

EXHIBIT D

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

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

Plaintiffs,)

vs.)

Case No: 1:13-CV-658

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

Defendants.)

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

Plaintiffs,)

vs.)

Case No: 1:13-CV-660

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

Defendants.)

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

Case No: 1:13-CV-861

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

Defendants.)

VIDEOTAPED DEPOSITION OF
CAROLYN JUSTICE

1
2 VIDEOTAPED DEPOSITION OF

3 CAROLYN JUSTICE

4
5 _____
6 2:09 P.M.

7 TUESDAY, JULY 1, 2014
8 _____

9 OGLETREE DEAKINS NASH SMOAK & STEWART
10 4208 SIX FORKS ROAD
11 SUITE 1100
12 RALEIGH, NORTH CAROLINA

13 By: Denise Myers Byrd, CSR 8340, RPR, CLR 102409-02
14
15
16
17
18
19
20
21
22
23
24
25

1 template that I provided you?

2 A. Yes, sir.

3 Q. What -- without getting into the details of
4 this particular item, can you tell me what
5 you're looking at just generally?

6 A. Yes. It's telling me the bill number, it's
7 telling me the proper title of the bill,
8 telling me what session it was found in, and
9 under bill text, it's telling me what the bill
10 looked like if I click on that when it was
11 filed, and under that it's going to tell me
12 what the most current edition looks like.

13 Q. And this is -- if we go to the North Carolina
14 legislature website, this is -- there's a
15 function where you can punch in a bill
16 number --

17 A. That's right.

18 Q. -- and this will come up, correct?

19 A. That's right. As a matter of fact, it's right
20 there in the top right-hand corner. You can
21 look up a bill by text or look up a bill by the
22 bill number.

23 Q. And this is 451 that you referenced in
24 paragraph 23, correct?

25 A. Yes, sir.

1 Q. According to this legislative history, how far
2 did this bill progress?

3 A. Under history, it was first filed on 3/27, it
4 passed first reading, which means the speaker
5 read it in, and it was referred to Committee on
6 Election Law and stopped right there.

7 Q. Do you know how many committee hearings were
8 held on it?

9 A. It doesn't -- it doesn't look like there was
10 one. It says if -- it says if a favorable it
11 goes to finance but it wasn't.

12 Q. Paragraph 23 of your declaration again as well
13 as page 44 of defendant's brief states -- and
14 I'm quoting again -- SB 666 -- 666 -- 666 filed
15 on April 2nd, 2013, proposed to enhance
16 observer rights, repeal same-day registration
17 and limit one-stop absentee voting to ten days.

18 Is that what your declaration says?

19 A. That was what I understood the bill proposed to
20 do.

21 Q. And again, you were not involved in the
22 legislative deliberations --

23 A. No, sir.

24 Q. -- over this bill?

25 A. No, sir.

1 (WHEREUPON, Plaintiff's Exhibit 180 was
2 marked for identification.)

3 BY MR. BROOK:

4 Q. Again, same line of questioning here,
5 Representative Justice. According to this
6 legislative history, how far did this bill
7 progress?

8 A. It was sent to the rules -- Committee of Rules
9 and Operations of the Senate.

10 Q. And how many committee hearings were held on
11 it?

12 A. None, it appears, but it was doomed from the
13 beginning with that number. He probably pulled
14 it.

15 Q. I could sit here and pretend I didn't make
16 jokes about that. It was pending, but my mom
17 would be unhappy to hear I'm lying in public.

18 Staying in paragraph 23 of your
19 declaration --

20 A. Yes, sir.

21 Q. -- it goes on it and it says:

22 "Of course, the concept of photo
23 identification to vote was well known
24 because it had been extensively
25 debated during the prior session when

1 falsifying student IDs?

2 A. No. I think that gets into me deciding whether
3 or not I like the bill.

4 Q. But you didn't know just like of any anecdotes
5 of somebody falsifying a student ID?

6 A. Not personally, no, but coming to voting places
7 with false IDs, yes.

8 Q. The handout that I gave you relating to 351,
9 could you -- again, this is a similar
10 legislative history to the one that I passed up
11 to you about 451 as well as 666. Can you tell
12 me which committee it is 351 passed through
13 during its consideration?

14 A. After it was read, it was sent immediately to
15 the Committee on Election Law, I think that's
16 called -- is that called Election Law and
17 Campaign. I can't remember.

