involved in the mix. Is that correct?

REP. LEWIS: Ms. Strach?

MS. STRACH: Representative Moore, I think that's certainly entirely possible and probable based on the fact that, right, we are only talking about 28 states. So, yes, our desire is to have a way to have a way to have all 50 states involved in this. But right now, you are right. Those are the numbers with respect to the 28.

REP. T. MOORE: And another question. At some -- is that, I guess, public information?
Those names and addresses, is that a public record?

MS. STRACH: No, at this point it is not, in fact, because -- because it's the potential of someone double voting, and that's a potential criminal violation; it is not public record. That is something that we are investigating and we are treating it as if it is a criminal investigation until we have determined otherwise.

REP. T. MOORE: And if I may one more?

REP. LEWIS: You're recognized.

REP. T. MOORE: How about the 156, 155,000? Is that public record, or is that not?

MS. STRACH: Once again, I think that we have got to look at that and see exactly what the activity was before we can determine if it is something that is a potential criminal violation. If these people in fact just attempted to cancel their registration, and it was not cancelled, we need to know that, too. That's one of the big priorities that we are going to be looking at, is how do we determine if these 155,000 people need to come off our voter rolls.

REP. T. MOORE: And maybe one, I said last question, but one real last question.

REP. LEWIS: Representative Moore:
REP. T. MOORE: Did you notice whether on
the voting that occurred, whether it appeared that
the issues happened, say, at early voting or the
same-day registration, or did it happen on Election
Day? Do you have that data?

MS. STRACH: Representative Moore, at
this point, we do not have that specific data. It
is based on the -- it gives us an Election Day, and
it does not tell us at what part of the process
when they voted during that election period.

REP. LEWIS: Senator Goolsby for an
inquiry.

SEN. GOOLSBY: Thank you, Mr. Chair. I
would like to follow up on Representative Moore's
questions. I am concerned about the potentiality
of many thousands of felonies being committed in
our state, and the fact that we have taken no
action as a state for these potential criminal
violations.

And I am just making suggestions, maybe
for something to come out of this committee, Mr.
Chair. If we are looking at literally 35,700
people, and another 765 -- and that's just in the
few states that we actually cross-check with. I
did want to ask Ms. Strach, when did we start doing
these cross-checks? And I know that she is talking
with one of her helpers. Ms. Strach, when did we
start doing these cross checks? When?

MS. STRACH: We started just -- this is
the first year that we did this. House Bill 589
advised that we needed to engage in cross-checks,
and this is the first year, this is the first one
that we have signed up to do.

SEN. GOOLSBY: Okay. The State could
have done that before, but you did not have any
legislative direction in the past. Board of
Elections just decided that wasn't important enough
to check?

MS. STRACH: I can't speak to that. I do
know that that is something that I think is very
important, and with the legislative expectation, we
certainly engaged in doing this one with Kansas,
and we are looking at others as well.

SEN. GOOLSBY: Mr. Chair, further
question?

REP. LEWIS: Senator Goolsby.

SEN. GOOLSBY: Have we made, or are you
looking at making criminal referrals on all of
these cases to the counties of origin and the
district attorneys to prosecute these for potential
felonies?

MS. STRACH: That's why we are engaged in the investigation. If we have evidence that, in fact, a person did vote for someone else, then that is a criminal violation, and we will absolutely refer that. But we have to make sure that we ensure that that's what happened, and it wasn't error on someone's part.

SEN. GOOLSBY: There again, Mr. Chair. As we look at potential legislation recommendations to come out of this committee, I mean, it seems to me like, we have a lot of investigation has already been done. We have already verified substantially matches here of identifications of people. And it seems to me like with the evidence you currently have, with the direction of the General Assembly with some statutory legislation, they could actually direct that the Board of Elections pass on this information to our local district attorneys' office for further investigation.

And I further don't understand why we would not have -- what the secrecy is behind listing people that have voted in our state, which is part of public information when you vote, and then people who have also voted in these other
states, that's public information. That is not
criminal -- that is potentially criminal
information, but it is public.

And I think those names ought to be
listed, and we ought to put legislation into effect
that lists the names of people who voted in our
state potentially and other states, so that that's
out on the public record and can be cleared up, or
the public can demand action from their local
officials and state officials, particularly the
district attorneys of the state to see to it -- I
mean, these numbers are shocking. These are tens
of thousands of votes that have potentially have
been cast in our state and another state.

And I will go further, Mr. Chairman. The
thing that concerns me is that when I stood in the
line to get elected in the last election in 2012, I
saw a lot of students in particular, UNCW students,
and I asked, "Hey, where are you from?" I can not
tell you the number of times I was told, other
states. Now, I didn't then say, "Are you
registered to vote there? You shouldn't be voting
in both places." I didn't go that far; I wasn't
going to harass people at the polls.

But it does concern me that we literally
have thousands of people that are potentially
ing here, but we haven't even made criminal
errals yet from 2012. We have another election
cycle coming up very soon. That concerns me, and I
think we need to take action on that.

I also, if I could go back, Mr. Chairman,
to other concerns I have. And this goes back —
and I would love some feedback from you, Ms.
Strach. I'm talking specifically about North
Carolina General Statute 163-82.6(b), what we call
Motor Voter, which I don't think we've heard much
about today.

I have been concerned. I wrote and
article on it many months ago, after it came to
light that our previous chairman or director of the
State Board of Elections had allowed 11,000 -- up
to 11,000 voter registration forms from this
company called Allpoints that was paid for by the
Obama campaign, $25,000 for these ostensibly Motor
Voter registration done on a computer or a smart
phone, where you just sort of signed your signature
with your finger, and it went out all over North
Carolina.

I know that my local board of elections
people were asking questions about it, and in many
counties around me, wanted to know how they were
getting voter cards in that appeared to be Motor
Voter type registration that was done by a private
company, paid for by the Obama campaign, to the
tune of about 11,000 votes. I would like to know,
have those been investigated? I know Mr. Bartlett
said it was okay and told the other four Board
members that he had done it after it had happened.
Have we investigated that at all? Do we know what
has happened? Are those people legitimate? Have
we done anything with that?

REP. LEWIS: Good luck, Ms. Strach.

MS. STRACH: Senator Goolsby, I am aware
of what were your concerns. All I can say on that
is that I am not aware of the -- I don't think
there is a specific investigation or complaint that
has been filed with respect to that, but I will
look in -- I will be happy to look into that.

