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

NORTH CAROLINA STATE CONFERENCE OF THE NAACP, *et al.*, *Plaintiffs*, v. ALAN HIRSCH, in his official capacity as Chair of the North Carolina State Board of Elections, *et al.*, *Defendants*.	No. 1:18-cv-01034

OBJECTION TO MAGISTRATE JUDGE'S SEPTEMBER 12, 2023 ORDER DENYING PLAINTIFFS' MOTION TO REOPEN DISCOVERY

Plaintiffs, pursuant to Federal Rules of Civil Procedure 6 and 72 and Local Civil Rule 72.4, object to Magistrate Judge Auld's order that the State Board Defendants were not required to supplement prior discovery produced pursuant to Federal Rule of Civil Procedure 26(e), and otherwise declining to reopen the discovery period. ECF No. 210. The Magistrate Judge's ruling was clearly erroneous and contrary to law as the Magistrate Judge failed to address State Board Defendants' obligation under Rule 26(e) to supplement their prior productions under Rule 26(a)(1)(A)(ii).

Plaintiffs have met and conferred with State Board Defendants regarding this motion. State Board Defendants have agreed to supplement their prior productions to provide a portion of the documents Plaintiffs are seeking – specifically, documents that were previously produced in the *Holmes* litigation that have not yet been produced to Plaintiffs, and the voter file; however, citing Magistrate Judge Auld's Order, State Board Defendants are declining to supplement their prior productions of implementation

evidence.[1] Plaintiffs respectfully request that the Court overrule the Magistrate Judge's decision absolving the State Board Defendants from their duty to supplement.

BACKGROUND

In a Joint Report filed during the initial stages of this litigation, Plaintiffs entered into an agreement with the State Board Defendants that indicated that the State Board would continue to voluntarily provide "discovery exchanges" from the pending state court case challenging S.B. 824, *Holmes v. Moore*, 19-CVS-15292 ("*Holmes* Litigation"). ECF No. 77 (Joint 26(f) Report, (Sept. 23, 2019)) at 2. This mutually beneficial agreement served to "protect the parties' and judicial resources, to promote the efficiency of the litigation, and to avoid unnecessary duplication of effort or expense." *Id.* Shortly after, State Board Defendants served their initial disclosures pursuant to Federal Rules of Civil Procedure 26(a)(1), identifying materials it had previously produced in the *Holmes* litigation. State Board Defs.' Initial Disclosures (Oct. 3, 2019), Ex. A. Consistent with its Rule 26(a)(1) disclosures, State Board Defendants produced a copy of its then-current production from the *Holmes* Litigation in their initial disclosures, *id.* at 2, 6–12, including voter records (*e.g.*, the voter file and a "no match" list of voters who did not have identification) and documentation of the State Board's efforts to implement the voter identification requirement (*e.g.*, training materials). In so doing, the State Board Defendants acknowledged their duty to supplement these disclosures, *see id.* at 2–3 ("State

[1] State Board Defendants do not consent to Plaintiffs filing this objection.

Board Defendants will supplement these disclosures according to Rule 26(e) of the Federal Rules of Civil Procedure.")

State Board Defendants supplemented their Rule 26(a)(1) disclosures on May 15, 2020. State Board Defs.' Suppl. Disclosures (May 15, 2020), Ex. B. These supplemental disclosures further identified the materials being produced as including:

- "[a]ll public records, judicial and litigation records, including transcripts of current and future judicial proceedings, deposition transcripts, additional records and documents produced or to be generated in the parallel state law voter ID lawsuit . . . ." *Id.* at 3.
- "Any additional updates to the recent NCDOT/DMV records or ESI regarding the number of DMV-issued voter photographic identifications cards, no Fee ID cards. . . ." *Id.*
- "**All public records concerning the implementation efforts** of the S.B. 824's voter photographic ID requirement by the North Carolina State Board of Elections." *Id.* at 4 (emphasis added).

In making these productions, again, the State Board acknowledged their obligation to supplement these disclosures according to Rule 26(e). *Id.* at 2, 4.

