

Attachment 10
Declaration of Cherie Poucher

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)

1:13CV660

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

Plaintiffs-Intervenors.)

v.)

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 CHERIE POUCHER

NOW COMES Cherie Poucher 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 Director of the Wake County Board of Elections. I have been the Director of the Wake County Board of Elections since July 1, 1991.

3. My responsibilities as Director of the Wake County Board of Elections include conducting all elections held in Wake County, administering all federal and state election laws. The principal functions include establishing election precincts and voting sites; appointing and training precinct officials; preparing and distributing ballots and voting equipment; canvassing and certifying the ballots cast in elections; and investigating any voting irregularities. The county board maintains voter registration and vote history records and provides public information on voters and elections.

4. During my 23 years of service as Director of the Wake County Board of Elections, the Wake County Board of Elections instituted a voter registration drive each fall in high schools. The school with the highest percentage of eligible voters that registered received recognition. This method of registering voters (who would be 18 by the next election) was very successful. The pre-registration of 16 and 17 year olds created confusion among the 16 and 17 year olds who may have then thought he/she was registered and could vote. It also increased administrative costs for county boards of election. Once the 16 or 17 year old completed the registration form, the county boards processed it. The registration was placed in a "holding" file at the State Board of Elections (SBOE) until such time that the voter was eligible to become a registered voter. At that time, the application was sent to the county from the SBOE for final

processing. In many instances, the pre-registered voter had moved (and the verification mailing was returned) or the pre-registered voter was at college and registered in another county or state. The county board would then have to send a second mailing to the person which again would have been returned undeliverable. The voter would then be placed in a "Denied" status.

5. Out-of-precinct voting disenfranchises voters due to the fact that the voter may not have been eligible to vote for all contests on the ballot. The out-of-precinct voter has to vote a provisional ballot which process takes more time in the voting enclosure. The administrative tasks to complete and hand count out-of-precinct provisional voters is extensive. The county board staff first must reconcile the number of provisional ballots cast in a precinct against the precinct's provisional poll book. The voter's information must then be entered into the provisional module of the statewide election information system (SEIMS). At that time, county staff determines (a) is the voter eligible to vote; (b) what precinct is the voter registered; (c) what precinct did the voter vote; (d) what ballot style did the voter vote; (e) what ballot style should the voter have voted; and (f) what contest(s) did the voter vote that the voter was not eligible to vote for. The county board of elections reviews the provisional ballots and determines (a) will the ballot count; (b) will the ballot not count; or (c) will the ballot be partially counted. Each partially counted ballot must be hand counted by teams and then entered into the Election Night Reporting System. This all must be done by hand and is labor intensive. Furthermore, this process has to be completed before the canvas of the vote, which must occur either seven days or ten days following the election, depending on the type of election. N.C. Gen. Stat. § 163-182.5(b).

6. Pursuant to the revisions in Chapter 163 of the NC General Statutes, Wake County (and all other counties in North Carolina) had to discard forms previously used in the


election process and incur the expense of printing new forms pursuant to the State Board's directive. The forms included absentee ballot request forms, container return envelopes for absentee ballots, voter cards, NCOA cards, confirmation cards, provisional ballot instructions, provisional ballot envelopes, authorizations to vote, all precinct specific and early voting materials, training and multiple signage for the polling places and early voting sites. In addition, the SBOE had to develop additional processes in the software to comply with the law. Prior to each election, precinct officials must be trained. New training materials had to be drafted to comply with the new statutes and precinct officials were trained extensively prior to the May 2014 Primary regarding the new statutory requirements and changes in the forms and signage. VIVA was passed in July 2013, which was after the county board of elections' budgets had been approved. The changes noted above, therefore, were not in county's budgets. To have to revert back to conducting an election under the prior statute would be confusing to the officials, and again unfunded. The County's budget has already been submitted for the fiscal year and is set to be adopted on June 16, 2014. The Board of Elections' request does not include having to draft and print forms under the prior statutes nor expenses incurred in redrafting the training materials with the prior statutes for training the precinct officials and or early voting employees for the November 2014 General Election. Time is a major factor that must be taken into consideration. Counties must comply with purchasing and finance policies, which includes drafting a request for bid, review and acceptance of the bid in addition to the time to print the forms.

The Wake County Board of Elections budget reflected the number of hours of one-stop voting required by VIVA for the ten day period. For the one-stop period to be extended to 17 days would create a financial hardship for the counties. In the May 2014 Primary, with the same

number of sites open for ten days and the same number of hours as the May 2010 Primary, Wake County voted 9,450 vs. 3,955 one-stop voters in 2010.

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

Executed this 16th day of June, 2014.



Cherie Poucher, Director
Wake County Board of Elections