What I will say to you, though, about the
concern is that -- and we have certainly had to
address this, is that the only agencies that are
authorized to have electronic signatures or online
voter registration are state agencies, such as DMV
or any other state agencies. And so, we do not
allow other third parties to -- to have online
voter registration. We do not.

SEN. GOOLSBY: Mr. Chair, just lastly.

REP. LEWIS: Senator Goolsby.

SEN. GOOLSBY: I do have a copy of my article. If I could have the Sergeant at Arms pass it out to the members, I would like them to see what I have been talking about. It actually has a quote from you, Mr. Chairman, where, "This particular method has the appearance of an attempt to skirt our current law." And I am concerned that it apparently happened, and we still haven't had anything done about it. And I think that's something else that we need to look at.

As we come out of this committee, I would hope that we could come with a lot of recommendations for helping Ms. Strach -- and I appreciate all of her hard work; I am not jumping on her; this happened way before she was there. But also helping her with legislation to see to it that they get direction from us on how to make proper criminal referrals in a timely manner, so that we can go after tens of thousands of potential felons in our state that think it is okay to vote in North Carolina and in another state in the same election. That is outrageous; that is criminal.
That is wrong, and it shouldn't be allowed to go
any further without substantial investigations on
the part of our local district attorneys who are
the ones charged with enforcing these laws.

REP. LEWIS: Thank you, Senator. The
Chair directs Senator Goolsby's article to be
distributed to the members and also for the article
to be included with the record for the committee.
Chairman Rucho, for an inquiry.

SEN. RUCHO: Thank you, Mr. Chairman. I
have a couple of questions, if I may. I do -- I am
also concerned, as Senator Goolsby and
Representative Moore, about this kind of activity.
I guess, you know, we hear a lot of the critics
that come out and say, "Well, show us something
about what fraud" -- "Well, fraud doesn't exist."
Well, Senator Goolsby, I guess the bottom line is
that if you don't look for it, you will never find
it. And apparently that is exactly what has been
going on. It has been ignored, for whatever
reason, and you can use your own imagination.

You know the -- Ms. Strach, again,
following up on what Senator Goolsby -- I was aware
of an issue of, a report that was done, and I won't
not go into that in detail directly, but how many.
cases of fraud have actually been submitted to
district attorneys, and how many of them are
actually in any action?

MS. STRACH: Senator, I am aware of the
chart that you are referring to, and yes, we
have -- our office has referred cases of potential
criminal violations with respect to double voting.
We have provided those to district attorneys, and I
can't tell you the specific numbers of
prosecutions, but I think it's very low, if any.
But I could provide you -- we can provide you
specific numbers on that.

SEN. RUCHO: Follow-up, sir?
REP. LEWIS: You're recognized.
SEN. RUCHO: Okay, thank you. So,
therefore, we take it that you all -- the Board has
done something in recognizing the fraud, has
reported it to the appropriate agencies, district
attorney's offices, and apparently they have taken
no action.

MS. STRACH: What I can say to you is
that I have reviewed files, and this is something
that I am coming back and reviewing now, after --
after the fact, and as we move forward. But we
have -- we certainly have referred cases where
there have either been complaints or things that
have been identified through our own audits of
potential voter violations that have been referred
to district attorneys, and we have not had
prosecutions.

SEN. RUCHO: Thank you. And follow-up
question, sir.

REP. LEWIS: Yes, sir.

SEN. RUCHO: Let's talk a little bit
about the 81 deceased voters that are voting. I
used to hear jokes and people laughing about that
stuff. But at least 50 of them potentially have
voted where they -- actually voted where it might
not have been an untimely death. You know, my --
and I get very upset about -- my son watches that
Walking Dead program; it absolutely infuriates me.
But I guess we have the voting dead now. Are we
doing anything that is going to stop that kind of
activity in regard to people voting? Or will the
photo ID program that is being put forward, and
y'all are trying to enhance, actually do something
about curtailing dead people from voting, or even
the 151,000 of the others that are able to vote
twice?

REP. LEWIS: Ms. Strach?
MS. STRACH: Senator Rucho, as I said, we don't think the dead people are voting. What we are trying to ensure -- I think the big issue is that these people shouldn't be on the rolls. We are going to look and see whether or not, in fact, people did vote for these individuals, or if there is another reason. And I do want to stress that the reason could be -- and this is also a problem, is that it could be precinct error. There's a lot that goes on in a precinct, and someone could attribute someone to the wrong person, and that could be a reason for why that shows up.

But that -- in my opinion, that is still a problem, because we have a vulnerability with our voter rolls when we have people on there that should not be on there, and a precinct official shouldn't have that opportunity to choose them.

SEN. RUCHO: So, I understand that there may be some other reasons, but the reality is that at least 50 of them voted. Or at least appeared to have voted.

MS. STRACH: Well, see, the 30 are actually -- we believe that the actual person voted before they died.
SEN. RUCHO: No, I understand that, but --

MS. STRACH: The 50 is that at least a vote was attributed to a person that was deceased at the time. They were deceased at the time the voting occurred. And like I said, I can't tell you that an individual voted for that person; that is part of our investigation to determine.

SEN. RUCHO: But somewhere on the rolls, someone voted for that person that was supposed to be dead. And secondly is the photo ID portion of it: will that assist in trying to eliminate or totally minimize the chance of this happening along with -- well, maybe not on the double voting, but at least in that sense, that same person or another person's name coming forward?

MS. STRACH: I absolutely believe that someone that shows up in a precinct, having to state their name and address and provide a photo ID, it certainly makes it a lot harder if you are trying to impersonate someone else, if you are standing there with an ID that doesn't match that voter, absolutely.

SEN. RUCHO: Last question, Mr. Chairman.

REP. LEWIS: Yes, sir.
SEN. RUCHO: Recognizing what Mr. Burris was talking about and you all were talking about as far as that, are there any specific legislative actions that we can take during the short session that will help you accomplish having an up-to-date and honest voter roll, and also do its best to make sure that the elections are honest and fair? Is there -- would they and hopefully every citizen in North Carolina would like it to be?

MS. STRACH: That's what we would like it to be. I think that what we have discussed here today about the rewrite to our system is a -- is a significant progress to that effort, that if we can get our system to where we're able to integrate these things, where we are able to perform audits in a shorter time period, I think that will benefit every voter in North Carolina.