18 Q. When you're saying the Committee on Election
19 Law --

20 A. The House.

21 Q. Okay. That's what I was going to ask you.
22 Thank you.

23 A. And then they -- they reported it out favorably
24 and sent it to Appropriations. Any bill that
25 has anything to do with money has to, by rules,

1 go to Appropriation.

2 It was sent out, reported and called
3 to -- the calendar for the floor of the House
4 was placed on the calendar and passed its
5 second reading where they adopted an amendment,
6 passed its third reading and it was ordered and
7 grossed and sent to the Senate on June 10th.

8 Q. And what committees did it go through in the
9 Senate?

10 A. In the Senate, it went through what we call J1,
11 the Judiciary Committee, Appropriation, Base
12 Budget Committee, sent to the floor of the
13 Senate, passed second and third reading.

14 Q. You reference in your discussion about the
15 House that any bill that has a fiscal impact
16 has to go to Appropriations based on House
17 rules; is that right?

18 A. Normally it has to. There are times when there
19 are exclusions.

20 Q. Can you tell me about those exclusions?

21 A. I'm trying to think. I had one that had to go
22 one time and I couldn't understand why it had
23 to go. If -- if -- if tax dollars are being
24 spent, if it's going to come out of the
25 treasury of the state, it would have to go

1 through all of them, but I can't remember any
2 that were clear.

3 Q. Providing a photo ID as 351 and 589 both do --
4 well, strike that.

5 Your understanding is that 589, the
6 state does extend some sort of voter
7 identification card to North Carolinians who
8 might not have a photo ID who qualifies?

9 A. Yes.

10 Q. That would certainly have a fiscal impact,
11 correct?

12 A. Yes.

13 Q. You also talk in your declaration about other
14 legislative processes, as we discussed briefly.

15 Starting with the 2003 legislative
16 redistricting process that you referenced in
17 passing just a moment ago -- so I'm going to
18 start with paragraph, I think, 31 of your
19 declaration, Representative Justice. Just sort
20 of taking you down memory lane here.

21 The General Assembly after the 2000
22 elections and the Census drew maps -- state
23 legislative maps subsequent to the 2000 Census,
24 correct?

25 A. Yes, sir.

1 Q. And without getting into all -- well, I'll go
2 into some of the minutia.

3 The maps were declared unconstitutional
4 as violating the whole county provision in
5 Johnston County Superior Court in
6 February 2002, correct?

7 A. Yes, sir.

8 Q. And that decision was upheld by the
9 North Carolina Supreme Court in April of 2002,
10 correct?

11 A. Yes, sir.

12 Q. The General Assembly then drew new maps,
13 correct?

14 A. Yes, sir.

15 Q. And Superior Court Judge Jenkins invalidated
16 those maps in May of 2002, correct?

17 A. Yes, sir.

18 Q. He then drew his own maps for the 2002
19 elections, correct?

20 A. Yes, sir.

21 Q. And the North Carolina Supreme Court upheld his
22 decision in a July 16, 2003, decision, correct?

23 A. Yes, sir.

24 Q. So again back at the beginning, the legislature
25 has to draw new maps again, correct?

1 A. Yes, sir.

2 Q. And after the Supreme Court decision upholding
3 Judge Jenkins' ruling the second time through,
4 or who knows how many times through, but well
5 into the process --

6 A. Yes, sir.

7 Q. -- I think both sides of the legislature,
8 everybody at the legislature knows there's
9 going to be another map-drawing process,
10 correct?

11 A. Because the judge said it is incumbent upon the
12 General Assembly to draw the maps.

13 Q. Right. So he drew the maps for 2002 because
14 there was sort of an exigency, he had those
15 elections coming up, but then he kicked it back
16 to the legislature for subsequent elections,
17 correct?

18 A. Yes, sir.

19 Q. As a long time North Carolinian, I recollect
20 ample media coverage of this whole --

21 A. Yes, sir.

22 Q. -- mess. Is that fair to say?

23 A. Yes, sir.

24 Q. The 2000 -- the November 2003 legislative
25 session that you talk about in paragraph 31,

1 that was called for the purpose of handling the
2 need for new maps; is that right?

3 A. Yes, sir.

4 Q. And as your paragraph 31 captures, that session
5 opened on November 24th of 2003 and concluded
6 on November 25th of 2003, correct?