Consistent with these disclosures, the State Board Defendants voluntarily produced pursuant to Rule 26(a)(1) copies of its no-match list data, the voter file, and materials regarding the implementation of S.B. 824. *See* Exs. A, B. And State Board Defendants continued to make supplemental disclosures by *inter alia* producing copies of *Holmes*

Litigation documents to Plaintiffs through May 2020, and producing updated versions of the voter file through November 2021, shortly before the Court stayed this matter.

Fact discovery was closed on May 15, 2020. Trial has since been postponed twice due to interlocutory appeals, Legislative Intervenors seeking to intervene and the pending State Court challenge to the same law. *See* ECF Nos. 152, 194. The Court entered a stay of all proceedings on December 30, 2021. ECF No. 194. Shortly after the North Carolina Supreme Court issued its final decision in *Holmes*, Plaintiffs filed their motion to lift the stay, sought a status conference, and requested *inter alia* that the "record [be] reopened to update discovery previously provided by Defendants." ECF No. 202.

At a hearing on July 26, 2023, the Magistrate Judge denied Plaintiffs' request to propound discovery on the Legislative Intervenors but directed Plaintiffs "to file a Notice of Proposed Discovery" which was to include Plaintiffs' arguments for "why [P]laintiff[s] should be allowed to serve discovery on the State Board Defendants." Status Conference Min. Entry (July 26, 2023). Plaintiffs' proposed discovery sought "documents already produced in the *Holmes* Litigation and limited supplemental discovery regarding the present impact of S.B. 824 . . . and information on how S.B. 824 is being implemented for the 2023 municipal elections and beyond." Pls.' Notice of Proposed Disc. (Aug. 2, 2023), ECF No. 203. In other words, Plaintiffs sought documents in the same categories that State Board Defendants had previously made productions and are obligated to produce pursuant to their Rule 26(e) supplementation obligation. *See id.* (requesting "no-match analysis conducted by SBOE," "[a] complete North Carolina voter file dated on or after July 1, 2023 . . . ," "materials dated on or after January 1, 2023 addressing implementation of the Free

Photo ID requirement," "[a]ll documents produced [and received] by State Board Defendants in [the *Holmes* Litigation]," and "responsive documents to . . . requests that were propounded in the [*Holmes* Litigation]").

On September 12, 2023, the Magistrate Judge denied Plaintiffs' request to reopen the discovery record, and specifically ruled that the State Board Defendants did not have an obligation to supplement its prior productions under Rule 26(e) ruling that "Plaintiffs did not timely serve . . . requests or interrogatories" and therefore "retain no such right to receive updated information." ECF No. 210 at 24. The Magistrate Judge ruled that by doing so, Plaintiffs "forfeited the protections afforded by formal discovery mechanisms," including the State Board Defendants' obligation to supplement under Rule 26(e). ECF No. 210 at 22–23. In doing so, the Magistrate Judge failed to consider that the State Board Defendants had produced copies of materials produced in the *Holmes* litigation and other materials pursuant to Rule 26(a)(1)(A)(ii) and those productions are also subject to the Rule 26(e) supplementation requirement. This was a clear legal error.

The parties met and conferred on this issue. State Board Defendants have agreed to supplement their prior productions by (i) providing documents produced in the *Holmes* Litigation that were not previously produced, and (ii) providing the updated voter file. The State Board has declined to supplement its prior productions in any other way, arguing that the Magistrate Judge's order "foreclosed discovery on any implementation evidence" and that they do not consent to this Objection.

ARGUMENT

Parties "who have made a disclosure under Rule 26(a)—or who has responded to an interrogatory, request for production, or request for admission—must supplement . . . its disclosure" in a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect. Fed. R. Civ. Proc. 26(e)(1). "The purpose of Rule 26(a) is to allow the parties to adequately prepare their cases for trial and to avoid unfair surprise." *Russell v. Absolute Collection Servs., Inc.*, 763 F.3d 385, 396 (4th Cir. 2014). If a party fails to disclose or properly supplement disclosures, that party is not allowed to use that information "to supply evidence on a motion, at a hearing, or at trial." Fed. R. Civ. Proc. 37(c)(1).