SEN. RUCHO: Thank you, Mr. Chairman.

REP. LEWIS: Thank you, Senator.
Senator, I will get to you in just a moment. The Chair saw Representative Warren's hand first.

REP. WARREN: Thank you, Mr. Chair. I want to thank Representative Moore, who just asked a plethora of questions that I had down here. But I do want to take my opportunity to speak to thank
you as one of the primary sponsors of VIVA. One of
the criticisms we heard throughout the whole
crafting of the bill and the presentation of the
bill is that this was a solution looking for a
problem. And I thank you for unveiling and
discovering the problem.

We heard a lot of talk about the bill had
the potential of suppressing votes. Well, almost
200,000 people with the potential of having voted
twice is a suppression of votes. And I encourage
you to continue to pursue your investigation into
these voters.

I understand some portion of them could
be clerical error. Some of them could be innocent
mistakes that don't all necessarily have to reflect
fraud, but it does clearly, clearly indicate that
there is a problem, and VIVA is addressing that
problem, so I thank you there.

And later, sir, I would like to be
recognized to make a comment regarding the
electronic part of the bill.

REP. LEWIS: Would you like to do that
now, Representative Warren, or wait till the --

REP. WARREN: I will just make this
comment, then.
REP. LEWIS: You are recognized.

REP. WARREN: We mentioned some challenges with broadband. I think those are challenges that will disappear as we continue to see broadband venture out into the rural areas. The benefits of having that versatility and that tool in this process, I think would help eliminate what we are incurring here today.

I also think that it's very, very encouraging what the capabilities of the Department is now. When we were drafting the bill, we really didn't realize how much we had at our disposal. So, it was something I think was probably looking at a public-private-type partnership, but this is very good news that you're bringing forth today.

Thank you.

REP. LEWIS: Thank you, Representative Warren. Senator Bryant, for an inquiry? Pardon me, Senator Bryant; this is the second time I have had to do this to you. I do apologize.

Mr. Gerry Cohen, counsel to the committee as well, sought to be recognized a while ago, and the Chair didn't see him, so if you will just hold, and Mr. Cohen, for your response?

MR. COHEN: I will respond to Senator
Goolsby's third point about the online voter registration, where a third party vendor working in all 50 states allowed people to sign over a smartphone, and they then printed out the form capturing that address and mailed it to North Carolina. House Bill 589 prohibited that, so that is no longer authorized. One could argue about whether it was lawful or not before, but it is definitely not lawful now.

SEN. GOOLSBY: Mr. Chair, I believe that it was unlawful before, and I believe it was illegal for the Board of Elections to allow that. And that's 11,000 votes I think should be taken off the voter rolls, and those people should be required to re-register legally in our state. And I hope that that suggestion comes out of this committee also, if we can identify those people at this point in time, two years later.

REP. LEWIS: Thank you. And now, Senator Bryant for an inquiry.

SEN. BRYANT: One inquiry, and then a comment, Mr. Chair. And my inquiry is, is there any way to register online with the State Board of Elections?

MS. STRACH: No. No, not at this time.
SEN. BRYANT: Thank you. Follow-up with a comment.

REP. LEWIS: Yes, ma'am.

SEN. BRYANT: And that is that I understand the excitement about the potential of finding these double voters so we can justify that there is fraud because it is -- the voter ID piece in any event is a solution looking for a problem, and I feel like you all are not listening to the part of Ms. Strach's response, which has been clearly that part of the problem is a technology problem that a improvement in technology would help, so that people who are not qualified voters would not be on the rolls. But even with voter ID, if you have got three John Smiths the third, first, second, senior, junior or whatever at an address or similar address, and they show up even with the right ID, the person can easily check the wrong person. And even if I show up with the ID, it doesn't match to anything on the voter rolls, so the person still has to assume that I am who that is, that's on that roll.

And so, the combination of these technology enhancements are -- ultimately are the most important feature of what I am hearing from
the report, I mean, which could be obvious in any event. And so, I just want to make that point. And that votes — the votes that are being suppressed that are of concern, are the votes of people who are living in our state and entitled to vote and will be hindered by this law, not by people who are voting from two states. So, thank you.

REP. LEWIS: The Chair thanks Senator Bryant. We actually will get to the voter ID part of this presentation here in the committee. The Chair would like to put on the record that any vote that is denied to be cast is a terrible thing, to deny the right of someone to exercise their constitutional right. The Chair would also like on the record that to dilute someone's vote who has properly cast it is also an egregious thing. Representative Jones for an inquiry.

REP. JONES: Thank you, Mr. Chairman. I would just like to follow up on a few of the comments that have been made and the numbers that are before us here. And I agree with what has been said earlier. I think that these are staggering numbers, and I can't help but go back to the tremendous push back when we talked about things
like interstate cross-check.

I know it has been pointed out that a substantial number of states don't participate in this cross-check. I would like to point out, for the benefit of those listening, that many of those states are some of the largest states in the country. California -- I am looking at the map here -- California, New York, Florida, Texas, those are states that don't participate in this.

And I would just suggest that when I look at the number, 35,750, with first and last name and date of birth match, yes, obviously, you could say there may be some clerical error there for a few of those. But I guess the question I have, I want to follow up on what I think you said earlier, Ms. Strach, that would mean that those people should not have been on the roll to start with. And in addition to that, they happen to be the result of a clerical error where someone said that they voted, but they really didn't. Is that -- is that what you were trying to say?

MS. STRACH: If the voter is registered in another state -- you can't be registered in two states. So they may not need to be registered in North Carolina; they may not need to be registered
in the other state. That is part of what we would need to determine, of where their proper registration is.

REP. JONES: Okay, and follow-up. When you are going back and doing your investigation, how can you determine whether there was an error by the local precinct official?

MS. STRACH: That is challenging. What we can do is -- sometimes what we have been able to see, and I think it was to Senator Bryant's point, is sometimes the error could be with a junior, senior. We can look and see if there is evidence to see. If we can pull ATV's and look at signatures, those are the kinds of things that we have to do.

As you can imagine, it's not always -- it is going to be difficult sometimes to determine whether something was error or not. But that's certainly a part of what we feel like we have to use all of the resources we have, all the documentation we have, just so that we can try to determine what happened with each case.

REP. LEWIS: Representative Jones.