7 A. Yes, sir.

8 Q. Would it surprise you to learn that
9 Thanksgiving was on November 27th in 2003?

10 A. No, sir. I was there.

11 Q. When you say that, you're remembering that you
12 were at the legislature and Thanksgiving was
13 coming up?

14 A. Yes, sir.

15 Q. Did you expect the legislative session opening
16 November 24th to continue during and beyond the
17 Thanksgiving holiday?

18 A. Well, I've been there on holidays before so --
19 for me, yeah, I expected to stay as long as we
20 had to. I think the judge had been pretty
21 plain.

22 Q. Was it your sense that you were going to be
23 there during and through Thanksgiving going
24 into that process? Setting aside what you
25 think would have been appropriate in that

1 everything was different.

2 Q. When does candidate filing typically start?

3 A. Is it mid July, first of February?

4 Q. For the primaries?

5 A. Right.

6 Q. I'll circle back to that later.

7 A. Okay. Because you don't file again to run in
8 the general election.

9 Q. Right. So 568 you referenced in paragraph 32
10 of your declaration, and it's also referenced
11 in -- on page 47 of defense brief, and it says
12 SB 589 -- 568, quote, "removed the excuse
13 requirement from absentee ballots cast at
14 one-stop voting sites during general elections
15 in even-numbered years"; is that correct?

16 A. Yes.

17 Q. And I'm going to -- wherever we're at at this
18 point --

19 THE REPORTER: 182.

20 (WHEREUPON, Plaintiff's Exhibit 182 was
21 marked for identification.)

22 BY MR. BROOK:

23 Q. What committee is considered Senate Bill 568
24 both in the House and the Senate?

25 MR. STRACH: Right here.

1 THE WITNESS: I printed out 16.05 if
2 that's okay with you.

3 MR. BROOK: Absolutely fine.

4 THE WITNESS: I have new bifocals and
5 they're these progressive things. One day I'll
6 get old enough to learn how to use them.

7 It was sent to Judiciary II.

8 BY MR. BROOK:

9 Q. And in which chamber Judiciary II?

10 A. You're talking about Senate.

11 Q. Okay.

12 A. This was after it was first introduced.

13 Referred to Election Laws and Campaign -- oh,
14 excuse me.

15 In the Senate, the first thing says
16 referred to Judiciary II and it doesn't look
17 like it was in another committee that I can
18 see.

19 Q. So the -- so Senate Judiciary II and, then did
20 you say House Election and Campaign --

21 A. Then when it was sent to the House. Okay. I
22 thought you were talking about the Senate.

23 Then it was sent to the House and it
24 went to Election Law and Campaign Finance and
25 lot of discussion, lot of amendments.

1 Q. And was a Conference Committee ultimately
2 formed on that bill?

3 A. Yeah. It didn't go to another -- I can't see
4 that it went to another committee unless you
5 can.

6 Q. I don't see that either.

7 A. It went to the Senate for concurrence, whatever
8 came from the House, and failed to concur and
9 conferees were appointed in both houses. This
10 too was on the last day of session.

11 Q. I'm going to jump ahead to paragraph 33 of your
12 declaration, another exhibit.

13 MR. STRACH: Chris, can we take a quick
14 break.

15 MR. BROOK: Sure, absolutely.

16 THE VIDEOGRAPHER: Going off record at
17 2:55 p.m.

18 (Brief Recess.)

19 THE VIDEOGRAPHER: Back on record at
20 3:04 p.m.

21 (WHEREUPON, Plaintiff's Exhibit 183 was
22 marked for identification.)

23 BY MR. BROOK:

24 Q. Just circle back to the redistricting
25 conversation we had a moment ago, you were

1 when does that indicate it was ratified?

2 A. Did I get my date wrong? 3/1.

3 Q. So it was actually ratified on March 1st, 2005;
4 is that right?

5 A. That was. Did I -- was that that technical
6 that I got wrong?

7 Q. Well, Representative Justice, if you write this
8 much and you get one date wrong, we'll get over
9 it.

10 A. Yes, this says March 1.

11 Q. What committees considered this out-of-precinct
12 balloting provision?

13 A. In the Senate, it was Judiciary I, and in the
14 House, it was Election Law and Campaign Finance
15 Reform.

16 Q. How much did this measure change during the two
17 plus weeks it was considered by the General
18 Assembly?

19 A. I don't really know the answer to that
20 question, and I really should have looked at
21 that, but I didn't, but I think there might
22 have been some changes, but -- I was directly
23 involved in this issue. I was on the special
24 panel that was appointed to make a decision
25 about that election. There were ten of us: I

1 think five senators, five House members. So I
2 know a lot about the meat of the subject, but
3 I'm sorry, I didn't refresh myself on the major
4 changes since it left the House -- as it left
5 the Senate.