Rule 26(a)(1)(A)(ii) obligates a party, "without awaiting a discovery request, provide to the other parties . . . ***a copy*** —or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses" (emphasis added). Pursuant to that requirement, the State Board produced a substantial volume of copies of its records up through November 2021, shortly before the Court entered a stay. These productions included materials regarding the implementation of S.B. 824, the voter file, and the no-match list, as well as materials that had been produced in the *Holmes* Litigation. Exs. A, B.

Since November 2020, the State Board has taken further steps to implement the photo identification laws, including issuing photo voter identification cards at the Division of Motor Vehicles (DMV) and the County Boards of Elections. State Board Defendants

are obligated to produce these materials under Rule 26(e) as supplemental disclosures. Pursuant to the Magistrate's direction for Plaintiffs "to file a Notice of Proposed Discovery," Plaintiffs' proposed requests cover the same categories for which the State Board Defendants had made prior productions, including any "no-match analysis conducted by SBOE," "[a] complete North Carolina voter file dated on or after July 1, 2023 . . . ," "materials dated on or after January 1, 2023 addressing implementation of the Free Photo ID requirement," "[a]ll documents produced [and received] by State Board Defendants in [the *Holmes* Litigation]," and "responsive documents to . . . requests that were propounded in the [*Holmes* Litigation]." ECF No. 203.

Despite the overlap between Plaintiffs' proposed discovery and the State Board Defendants' obligation to supplement their disclosures, the Magistrate Judge held that Plaintiffs "retain no such right to receive updated information." Magistrate Judge Auld's Order (Sept. 12, 2023) at 24.

In so ruling, the Magistrate Judge did not address State Board Defendants' independent obligation under Rule 26(e) to supplement their prior Rule 26(a)(1)(A)(ii) productions of copies of their records. Rule 26(e) is clear that the State Board Defendants, like any other party, must supplement their prior productions of materials they agreed in their Rule 26(a)(1)(A)(ii) disclosure to produce. Indeed, prior to entry of the stay, the State Board Defendants did make supplemental productions of these materials, including: (i) "[a]ll public records concerning the implementation efforts of the S.B. 824's voter photographic ID requirement," (ii) "[a]ny additional updates to the recent NCDOT/DMV records or ESI regarding the number of DMV-issued voter photographic identifications

cards, no Fee ID cards. . . .," and (iii) "[a]ll public records, judicial and litigation records, including transcripts of current and future judicial proceedings, deposition transcripts" and "additional . . . documents produced" in the *Holmes* Litigation that were not previously produced.

Contrary to the Magistrate's analysis, the requirement to supplement disclosures under Rule 26(e) is not contingent upon whether parties formally served discovery requests. ECF No. 210 at 22–24. Rule 26(e) specifically requires supplementation of materials previously produced "under Rule 26(a)," not only in response "to an interrogatory [or] request for production." The Magistrate failed to recognize that the State Board Defendants had made substantial productions of copies of its records pursuant to Rule 26(a), and that Rule 26(e), on its face, requires supplementation of information or documents produced pursuant to Rule 26(a). *See* Fed. R. Civ. P. 26(e) ("a party who has made disclosure under Rule 26(a) . . . *must* supplement or correct its disclosure or response").

Here, the State Board Defendants agreed to make—and did make—substantial productions of copies of its records pursuant to Rule 26(a)(1)(A)(ii) "without awaiting a discovery request." They are now obligated to supplement those productions under Rule 26(e), including "all public records concerning the implementation efforts of S.B. 824's voter photographic ID requirement by the North Carolina State Board of Elections," which the State Board previously agreed to produce in its Rule 26(a) disclosures. *See* Ex. B at 4. By construing the Rule 26(e) supplementation obligation as limited to formal requests for production, the Magistrate ignored that the plain language of Rule 26(e) extends to

productions made pursuant to Rule 26(a). In so doing, the Magistrate failed to consider the proper breadth of the State Board Defendants' supplementation obligation under Rule 26(e) and his ruling should be overruled.