REP. JONES: To the next number we are looking at, 155,000-plus and that is the exact
match of first and last name, date of birth and the last four of the Social Security numbers. And I think you have already told us that a substantial number of the states don't even have the Social Security numbers. Do we happen to know what the number might would be if you take out the Social Security numbers? I mean, we went from 765 to 35,750 on our first two figures there.

Do you happen to know how many voters we are talking about that would just be an exact match of first and last name and date of birth, but not the last four of the Social Security number, that are registered in North Carolina and another state, and North Carolina is not the latest date of registration or activity?

MS. STRACH: Representative Jones, I do believe we have that. I didn't include that, but we can absolutely provide those numbers as well.

REP. JONES: But is it fair to say that it would be a substantially greater figure than 155,000, if you take out the Social Security number?

MS. STRACH: I can tell you that it is higher. I can't tell you how much higher it is.

REP. LEWIS: Representative Moore, for an
inquiry.

REP. T. MOORE: Thank you. Just couple of things that I thought about. And I think Representative Jones hit on something. That when you look at that map, I don't know if you can bring that stuff back up again, but I think the map says a lot. Just look at the number of states and look at the particular states that we don't have data from: California, Texas, Florida, New York. I would submit to you that if you just followed basic math and a trend, these numbers are probably higher.

The other thing that I think is interesting about the 35,750 -- you know, when I am not here, I am practicing law in western North Carolina, and criminal defendants, when they go before a judges to be sentenced, they look at a criminal record. And what they look for is the name and the date of birth. And that Social Security number, you may have it; you may not.

I would say if you have got a last name, a first name and a date of birth that match, that is the same person. I mean, what are the odds of that? Very low, that you are talking about a different person. So, you are talking
realistically at this point, over 36,000 people who
have voted in this state and another state, that we
know of. Probably higher if you look at these
other states that weren't included.

But I do -- a couple of things -- I do
take issue with one comment made earlier about the
voter ID not addressing this. I think, you know,
this is proof positive to me, and I think to most
folks who would look at this data as it is, as you
have presented it, that voter fraud is in fact, has
in fact occurred.

I hope that the VIVA act that we have
passed into law is going to help. I hope it does,
because it does a couple of things. One, it
improves the technology, it allows this electronic
poll book that hopefully will ferret out a lot of
this. The voter ID component. Because it is not
only the fact -- voter suppression is also, as
Chairman Lewis said, it is just as much voter
suppression if votes are being cast fraudulently or
illegally in this state, as opposed to votes not
being cast. That is voter suppression, because it
is resulting in a result that frankly does not
represent the view of the electorate.

So, I think you have -- I think you have
hit the nail on the head. I am afraid that what you have found, though, Ms. Strach, is the tip of the iceberg. Because for years, all of us have know anecdotally of different types of voter fraud; the dual registration, dual voting in other states is just one facet of it. There is also the issue of folks going in and posing to be someone else, which there is a lot of anecdotal evidence about that. And the problem historically has been that without the voter ID, you had no way to prove it. Well, guess what, now you will have a way to prove it with voter ID being implemented.

I do thank you for the work that you have done. But I would ask if you guys could just take a second look at whether or not this is in fact a public record, because I understand the statement that there is a worry or a concern about criminal prosecution. But my belief, and again, I am just a small town lawyer, I know nothing about this, right? But my belief is that voter records, voter -- who votes and this issue of being registered in another state, because that data would be public record in the state whatever the other state is and public record in the state of North Carolina, that this should be public record,
and that this entire number of voters, I believe, should be a public record open to inspection by the public, the media and anyone else. I have always found the best way to expose corruption is to bring daylight to it.

REP. LEWIS: Thank you, Representative Moore. We thank our team from the Board of Elections. We are going to let you sit down and rest for a moment, and we are going to move on with the agenda that you have before you.

We are going to now review the statutory requirements for the voter identification implementation. Kelly Quick, our research assistant in the Research Division is going to present that. As she is coming forward and getting her PowerPoint set, the Chair would like to thank on behalf of all the members, the Sergeant-at-Arms for their assistance today. They are, from the Senate, Mr. Charles Harper and Anderson Meadows, and from the House, John Brandman and B.H. Powell. We really appreciate your help today and your service. And with that, Ms. Quick, you have the floor.

MS. QUICK (STAFF): Thank you, Mr. Chair.

I am going to go over the photo ID implementation
requirements that were found in House Bill 589.

So first, what is the photo ID requirement? Beginning in 2016, each voter voting in person must show a photo ID bearing a reasonable resemblance to that voter in order to vote a regular ballot. And that voter ID must show an expiration date and not be expired. And there are some exceptions to that, which I will go over in this next slide.

What types of photo ID are acceptable? A North Carolina driver's license, including a learner's permit or a provisional license; a North Carolina special identification card for non-operators; a U.S. passport; a driver's license or a non-operator ID card issued by another state, but only if that voter's voter registration was within 90 days of the election.

And some of the exceptions that I referred to in the previous slide, the U.S. military identification card and the the Veterans Administration ID card do not need to have a printed expiration or issuance date. For tribal enrollment cards issued by federally recognized tribes, no printed expiration date is needed if there is an issuance date of not more than eight
years prior. And State-recognized tribal
enrollment cards can be used as photo ID as long as
the ID is issued in accordance with a process
approved by the State Board of Elections, that
requires an application and proof of identity
equivalent to the requirements for issuance of a
special ID card by the DMV, and it also must be
signed by an elected official of the tribe.

So here are some require -- what must the
State Board do in terms of voter ID implementation?
They are required to disseminate information
through public service announcements, print media,
radio, TV, online and social media about photo ID
requirements for voting, how to obtain photo ID
appropriate for voting, and how to assist
registered voters without photo ID for voting to
obtain that photo ID.

They must work with other public
agencies, private partners and non-profits to
identify voters who don't have photo ID, and assist
those voters. They must ensure that all outreach
efforts to voters about the photo ID requirements
are accessible to the elderly and to persons with
disabilities. They must work with the county
boards of elections in counties where there is no
DMV driver’s license office open five days a week, to widely communicate information about the availability and schedules of mobile units and to provide volunteers to assist voters in obtaining photo ID through those DMV mobile units.

The State Board must also include information about photo ID on its website and distribute information about photo ID requirements to groups and organizations that serve persons with disabilities or the elderly.