6 Q. Not at all.

7 Is it fair to say that started as an
8 out-of-precinct balloting bill and concluded as
9 an out-of-precinct balloting bill?

10 A. I'm going to tell you that I assume that it
11 did.

12 Q. All right. But you don't have any recollection
13 of there being some sort of wholesale change in
14 the subject matter of that bill during its
15 consideration by the General Assembly, do you?

16 A. In 2005, I should have -- I should have read
17 that a little more and been more familiar with
18 it. I'm sorry. Forgive me for that, but I
19 don't remember it being -- I remember changes
20 because there's always changes.

21 Q. Right.

22 A. But I don't remember it being wholesale.

23 Q. Okay. Thank you.

24 Talk about Senate Bill 1054 from 2002
25 which is the next exhibit I pass up to you.

1 A. You're talking about Bill 1054?

2 Q. That is correct.

3 (WHEREUPON, Plaintiff's Exhibit 184 was
4 marked for identification.)

5 BY MR. BROOK:

6 Q. That bill deals with public financing of
7 campaigns; is that correct?

8 A. Yes, it does.

9 Q. I am also going to pass up another document
10 here which will be 185.

11 (WHEREUPON, Plaintiff's Exhibit 185 was
12 marked for identification.)

13 THE WITNESS: What bill is this?

14 MR. BROOK:

15 Q. This is for Bill 1054 as well. If you look up
16 at the sort of top left it designates that this
17 is 1054. And I can point out where I'm
18 looking.

19 A. Oh, I was looking too far to the top. Okay.

20 Q. Do you recognize the document that I have
21 provided you with here as 185?

22 A. Yes, I do.

23 Q. What is that?

24 A. It's where -- it's where -- the front page
25 tells you who introduced the bill and who voted

1 for it from their party affiliation.

2 Q. So this public financing bill received limited
3 bipartisan support in the House but it did
4 receive some bipartisan support in the House;
5 is that correct?

6 A. Yes. Yes, sir. One. That's called limited.

7 Q. Well, I said limited.

8 (WHEREUPON, Plaintiff's Exhibit 186 was
9 marked for identification.)

10 BY MR. BROOK:

11 Q. 186, so the same line of questioning here,
12 Representative Justice. Do you recognize what
13 has been labeled as 186?

14 A. Yes. This is the voting sheet for House -- for
15 Bill 1574 when it went to the Senate received
16 one -- two Republican votes.

17 Q. And you said 1574 but I think it's actually
18 1054.

19 A. I'm so sorry.

20 Q. Not at all.

21 So again, this bill, when considered by
22 the Senate, received limited bipartisan support
23 but some bipartisan support, correct?

24 A. Yes, sir.

25 Q. Referring back -- I'm sorry to go in a circle

1 here -- to the progression, the sort of
2 legislative history of 1054. This measure was
3 initially introduced April 4, 2001; is that
4 correct?

5 A. Yes, sir.

6 Q. And it was signed into law on October 10th of
7 2002; is that correct?

8 A. Oh, signed into law, yes.

9 Q. So I presume that that means it was considered
10 during the course of a long session, long
11 legislative session and then a short
12 legislative session; is that correct?

13 A. That's right. That's right. Bills that have
14 passed from one house to the next can carry
15 over.

16 Q. And I guess this would have predated your time
17 in the legislature, correct?

18 A. Yes.

19 Q. Do you have any recollection about how much the
20 bill changed, if it did change, during the
21 18 months that it was considered by the General
22 Assembly?

23 A. No. I use this one as an example only because
24 it was a PCS, which the bill that's being
25 questioned here was a PCS, that it's been done

1 before by another leadership and that it was

2 right butt up against session.

3 Q. Gotcha. Okay. I am going to move on to House
4 Bill 582 which is something that you talk about
5 later on in your declaration.

6 A. Where might that be?

7 Q. Paragraph 36.

8 A. Let me get put back together. Yes, sir.

9 Q. This bill deals or dealt originally -- well,
10 you were no longer in the General Assembly when
11 this one was considered, is that correct,
12 Representative Justice?