CONCLUSION

For the foregoing reasons, the Court should overrule the Magistrate Judge's order denying Plaintiffs' motion and order State Board Defendants to supplement their disclosures pursuant to Rule 26(e).

Respectfully Submitted this 26th day of September 2023

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CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing OBJECTION TO MAGISTRATE JUDGE'S SEPTEMBER 12, 2023 ORDER DENYING PLAINTIFFS' MOTION TO REOPEN DISCOVERY with the Clerk of Court using the CM/ECF system which will send notification of such to all counsel of record in this matter.

This, the 26th day of September 2023.

/s/ Jeremy C. Karpatkin
Jeremy C. Karpatkin

CERTIFICATE OF WORD COUNT

The undersigned counsel hereby certifies that pursuant to Local Rules 7.3(d) and 72.4, the foregoing has a word count of less than 6,250 words not including the caption, signature block and certification of word count. This document was prepared in Microsoft Word, from which the word count is generated.

Dated this 26th day of September 2023.

/s/ Jeremy C. Karpatkin
Jeremy C. Karpatkin

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:18-cv-01034

NORTH CAROLINA STATE CONFERENCE OF THE NAACP, et al. Plaintiffs, v. ROY ASBERRY COOPER III, in his official capacity as the Governor of North Carolina; et al. Defendants.	)	**STATE BOARD DEFENDANTS INITIAL DISCLOSURES** **Fed. R. Civ. P. 26(a)(1)**

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, by and through their undersigned counsel, State Board Defendants make the following Initial Disclosures:

1. The following are persons who are likely to have information that State Board Defendants may use to support their defenses in this case:

Name	Title or Position	Address/Phone Number	Subject of Information
Karen Brinson Bell	Executive Director of the State Board	May be contacted through undersigned counsel.	State Board plans to implement and administer S.B. 824.
Patrick Gannon	PIO for the State Board	May be contacted through undersigned counsel.	State Board's public outreach and communications regarding S.B. 824.
Brian Neesby	Chief Information Officer of the Board	May be contacted through the undersigned counsel.	Knowledge of data maintained by the Board and the uses of that data, including any matching exercises conducted to determine who may need photo ID.

Katelyn Love	General Counsel for the Board	May be contacted through the undersigned counsel.	Knowledge of the Board's implementation of the photo ID requirements in S.B. 824.
Ted Fitzgerald	Chief Learning Officer for the Board	May be contacted through the undersigned counsel.	Knowledge of efforts to educate the county boards and the public about the requirements of photo ID.
Veronica Degraffenreid	Elections Operations Director for the Board	May be contacted through the undersigned counsel.	Oversees drafting of forms, procedures, and other administrative aspects of S.B. 824.
Amy Strange	Chief Operating Officer for the Board	May be contacted through the undersigned counsel.	Oversees the Board's budget and expenditures.

State Board Defendants' investigation and discovery concerning this case is continuing, and, if additional information is obtained after the date of these disclosures, State Board Defendants will supplement these disclosures according to Rule 26(e) of the Federal Rules of Civil Procedure.

2. Below is a description by category and location, of those documents, electronically stored information, and tangible things that State Board Defendants have in their possession, custody or control and may use to support their defenses in this case:

Document or Electronically Stored Information	Location
	Please see attached **Exhibit A.** All documents have been shared electronically via Citrix ShareFile system or via email from the undersigned counsel.

State Board Defendants' investigation and discovery concerning this case is continuing, and, if additional information is obtained after the date of these disclosures, Defendants will supplement these disclosures according to Rule 26(e) of the Federal Rules of Civil Procedure.

3. State Board Defendants contend that there are no damages, of which State Board Defendants are aware, that Plaintiffs have suffered as a result of State Board Defendants' actions complained of herein. Therefore, initial disclosure regarding a computation of damages is not applicable. State Board Defendants' investigation and discovery concerning this case is continuing, and, if additional information is obtained after the date of these disclosures, State Board Defendants will supplement these disclosures according to Rule 26(e) of the Federal Rules of Civil Procedure.