County boards must include information about photo ID when sending new voter registration cards as a result of new registration, change of address, or for notice of new district assignments. If the county maintains a board of elections website, the information about photo ID must be on the website.

In notices of election published by county boards, those notices must include a brief statement that photo ID will be required to vote in person beginning in 2016. And those are for notices of elections published in the 2014 primary and 2014 general election. The county boards must also post information about photo ID at the polls and at early voting sites beginning in 2014.
The State Board and county boards must together, along with the DMV, in counties where there is no DMV driver's license office, again, they must include information about mobile unit schedules; distribute information about these schedules to registered voters; and to publicize information about mobile unit schedules through other available means.

The State Board of Elections and county boards are also required to direct volunteers to assist registered voters in counties where there is no DMV driver's license office open five days a week.

So, in 2014 and 2015, what happens at the polls? So, between May 1st, 2014 and January 1st, 2016, any registered voter can present photo ID, but they cannot be required to do so.

Between May 1st of this year and January 1st of 2016, each voter presenting in person is to be notified that photo ID will be required to vote in 2016 and must be asked if that voter has photo ID appropriate for voting. If that voter indicates that he or she does not have photo ID appropriate for voting, that voter should be asked to sign an acknowledgment of photo ID requirement, be given a
list of the types of photo ID that are appropriate
for voting, and must be given information on how to
obtain those types of photo identification. In
addition, I want to point out that the list of
names of those voters who sign an acknowledgment is
a public record.

Mr. Chair, that concludes my
presentation.

REP. LEWIS: Thank you so much, Ms.
Quick. Any inquiries for Ms. Quick? If not, the
Chair would like to invite Ms. Strach back up to --
on behalf of the Board of Elections, to speak about
the process by which the Board of Elections is
beginning implementation of the photo ID law.

MS. STRACH: Thank you, Mr. Chairman. I
wanted to sort of give you a progress report of
where we are in our implementation efforts. The
first thing that I think we want -- we certainly,
we want to thank the fact that we have some very,
very good partners in this implementation effort.
North Carolina DMV, as we spent a lot of time when
we were talking about list maintenance, you see how
active DMV is with our daily functions at the State
Board of Elections, and what we -- services that we
provide to the county board of elections. And we
are very fortunate to have such a great working relationship with North Carolina DMV in those efforts, and we have already had such great working relationship with them in our efforts to implement voter ID.

North Carolina Department of Vital Records, Register of Deeds Office, which are the two partners that we have, in working with them to ensure that people who need documentation in order to obtain the free ID can get that. So we have been meeting with those various partners to ensure that this is a seamless process.

And we certainly want to make sure that we acknowledge and show the respect for our 100 county boards of elections who work on a daily basis and will be implementing these things in the field beginning with this election. And so, we spent last week, two days, with our 100 county boards of elections, what we called training the trainer, for all the different things that they are going to have to do in implementing this bill: not just the voter ID, but the other aspects as well.

To sort of give you a time line of where we are right now and what we are doing, this legislation passed and was signed into law last
year, I believe in August. In September, we had
removed the preregistration ability, because that
was part of something that was repealed. In
October, we had new voter cards ready that included
the language about the requirement to provide photo
ID in 2016, and we also met our deadline of October
1st, with having temporary rules in place for
multi-partisan assistance teams, which county
boards right now presently are training to go out
and assist voters with absentee voting. So, we are
very glad that those rules are in place.

And January 2014 was a big deadline,
because that was the date for which North Carolina
DMV was required to provide the free ID's to any
voter that needed an ID for purposes of voting, and
they met that deadline. We worked with them in
ensuring they had the information they needed from
us. They have done that, and I believe -- and
Commissioner Thomas is here, and he can probably
speak more to that, of exactly how many ID's have
been issued. But we get a weekly report, and so
that is part of, also, our outreach efforts, is
working with DMV.

In January, we had our state absentee
ballot request form. Those request forms now
are -- have to be the request form from the State Board of Elections, and we have made those changes to it. All the counties, they are ready to go; it's on our website. And so, those changes have been made. And as Marc Burris talked about, our IT director, all of these changes had to be implemented into our statewide voter registration system. All of the functions -- all these functions all had to be changed and had to be ready for our counties to be able to implement. He has made those changes, and so we are ready to go for the May primary.

In March, we had the new absentee instruction and envelope, because we had changes with the witness requirements for absentee voting, so those changes were made and are ready to go for mail-in absentee, which have already -- that process has already started for the May primary.

And finally, in April, when one-stop voting starts, we will have, for the first time, every voter that presents will be provided information on the fact that they will need to provide photo ID in 2016, and they will be provided the acceptable forms of ID. At that time, we will also -- they will sign an acknowledgment if they do
not have one of the forms of ID. We will use that
list for our outreach efforts going forward.

We have changed -- for those of you that
visit our website -- we have changed the look of
our website, and one of the very important things
we wanted to make sure was a highlight or a focus
point of our website are the changes to the
election laws, including the voter ID requirements.
So, you will see that if you go to our website, and
we have a whole section that we will continue to
update and try to provide as much information to
the public about changes and requirements.

This is something that we are quite proud
of, and we -- is that we have in the past -- we are
required to provide a voter guide. It is the
judicial voter guide, and we still have funds to do
that, and this is something that goes to every
household in North Carolina. Not just registered
voters, but people that may be of voting age and
may need information about registering to vote.
This is something that we decided to make sure --
we only have two candidates in this primary guide,
is to focus on the summary of election law changes,
so that every household would get these and see
what the changes are and be prepared when they go
to the polls in the primary.

One of the things that we decided -- we thought was important to include, because with the new legislation in absentee mail-in voting, the form has to be the State Board's form. So, we decided, why don't we provide every household in North Carolina with that form so they have it when they are looking at their options for voting; they have the actual absentee request form in the voter guide. So, every household in the state that receives mail, received the voter guide with this request form included.

We have many things planned. This is just the beginning. We are in the process of hiring our outreach team, which we want to use the primary as an opportunity to see what people that show up to vote, that tell us that they need ID. We want to make sure we are doing everything we can to make sure that they have ID, and we are very, very fortunate to be partnering with DMV, and they have been very willing to work with us in trying to coordinate efforts so that we can in the future find where mobile units are, so that we can make sure our outreach team are working to get as many people there to get these ID's. And as I said,
Commissioner Thomas is here and probably could speak to that more.