13 A. That's correct.

14 (WHEREUPON, Plaintiff's Exhibit 188 was
15 marked for identification.)

16 BY MR. BROOK:

17 Q. This is going to be 188 that we pass up to you.

18 Can you -- and I'll pass it around as well.

19 Can you just identify what I have

20 handed you and labeled as Exhibit 188?

21 A. Yes. This is a bill that's telling me how the
22 Senate voted -- how the Senate votes came down
23 on House Bill 522.

24 Q. And what was the final vote in the Senate on
25 this bill?

1 A. 31 in favor, 2 oppose. That doesn't look right
2 though, does it.

3 Q. I think that's right.

4 A. Yes, it is, I'm sorry. That was my bifocals.

5 (WHEREUPON, Plaintiff's Exhibit 189 was
6 marked for identification.)

7 BY MR. BROOK:

8 Q. And then what has been labeled 189, can you
9 just tell me what that is that I just passed up
10 to you?

11 A. This is House Bill 522 and how the House voted
12 on it.

13 Q. Did that bill receive bipartisan support in the
14 House?

15 A. A little bit.

16 Q. Can you just amplify by what you mean by
17 "little bit"?

18 A. Little bit, one, two, three, four, five House
19 members voted for it.

20 Q. Five House Democrats?

21 A. Excuse me, Democrats.

22 Q. And then overwhelming Republican support; is
23 that right?

24 A. That's right.

25 Q. And there's actually bipartisan opposition to

1 Q. This is still with 74.

2 A. I keep thinking you're telling me a bill
3 number.

4 Q. Yeah. No, it's a mess.

5 A. This is the vote outcome for regulatory reform
6 in the House.

7 Q. And there is again some limited bipartisan
8 support for this regulatory reform bill,
9 correct?

10 A. Yes, sir there.

11 (WHEREUPON, Plaintiff's Exhibit 192 was
12 marked for identification.)

13 BY MR. BROOK:

14 Q. And this is the Senate roll call which is 192.

15 A. House Bill 74 regulatory reform.

16 Q. And again, there's some limited bipartisan
17 support there for that measure?

18 A. Very limited, but yes.

19 Q. You talk also about Senate Bill 461 later on in
20 your declaration which is -- you start talking
21 about it I believe in paragraph 39.

22 A. Yes, sir.

23 Q. This is commonly known as the Racial Justice
24 Act; is that right?

25 A. Yes, sir.

1 Q. I'll list again -- this is going to be 193.

2 (WHEREUPON, Plaintiff's Exhibit 193 was
3 marked for identification.)

4 BY MR. BROOK:

5 Q. This is again sort of the legislative history
6 overview that we've been looking at for quite
7 sometime now.

8 A. Yes, sir.

9 Q. When was this measure introduced in the
10 legislature?

11 A. Teeny writing.

12 It was introduced in the Senate
13 March 5th.

14 Q. Of 2009?

15 A. Excuse me. Of 2009, yes, sir.

16 Q. And it was ratified on August 6, 2009, correct?

17 A. Yes, sir.

18 Q. It passed its -- it also went through
19 Conference Committee process, correct?

20 A. I think it did, but I'm not seeing it.

21 Q. Well, I might be -- no, no, I'm asking the
22 wrong question. I apologize.

23 Tell me what committees did it travel
24 through on the way to becoming a law?

25 A. In the Senate, it was in the J -- Judiciary I

1 Committee. In the House, it was referred to
2 Ways, Means, Broadband Connectivity, and then
3 to J I and then to Appropriations.

4 Q. And so it --

5 A. No. It was actually withdrawn from that
6 committee.

7 Q. And it passed its third reading in the House on
8 July 15, 2009, correct?

9 A. Yes, sir.

10 Q. And it was received by the Senate on July 20th
11 of 2009, correct?

12 A. Yes, sir.

13 Q. And it was concurred by the Senate on August 5,
14 2009, correct?

15 MR. STRACH: Flip to the back.

16 THE WITNESS: I know. I'm just reading
17 the rest of this.

18 Okay. What was your statement?

19 BY MR. BROOK:

20 Q. And it was concurred in the Senate on
21 August 5th, 2009, correct?

22 A. Yes, sir.

23 Q. So paragraph 40 I want to talk to you about for
24 a couple moments.

25 A. I wrote on this.

1 A. Yeah.

2 Q. Okay.

3 A. The only one that I was directly involved.

4 Q. And again, that's the specific example you
5 recollect sitting here today?

6 A. Because that's the one I read recently, but did
7 it happen many times, yes, it did.

8 Q. Okay. So I promise that this is close to the
9 end, but --

10 A. That's okay.

11 Q. -- but I am going to go back to the well with
12 the line of questioning that I had previously
13 about a few other bills.