4. There are no insurance agreements, of which State Board Defendants are aware, that may be applied to satisfy part or all of any judgment that may be entered in this action. State Board Defendants' investigation and discovery concerning this case is continuing, and, if additional information is obtained after the date of these disclosures, State Board Defendants will supplement these disclosures according to Rule 26(e) of the Federal Rules of Civil Procedure.

Respectfully submitted, the 3rd day of October, 2019.

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CERTIFICATE OF SERVICE

I hereby certify that on this date I served the foregoing **STATE BOARD DEFENDANTS' INITIAL DISCLOSURES** by electronic mail, on the following parties at the following addresses:

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This 3rd day of October, 2019.

/s/ Paul M. Cox_____
Paul M. Cox
Special Deputy Attorney General

EXHIBIT A

Holmes_SBOE_POD_000001-Holmes_SBOE_POD_000064 (conf. docs withheld).pdf
Holmes_SBOE_POD_000065-Mailing Project Reports.041316.xlsx
Holmes_SBOE_POD_000066-Mailing Response Count.209k.062216.xlsx
Holmes_SBOE_POD_000068 -State Board Document Production Withholding Log (3-18-19).pdf
Holmes_SBOE_POD_000001-Holmes_SBOE_POD_000064-Highly Confidential Documents Included.pdf
Holmes_SBOE_POD_000067 - CONFIDENTIAL-Subject to Protective Order- 2016 March Primary RI Mailing Replies - JF.XLSX
Holmes_SBOE_POD_000069 - CONFIDENTIAL provisional_20160315.txt
Holmes_SBOE_POD_000070 - CONFIDENTIAL provisional_20160607.txt
Holmes_SBOE_POD_000071 - layout_provisional.txt
Holmes_SBOE_POD_000072 - 000227 - Reasonable Impediment (RFP 11, 12).pdf
Holmes_SBOE_POD_000228 - 000305 - RFP 17.pdf

CONFIDENTIAL - Acknowledgements of no Photo ID at polls before VIVA implemented
Holmes_SBOE_POD_000306 - 000650 - Reasonable Impediment (RFP 11, 12).pdf
Holmes_SBOE_POD_000651 - HIGHLY CONFIDENTIAL - provisional_voter_extended_20160420.xlsx
Holmes_SBOE_POD_000652 - HIGHLY CONFIDENTIAL - provisional_voter_extended_RI_only_20160420.xlsx
Holmes_SBOE_POD_000653 - BringIt_15_LO2 (Photo ID Outreach - RFP 9).mp4
Holmes_SBOE_POD_000654 - NC Election Official Training.01 - Voting Procedures Overview-SD.mp4
Holmes_SBOE_POD_000655 -NC Election Official Training.02 - Role of the Election Greeter-SD.mp4
Holmes_SBOE_POD_000656 - NC Election Official Training.03 - In Person Check-In-SD.mp4
Holmes_SBOE_POD_000657 - NC Election Official Training.04 - Curbside Check-In-SD.mp4
Holmes_SBOE_POD_000658 - NC Election Official Training.08 - Voter.Check in and Curbside-SD.mp4
Holmes_SBOE_POD_000659 - NC Election OffTraining.09 - Determi Reaso Resembl.Elec Judges-SD.mp4
Holmes_SBOE_POD_000660 - NC Election Official Training.10 - Reasonable Impediment-SD.mp4
Holmes_SBOE_POD_000661 NC Elec OfficTraining.11 - Faill.Refusal to Pres Accept Photo ID-SD.mp4
Holmes_SBOE_POD_000662 - BringIt_60_LO2 (Photo ID Outreach - RFP 9).mp4
Holmes_SBOE_POD_000663 - Be Recognized-HD (Photo ID Outreach - RFP 9).mp4
Holmes_SBOE_POD_000810 - 001258 - Photo ID Outreach (numbers assisted - RFP 9).pdf
Holmes_SBOE_POD_001259 - 001298 - