

Attachment 9
Declaration of Thomas H. Fetzer, Jr.

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

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

Plaintiffs,)

v.)

1:13CV658

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

Defendants.)

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

Plaintiffs,)

and)

LOUIS M. DUKE, *et al.*,)

Plaintiffs-Intervenors,)

v.)

1:13CV660

THE STATE OF NORTH CAROLINA, *et al.*,)

Defendants.)

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

1:13CV861

THE STATE OF NORTH CAROLINA, *et al.*,)

Defendants.)

DECLARATION OF THOMAS H. FETZER, JR.

Thomas H. Fetzer, Jr., first being sworn, deposes and says as follows:

1. I am over 18 years of age and am competent to testify regarding the matters discussed in this declaration. I am a citizen and resident of Wilmington, North Carolina. Since 1980, I have served as a political consultant in North Carolina, advising and assisting candidates running for elected municipal, county, state and federal offices.

2. Some of the candidates I have assisted include former U.S. Senator Elizabeth Dole, U.S. Congressman Bill Cobey, U.S. Senator John East, U.S. Senator Jesse Helms, and U.S. Senator Lauch Faircloth, among others.

3. I have also run for political office twice. In 1988, I ran for U.S. Congress in the 4th district, and was unsuccessful. In 1993, I ran for Mayor of Raleigh, was elected, and served three terms. More recently, I served as Chairman of the North Carolina Republican Party. In addition to offering consulting services, I have also managed a number of political campaigns.

4. In these capacities, I am very familiar with the cycle of political campaigns in North Carolina, typical voter engagement, voter response to political ads, and the costs associated with candidate mailings, candidate radio commercials, candidate television commercials, yard signage, and other necessary components of messaging to prospective voters (hereinafter "political advertising")

5. Voters rely on political advertising to educate them about issues and candidates. Despite voters who may complain about the volume of ads on television and

radio in the few weeks prior to an election, it is my experience that these ads are digested by voters and critical for candidates in getting their message to the voters.

6. It is my experience in North Carolina that candidates conserve their campaign's financial resources for political advertising until the time immediately before the May primary and the November general election dates. This is done to coincide with typical and historical voter engagement and turn out.

7. It is also my experience in North Carolina that a great majority of voters do not actively study or engage in the electoral process until the weeks leading up to an actual election—meaning it is not prudent for a candidate to begin expending substantial funds on political advertising prior to this time. It is for this reason that it is common practice among political consultants in North Carolina, Democrat and Republican alike, to advise candidates against spending funds for political advertising prior to this time.

8. It is my experience and opinion that while early voting may result in some voters voting earlier in the process than waiting to election day, the largest number of voters who vote on a single day, vote on election day.

9. Early voting significantly increases the cost of political races, especially in smaller campaigns that lack the extensive financial resources necessary to deploy political advertising months prior to election day. Smaller contests, including races for state legislature and local campaigns for county commission, school board, sheriff and city council, do not result in substantial war chests for political advertising. These campaigns often have limited funds to devote to political advertising. Accordingly, these


campaigns must strategically deploy their advertising for these raises within the two-week period prior to election day.

10. Because early voting adds weeks to the traditional political cycle, campaigns must start their advertising, voter contact, and turnout operations much earlier, which drives up the costs of a campaign by tens of thousands of dollars at the local and legislative level and by hundreds of thousands at the state level.

11. Campaign resources spent during the early voting period are also inefficient because turnout in that timeframe is generally lower than on election day and also fluctuates from election to election at a much greater rate than turnout on election day. The early voting period therefore results in inefficiency because campaigns are forced to expend valuable and finite resources attempting to engage and turnout voters who have no intention of voting until election day.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing statements are true and correct.

This the 23rd day of April, 2014.


Thomas H. Fetzer, Jr.

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FETZER STRATEGIC PARTNERS
MEDIA STRATEGY • GOVERNMENT RELATIONS • SURVEY RESEARCH

210 North Person Street
Raleigh, NC 27601

919-571-9000

Tom Fetzer, President of Fetzer Strategic Partners is a former Mayor of Raleigh and past Chairman of the North Carolina Republican Party.

Fetzer Strategic Partners is a Raleigh based firm specializing in Government Relations, Public and Media Relations, Survey Research and Crisis Management. Its clients include: Duke Energy, Reynolds American (RJR), Waste Industries, Martin Marietta Materials, Nationwide Insurance, Wake Med Health and Hospitals, United Health Care, the North Carolina Hospital Association and the North Carolina Medical Society.

The North Carolina Center for Public Policy Research recently ranked Tom Fetzer as the 2nd most effective lobbyist in North Carolina, based on a survey of legislators, the media and other lobbyists. This is the highest ranking ever recorded by a new lobbyist in the history of NCCPPR's survey.

In 2010 as Chairman of the North Carolina Republican Party, Tom Fetzer spearheaded the effort that led to the election of Republican majorities in both Chambers of the North Carolina General Assembly for the first time since 1870. No state in America had gone longer without Republican majorities in both the House and Senate.

In 1993 in an election hailed by the Wall Street Journal "the most impressive reform victory of the year," Tom Fetzer became the first Republican and youngest Mayor in the history of the City of Raleigh. During his tenure, Raleigh was named #1 City in America for Business by Fortune Magazine and #1 City in America to live by Money Magazine.

After serving 3 terms as Mayor, Fetzer was awarded a Teaching Fellowship at the John F. Kennedy School of Government at Harvard University.

Following his experience at Cambridge, Fetzer was appointed Chief Executive of the United States Tennis Association in White Plains, New York. In that capacity, he was responsible for all programming not related to professional tennis (US open, Davis Cup, Fed Cup, etc) At the USA, Tom Fetzer directed tennis programs, fueled by a 60 million dollar annual budget, that touched communities throughout the United States served by hundreds of thousands of volunteers.

Tom Fetzer also has extensive experience in North Carolina state government, having served in key positions during the administration of Governor Jim Martin. He served as Chief Deputy

Secretary of the Department of Transportation where he was responsible for a 1.5 billion dollar budget and 10,000 employees. He also served as Assistant Secretary of the Department of Environment, Health and Natural Resources.

Fetzer also has worked extensively in the private sector, principally in the area of real estate development.

Tom Fetzer has served on the Board of Directors of the Greater Raleigh Chamber of Commerce, The Boys and Girls Club, The John Locke Foundation and the YMCA. He currently serves on the Board of the North Carolina Institute of Politics and North State Bank.

A graduate of Wake Forest University, Tom Fetzer and his wife have three young sons and a little girl and reside in Wilmington, North Carolina.