14 A. Okay.

15 Q. This is 194 that I'm going to be handing to
16 you.

17 A. Can you tell me where it is in my exhibit.

18 (WHEREUPON, Plaintiff's Exhibit 194 was
19 marked for identification.)

20 BY MR. BROOK:

21 Q. We're talking about same-day registration.

22 A. This is not one that I mentioned?

23 Q. Yeah.

24 Again, I've handed you sort of the
25 legislative history relating to the bill. When

1 was -- this is House Bill 91 which is to bring
2 same-day registration online; is that correct?

3 A. Yes, sir.

4 Q. And when was that introduced?

5 A. February 7, 2007.

6 Q. And it was ratified on July 12th of 2007; is
7 that correct?

8 A. Yes, sir.

9 Q. And what committees did it move through during
10 its consideration?

11 A. In the House it went to Rules, then it went to
12 Election Law. In the Senate, it went to Select
13 Committee on Government Election Reform, Select
14 Committee on Government Election again. It was
15 withdrawn and sent back again.

16 Q. And then it ended up in Conference Committee?

17 A. That's correct, it ended up in Conference
18 Committee.

19 Q. Do you have any recollection of how much the
20 bill changed from start to finish?

21 A. No, sir, I don't have that recollection.

22 Q. Do you recollect it started as a same-day
23 registration bill and ended as a same-day
24 registration bill?

25 A. No, I don't have that recollection.

1 Q. Would you be surprised to learn that?

2 A. No, I wouldn't be because my mind is telling me
3 that I don't remember it being the same.

4 (WHEREUPON, Plaintiff's Exhibit 195 was
5 marked for identification.)

6 BY MR. BROOK:

7 Q. And this is 195 that I just passed up to you.

8 This is again --

9 A. Is this in mine?

10 Q. I don't think you explicitly reference it in
11 your declaration.

12 A. Okay. Because I don't remember these. Okay.

13 I don't remember looking at them recently.

14 Q. And again, this is the Senate roll call for
15 House Bill 91 on same-day registration; is that
16 correct?

17 A. One-stop sites, yes, sir, it is.

18 Q. And again, limited bipartisan support but some
19 bipartisan support, correct?

20 A. Yes.

21 (WHEREUPON, Plaintiff's Exhibit 196 was
22 marked for identification.)

23 BY MR. BROOK:

24 Q. 196 is same document relating to the House.

25 A. Yes, sir.

1 Q. And again, relating to House Bill 191, same-day
2 registration. Again, fair to say bipartisan
3 support, limited bipartisan support but
4 bipartisan support, correct?

5 MR. STRACH: It's okay, you can answer
6 that specific question.

7 THE WITNESS: Yes, sir.

8 BY MR. BROOK:

9 Q. Fair to say that same-day registration made it
10 easier to access the right to vote?

11 MR. STRACH: I am going to object to
12 that as being outside of the Court's order.
13 You don't -- I'm going to instruct the witness
14 not to answer that as being outside the scope
15 of the order -- the deposition as ordered by
16 the Court.

17 MR. BROOK: Well, I mean, I think I
18 disagree with you on that. So, you know, she
19 says the legislative process by which
20 session -- so I'm looking at paragraph 30 of
21 her declaration.

22 "The legislative process by which
23 Session Law 2013-381 was not unusual.
24 Many high profile or controversial
25 bills have followed a similar process."

1 This is just illuminating what the
2 processes looked like in other voting context.
3 So I think that this is on point with what's
4 being said in the declaration.

5 MR. STRACH: Well, House Bill 91 was
6 not one that was included in the declaration,
7 so to that extent, frankly, that whole line of
8 questions I think was beyond the scope of the
9 order, but we've been patient with that, but
10 asking her opinion about it I think goes even
11 further beyond.

12 MR. BROOK: Okay. I might come back to
13 that so I agree to disagree for now.

14 MR. STRACH: Okay.

15 MR. BROOK: Two more and then I'll be
16 done-ish. So this is 197 which is again --

17 (WHEREUPON, Plaintiff's Exhibit 197 was
18 marked for identification.)

19 THE WITNESS: I don't believe this is
20 one that I --

21 BY MR. BROOK:

22 Q. Yeah. It's House Bill 908 which is -- deals
23 with pre-registration. Do you recollect that
24 bill?

25 A. I do. As being a member of the General

1 Assembly, I remember what was discussed.

2 Q. And it was introduced on March 31st of 2009; is
3 that correct?

4 A. Yes, sir.

5 Q. And it was ratified on August 11th of 2009; is
6 that correct?

7 A. Yes, sir. Yes, sir.

8 Q. What committees did it go through?

9 A. In the House, it went through Election Law and
10 Campaign Finance and it went to Judiciary, then
11 to the floor.

12 In the Senate, it went through
13 Judiciary I. It seems like that was it. Then
14 it came back to the House for concurrence.
15 Obviously there were changes. Failed to
16 concurrence, sent to conferees on August 6th.

17 Q. Do you have any recollection of how much the
18 bill changed from start to finish from your
19 tenure in the legislature?

20 A. No. Not with over a thousand bills a year, no,
21 I don't.

22 Q. And would it surprise you to learn that that
23 bill started and finished as a pre-registration
24 bill?

25 A. Would it surprise me, no.

1 Q. So put in front of you 198 at this point.

2 (WHEREUPON, Plaintiff's Exhibit 198 was
3 marked for identification.)

4 BY MR. BROOK:

5 Q. This is the breakdown of the Senate vote on

6 HB 908 which is the pre-registration bill. How

7 many folks voted against that in the Senate?

8 A. Against it?

9 Q. Yes.

10 A. Three.

11 (WHEREUPON, Plaintiff's Exhibit 199 was
12 marked for identification.)

13 BY MR. BROOK:

14 Q. And same question about the House consideration

15 of this measure, how many voted against it in

16 the house?

17 A. Six.

18 (WHEREUPON, Plaintiff's Exhibit 200 was
19 marked for identification.)

20 BY MR. BROOK:

21 Q. This is House Bill 514 from the 2011 that I

22 just passed you the legislative history of,

23 Representative Justice. Do you recollect

24 deliberation on the Uniform Military and

25 Overseas Voters Act?

1 A. Yes, I do.

2 Q. Do you recollect what the thrust of this bill
3 was?

4 A. There was some problems with our veterans being
5 able to vote.

6 Q. And this bill, correct me if I'm wrong,
7 increased access to absentee voting by
8 eliminating a witness attestation requirement?

9 A. I can't remember if that was specifically all
10 that there was to the bill. I know that
11 Representative Martin and Killian, one
12 Republican, one Democrat, big veterans folks,
13 and there was a lot to this bill. What came
14 down at the end I can't tell you what the
15 exact.

16 Q. Do you remember having any -- do you remember
17 specifically having any concerns relating to
18 voter fraud in this bill?

19 A. For myself personally?

20 Q. Yes.

21 A. I don't remember.

22 Q. And I'll hand you Exhibit 201 which is the
23 Senate vote on the Uniform Military and
24 voters -- Overseas Voters Act.

25 ///

1 (WHEREUPON, Plaintiff's Exhibit 201 was
2 marked for identification.)

3 BY MR. BROOK:

4 Q. How many folks voted against this in the
5 Senate?

6 A. Two.

7 Q. I'm seeing zero.

8 A. I am so sorry. I'm looking at the right side
9 again.

10 Q. You'd be weird if you weren't going cross-eyed.

11 A. You know what I'm doing, if you're looking this
12 way across and I'm looking down and I'm seeing
13 where it says Republican and I'm looking this
14 way.

15 Q. Right.

16 A. Sorry.

17 Q. How many folks voted in opposition to that in
18 the Senate?

19 A. None.

20 Q. Final one that I am going to pass up to you is
21 the house breakdown on this vote, again HB 514.

22 (WHEREUPON, Plaintiff's Exhibit 202 was
23 marked for identification.)

24 BY MR. BROOK:

25 Q. How many folks voted in opposition in the

1 House?

2 A. One, two, three, four. Am I reading that
3 right?

4 Q. I'm seeing zero again.

5 A. You know what, these things don't have the word
6 "nay" on here. Mine is missing it.

7 Q. What I'm looking at is the total votes up here.

8 A. Oh, I'm sorry. I'm reading down here.

9 Q. No, no, I should have pointed it out to you.

10 A. So it has the ayes but it doesn't have the
11 nays. I'm sorry. I was getting down in the
12 weeds and I shouldn't have been.

13 No, there was zero.

14 Q. Can I just have a couple minutes to talk with
15 folks about whether we have any other
16 questions.

17 A. Sure.

18 MR. STRACH: We'll leave the room here
19 for a few minutes.

20 THE VIDEOGRAPHER: Going off record at
21 3:37 p.m.

22 (Brief Recess.)

23 THE VIDEOGRAPHER: Back on record at
24 3:48 p.m.

25 BY MR. BROOK:

1 Q. Shocking as it is, Representative Justice, I
2 overlooked a couple of things.

3 A. Okay.

4 Q. And then I think the United States Department
5 of Justice is going to have maybe a question or
6 two and then we'll be done. Thank you so much
7 for your patience and being a good sport.

8 I just passed you Exhibit 203.

9 (WHEREUPON, Plaintiff's Exhibit 203 was
10 marked for identification.)

11 BY MR. BROOK:

12 Q. This is returning to paragraph 23 in your
13 declaration. And paragraph 23, a couple of
14 sentences in says:

15 "HB 913 filed April 11, 2013,

16 proposed to eliminate same-day

17 registration and enhance election

18 observer rights."

19 Is that correct?

20 A. Yes, sir.

21 Q. And again, you were not involved in the

22 legislative deliberations around HB 913, were

23 you?

24 A. No, sir, I wasn't.

25 Q. And according to the legislative history that I

1 just passed up to you --

2 A. This is HB 912.

3 MR. STRACH: It says 913. He's
4 looking -- look right here.

5 THE WITNESS: Oh, isn't that funny. It
6 says --

7 MR. STRACH: That's how it says on the
8 internet.

9 THE WITNESS: I see. Got it. I'm with
10 you.

11 MR. BROOK: Oh, yeah, yeah. Pointing
12 in the opposite direction. I get ya.

13 THE WITNESS: I was thinking, gee, my
14 bifocals are really getting out of focus here.

15 BY MR. BROOK:

16 Q. According to that legislative history, how far
17 did that bill progress?

18 A. That progressed to -- it was referred to the
19 Election Laws Committee in the House and
20 stopped there.

21 Q. Do you know how many committee hearings were
22 held on it?

23 A. I do not.

24 Q. Perhaps none since it was just referred?

25 A. Perhaps.

1 Q. Finally staying in paragraph --

2 A. I think -- and it's not impermissible for me to
3 add something.

4 Q. Sure.

5 A. I think the reason that I chose some of these
6 that I chose was to point out these subjects
7 that had been rolling around for some time were
8 in other bills.

9 Q. And this again from paragraph 23, this is
10 Exhibit 204 that I'm handing up to you
11 Representative Justice.

12 (WHEREUPON, Plaintiff's Exhibit 204 was
13 marked for identification.)

14 BY MR. BROOK:

15 Q. It says, the next sentence:

16 "Senate Bill 428 filed March 26,
17 2013, proposed to eliminate same-day
18 registration and shorten the early
19 voting period."

20 Is that correct?

21 A. Yes, sure.

22 Q. And again, you were not involved in the
23 legislative --

24 A. That's right.

25 Q. -- deliberations related to Senate Bill 428,

1 were you?

2 A. That's right.

3 Q. And according to this legislative history that

4 I've provided you with, how far did this bill

5 progress?

6 A. It was referred to Rules and Operation in the

7 House -- excuse me -- Rules and Operation of

8 the Senate.

9 Q. And how many committee hearings were held on

10 that?

11 A. I would assume none, but I do not know that to

12 be a fact.

13 MR. BROOK: Okay. Those are the
14 questions I have. I believe the U.S.
15 Department of Justice has a couple of
16 questions. Perhaps I'll pass the mic. Oh,
17 there's another mic.

18 MR. DEVANEY: Nice to meet you all. I
19 have to have run and catch a flight.

20 MR. BROOK: We know you're going to
21 watch the soccer game. That excuse fools no
22 one.

23 THE WITNESS: You guys can go. Us
24 women will handle it.

25 ///