And in addition, we have started working on the pamphlets and handouts and posters and anything we can to provide to any organization that is interested in these law changes, so that we can get that information in their hands, so they can be providing the people that they service this information.

REP. LEWIS: Thank you, Ms. Strach. If you will please stay, the Chair feels there will be some inquiries for you. The Chair had one. The Chair did visit your website, and the redesign is very functional, and it looks good. Would you tell the committee, please, is it true that the Board of Elections actually took that in-house as opposed to contracting it out, and what that may have saved the State.

MS. STRACH: Yes, Mr. Chair. We did have a vendor that hosted our website, and I am very proud of the fact that we have taken that in-house. And we -- the design and that work was all done with State Board staff, and it has been a significant cost savings to the agency. I probably could get our operations director, who is here, and
could probably -- probably give you a more precise, but we had a contract that was several hundred thousand dollars a year we were paying the vendor for. This is one of the services that they provided. Now, we are doing it in-house and it is a fraction, a mere fraction of the cost.

REP. LEWIS: Thank you, ma'am. Since the Chair didn't prepare you for that inquiry, if you would, please send it to us. I would like to know what we had been paying for the website, because that is a savings to the taxpayer while continuing to provide a very good service. I think it is worth -- that you and your staff, your staff are to be commended for that.

The Chair also wanted to ask, you made reference to the Department of Motor Vehicles, and the Chair appreciates the fact that the commissioner is here today. We are going to speak to him or ask him a few questions in a moment, but do you feel like the cooperation with the Department of Motor Vehicles has been good? Has it helped you to do what you needed to do, or do you have concerns?

MS. STRACH: I have no concerns. It has been superior. I have had the opportunity, last
month, to go and be with election directors from 
around the country, and as I said, we are extremely 
fortunate to have the working relationship that we 
have with DMV. They have been very gracious; they 
have been very accommodating with everything that 
we have asked. We get a lot of data from DMV, and 
they are very accommodating, and we are very 
appreciative of that, and we are certainly 
appreciative of their efforts on the voter ID as 
well.

REP. LEWIS: And, Ms. Strach, if the 
Chair could ask one more, and then we certainly 
will open it up to members. As you pointed out 
that the state absentee ballot request form was in 
the voter guide that you mailed, a very proactive 
step. But also, it can be downloaded off of your 
website. Is it also true that you can download a 
voter registration form off of your website?

MS. STRACH: That is true.

REP. LEWIS: And when you download it, 
you would print the form and mail it in?

MS. STRACH: That is correct.

REP. LEWIS: So, while you don't actually 
get to register online, everything you need to 
register is online?
MS. STRACH: We want to make sure that our website has everything that you need to register online.

REP. LEWIS: Thank you.

MS. STRACH: Not online, but you get it online.

REP. LEWIS: Are there inquiries for Ms. Strach? Senator Bryant, for an inquiry.

(Senator Bryant makes remarks outside of microphone range.)

REP. LEWIS: Senator Bryant, please, if you would, use your mic; it is important that folks can hear this.

SEN. BRYANT: I'm sorry. I just get -- I hate holding this thing down.

REP. LEWIS: Yes, ma'am. You are like the Chair; you talk with your hands, and I enjoy watching it, but please use the mic.

SEN. BRYANT: It interrupts my thinking. Okay. What is going to happen in '14? In your PowerPoint, it says any registered voter may present an ID, but may not be required to do so. Will election officials be asking us for an ID when we show up to vote?

MS. STRACH: They will not. They will
not be asking you for an ID. They have been
instructed by their county boards -- that is
something that we spent a lot of time with. They
understand they are not to ask for an ID. They are
to just advise of the requirement in 2016 and
provide each voter the forms of ID. But we want to
make sure that we use this opportunity, if the
person doesn't have ID, to get them to sign that
acknowledgment so that we can use our outreach
efforts to assist them getting that ID.

SEN. BRYANT: Follow-up, Mr. Chair?

REP. LEWIS: The lady is recognized.

SEN. BRYANT: Can you give me a sense of
sort of what that interaction is going to be like?
You tell people, you know, "I hear, you know, that
voter ID will be required," and then you will say,
"Now, if you do not have one, will you sign this
form?" I mean --

MS. STRACH: I hope it is a very positive
experience, and I have a feeling like it will be,
but yes. I think that that's what will happen, is
when they present, they're going to be provided
this information, and they are going to be told the
reason why they are signing this acknowledgment is
going to be an assistance to them to get a photo
ID, so that -- yes.

SEN. BRYANT: One more follow-up. What is the question you are advising them to ask to find out whether I have it or I don't have it? That is what I -- I guess I should be trying to ask. Do you have a script or a proposed --

MS. STRACH: There will be -- there will be a script. Actually, I wish that we had provided -- we do have the actual form that they will provide to the voter, and we can provide that to the committee. It has been provided to all of our county boards of elections, and they are training their precinct officials based on the information that's on that form, which does instruct them how to talk to -- what they need to say to the voter.

SEN. BRYANT: Okay. And then one more question, Mr. Chair?

REP. LEWIS: Yes, ma'am. You are recognized.

SEN. BRYANT: In 20 -- one of the concerns that I have had as we have moved to 2016, and we do have to show the ID. The purpose of which is to look at the photo, I guess, and the name -- I don't know exactly what the instructions
will be to determine if I am Angela Rebecca Bryant, 
showing up to register. What will be the 
significance of my address information on that ID, 
and if it is different than where I am registering 
and what is on my registration roll, what impact 
will that have in 2016?

MS. STRACH: What -- I would answer that 
question just two ways. Is that it talks about 
reasonable resemblance of the photo ID, so I think 
we are looking at the photo. But the good thing, 
and I think this is a very positive thing, is that 
we will be engaged in rulemaking, which we will 
look at, and it will be open to public comment, 
public hearings of exactly what the reasonable 
resemblance means. And so, we are going be 
starting to engage in that process right after the 
primary. We are going to be looking at issues that 
have come out from the primary and looking at what 
those rules need to say, so that you and every 
other voter knows when they present an ID what the 
poll worker is going to be looking for. So, I 
think all of those questions will be answered in 
rulemaking that will have public comment and public 
hearings and the opportunity to weigh in on that.

REP. LEWIS: As the members are pondering
any additional questions for Ms. Strach, the Chair would like to welcome and thank the Commissioner of Motor Vehicles, Kelly Thomas, for being with us today. Commissioner, the Chair, and I am sure the members, appreciate that you do not have a prepared PowerPoint to view, but since you are here, sir, first of all, I do welcome and thank you.

The Chair would like to ask, if it is known to you, and the Chair would point out that the identity of the next presenter is Kelly Thomas, the DMV Commissioner. The Chair would like to ask sir, if you know how many ID's have been issued at no charge to individuals pursuant to law.

COMMISSIONER THOMAS: Thank you, Mr. Chair. Again, I appreciate it. I am Kelly Thomas, Commissioner of Motor Vehicles, and if I can't answer your questions, my subject matter expert, Ms. Barbara Webb here, as the Director of Services, can.

Sir, to date, since the first of January, we have issued 276 no-fee voter identifications. I think your second question would be, if I can continue, how many people have we turned away from obtaining no-fee voter ID? I can tell you that we have turned people away because they didn't need
one. They had one of the other eight
identifications that authorized them to vote
without a no-fee voter ID. So, I am very proud to
say that we haven't turned anybody away who was
entitled to a no-fee voter ID.

REP. LEWIS: Thank you very much, Kelly.
I will ask you a question similar to what I asked
Ms. Strach, because I think oftentimes in the past,
and certainly not unique to our state, but there is
some interagency tensions, and I would like to ask
you if you feel like you are getting good
cooperation from the State Board.

COMMISSIONER THOMAS: Thank you, sir.
Very, very good. Before I got here and joined the
team in October, again, Ms. Webb and the State
Board of Elections had already had all of the
decisions made of what products to share, what
policies need to be adjusted, and more importantly,
what IT connections needed to be fixed so that
there was transparency between our records and what
the State Board of Elections needed. And since
then, we have never -- we have never skipped a
beat.

One of the questions Director Strach
asked me earlier when I got here was, what kind of
outreach do we have, or what could we have? And
the truth is, the outreach for this program is 113
brick and mortar drivers services sites, plus our
four mobile units. The four mobile units' routes
today are limited by what they can reach. So when
you think about it, I have got four small buses
that we do drivers' services through today. They
can also issue a no-fee voter ID.

What I will soon have through DMV
modernization is a DMV in a suitcase. It is
actually going to be a foot locker; it is not going
to be as small as a suitcase. I will have full
service motor vehicle services that I can take --
that is not limited to where I drive this bus. For
example, if I wanted to put it at Crabtree Valley
Mall on a Saturday afternoon for four hours, I
could do that, with Crabtree Valley Mall's support,
of course.

Again, this is the type of outreach
capability that we need for not just driver's
services, but also it will complement the State
Board of Elections and the no-fee voter ID access.

REP. LEWIS: Thank you, Commissioner.
The DMV in a box sounds very exciting. Are there
any inquiries for Ms. Strach or for the
Commissioner? Representative Warren, for an
inquiry.

REP. WARREN: It is not an urgent thing,
but I think the representative from Georgia who
came testified that over a period that they had
issued, I believe it was 21,000 free ID's. But
they couldn't break that down into how many were
specifically for identification, because they were
not really keeping track of that, so some people
were getting a number of these things for other
purposes other -- is our program specifically
targeted so that we know that 276 of these are
specifically for a voter ID?

COMMISSIONER THOMAS: Yes, sir. Now,
that is a good question, if I can answer it.

REP. LEWIS: Yes, sir.

COMMISSIONER THOMAS: We also issue
homeless identification, and that was brought up
here earlier. How do you qualify to be homeless
identification? Well, one, you kind of have to
have an address. So, if we know what that homeless
shelter is or what they are using as an address,
there may be multiple people that receive mail at
that address, for example. We know those numbers.

We also have what is called a homebound
identification program. So, those medically
disqualified or people that are basically homebound
because of their medical condition, we can issue
them a state identification, if we have their photo
on file at DMV.

So, a lot of them since 2 November or 2
January, excuse me, thought that they needed a no-
fee voter ID, when technically they were authorized
an identification anyway as being homebound. So
this is a second- or third-order effect of
realizing that our homebound citizens, either with
the no-fee photo ID or the regular homebound ID, we
have track on each one of them. We can tell you
one by one what the count is. We also reimburse
the State Board of Elections for the ones we issue.

REP. LEWIS: Are there further inquires?

Representative Harrison.

REP. HARRISON: Thank you, Mr. Chair. I
can't remember, is there a income threshold for
this no-fee voter ID, or is it automatic? Do you
have to show that you are low income and you --

COMMISSIONER THOMAS: I'm going to -- if
you will allow me, I am going to defer to Ms. Webb,
but I think there are about four things that you
have to meet. It is age of 70, medically
homebound -- I'm sorry? Yeah. I don't think that
there is anything that deals with income, though.
Homeless is the other one. If I can allow Ms. Webb
to answer homeless.

REP. LEWIS: You can, sir. And, Ms.
Webb, while the Chair is very familiar with your
face and knows how hard you work, please state your
full name, and then please reply to Representative
Harrison's inquiry.

MS. WEBB: Thank you, sir, for the
opportunity. My name is Barbara Webb, Director of
Driver Services. And, Madam, may I ask you to
repeat your question, please?

REP. HARRISON: My question was, is there
an income threshold to qualify for the no-fee ID?

MS. WEBB: No, ma'am. There isn't.

REP. LEWIS: Thank you, Ms. Webb. Are
there further -- I'm sorry. Representative Mobley
raised her hand. The Chair apologizes. You have
the floor, ma'am.

REP. MOBLEY: Thank you, Mr. Chair. A
follow-up to the question about the no-fee ID. Did
I understand you to say that it is only for 70-plus
age?

REP. LEWIS: Representative, if you don't
mind, and Ms. Webb, if you don't mind, could we ask our staff to speak to that point? I think they have the bill before them and let’s see what the actual text of the bill is. I think that will speak to what Representative Harrison was trying to ask, too. Give them just one moment. I sprang this on them; I apologize. In fact, we will just pause, and we will wait just a moment. Did you have further inquiries?

REP. MOBLEY: I can go to my next question, yes.

REP. LEWIS: We will come back to your first question. Please go ahead with your second.

REP. MOBLEY: Going back to the DMV, I have received complaints in my district, a rather rural area, with regard to DMV not being available, and I want to suggest to you that you need to really be sensitive to the rural areas when you are not having services available for those people. Just recently, a constituent contacted me saying that the DMV office had closed during all this cold weather that we were having. They were scheduled to come on a particular date, and then they didn't come, and it was being pushed back, so I just want you to remain very sensitive to these rural areas
that are 50-plus miles away from the next town or
the next county to be able to receive the services
that they really need when it comes to DMV.

COMMISSIONER THOMAS: Yes, ma'am. I
acknowledge that, thank you.

REP. MOBLEY: A follow-up question?

REP. LEWIS: Yes, ma'am. You are
recognized.

REP. MOBLEY: With regard to these
numbers, these results, 765, 35,000, almost 36,000,
156,000. These numbers are appalling to me, and my
question is, when you talk about the name being the
same, the birth date being the same, and then the
last four of the Social being the same, are we able
to get any kind of feedback from the Social
Security Administration about if this is usual with
regard to Socials being the same, or is there
something wrong?

REP. LEWIS: Ms. Strach, please address
her, and then I further direct the representative's
inquiry, but the Chair would remind all of the
members that Ms. Strach has said as kindly as she
can, that this may or may not be a criminal
investigation, and there is only so much that she
can say to that point.
MS. STRACH: Representative Mobley, this is -- we very recently received this information, so we have just -- we are in the very preliminary stages of looking at the individual voters that have been matched and identified. So, I think that depending on what we find, we will do whatever we need to do. My background is an investigator, so that's -- that's what I intend to do with this. So, we will do everything we can to get to the bottom of that, and if we need to contact other agencies, such as what you address, we will do that.

REP. MOBLEY: One last follow-up?

REP. LEWIS: Yes, ma'am

REP. MOBLEY: I certainly hope that this committee in particular, and probably we are going to have to share that information with all of the Representatives and Senators, with regard to your findings, because I think that we are all appalled by these numbers, and I think that there needs to, or has to be some kind of answer and explanation. So I would appreciate you keeping us informed.

MS. STRACH: Absolutely.

REP. LEWIS: And, Representative Mobley, if you will, the Chair would like to recognize Ms.
Churchill to respond to your first inquiry, and also to, I think Representative Harrison was trying to ask is, is there an income or other requirement required to get the free -- to get the no-fee photo ID. So, Ms. Churchill?

MS. CHURCHILL: I am going to attempt this with the real experts still in the back to correct me. There are six categories of individuals that if they appear before DMV without a special identification card, they do not have to pay the fee. The first is if they are legally blind. Second is if they are 70 years old. The third is if they were issued a driver's license, but that has been revoked or cancelled due to physical or mental disability or disease.

The fourth is the homeless. The additional requirement that the homeless must present with them is a letter from -- a letter to the Division from the director of the facility that provides care or shelter to that homeless person.

And then the last two categories were added this past summer with respect to photo ID, and one of those is someone who is already registered to vote, but does not have the photo identification necessary to vote. And last is
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verification or --

SEN. BRYANT: Oh, good. I didn't know that.

REP. LEWIS: So, Senator Bryant, I assume that wouldn't have changed your vote, though.

SEN. BRYANT: It would not have changed my vote, but I wouldn't have been as adamantly against it as I am.


SEN. GOOLSBY: Yes, Mr. Chair. Are the items that we've talked about today -- are we going to have another meeting of this committee where there will be recommendations at some point coming out of the committee before we go into the short session?

REP. LEWIS: Thank you for that inquiry, Senator. Chairman Rucho and I have talked about this. It is our intent to meet and to meet with our staff. We may very well -- this committee may very well, with the consent of the LRC, we may very well meet again.

Unfortunately, the next scheduled day that we would meet would be the day after the May primary. So, we have both agreed that we need to
meet a week or two before then, or perhaps even
meet during the -- or after session has started
back up, if that is agreed to again by the rules
chairs or the LRC or whichever entity approves
that.

If we do not meet again, the Chair would
expect that we would issue an invitation to the
Board of Elections to come back and address all of
the concerns that you and other members have
brought forth. I have been trying to keep lists,
and I meet with staff, and we will address that.
If we don't do it under the auspicious of the joint
committee, we will probably do it under House
Elections and the Senate Judiciary, so we will just
meet together.

SEN. GOOLSBY: But if not this committee,
Senate Judiciary.

REP. LEWIS: Yes, sir.

SEN. GOOLSBY: Thank you, Mr. Chairman.

Two last things. As far as Ms. Strach goes, I know
that Senator Rucho is not here, your co-Chair, but
I would request the Chairs consider directing her
to present to our committee any suggestions that
she has for tweaks in the law that will help her
particularly deal with our concerns, stated by
Representative Moore, Representative Mobley, myself, several others, about particularly the past voter fraud in the 2012 election.

And I would also like to know if you could tell me today, and if not, if you could report back to the committee, at the Chairman's direction, of course, whether or not we can identify these 11,000 people that were, I believe, registered illegally through this Allpoints back in 2012. Is that water over the dam that we can no longer determine, or can we figure out who those people are and perhaps take corrective action to make sure those people are real North Carolinians, real people that ought to be voting, and possibly make them register again, legally.

REP. LEWIS: Ms. Strach?

MS. STRACH: Senator Goolsby, I don't have an answer to that question for you today, but I will investigate that and will report back to you on it.

REP. LEWIS: Ms. Strach, to that point, the Chair would direct you in conversations that we have had prior, please feel free to submit at any time legislative changes that you feel will make it easier and more efficient for you to do your job,
and we will certainly take those under review.

Are there further inquiries? While you are making up your mind on the final inquiries, the Chair would like to announce as a technical matter, that today's presentation by the Board of Elections satisfies the requirement of section 5.5 of Session Law 2013-381, which reads, paraphrased, that the Board issue a report to this committee regarding the potential use of electronic and digital information in polling places. The Chair directs that the minutes reflect receipt of such report.

Any other inquiries for Ms. Strach or for Commissioner Thomas? Seeing none, the Chair thanks the committee for their time today. As the Chair addressed to Senator Goolsby, we may very well meet again, and we will certainly let everyone know in plenty of time to prepare for that. The Chair thanks all of the members for their attendance today, all of those who may have listened in on our web broadcast and the members of the press who were here to cover the event today, and most importantly, the members of the public who came to watch. We appreciate your interest in the election process. There being no further business, we stand adjourned.
STATE OF NORTH CAROLINA
COUNTY OF WAKE

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Brad Worley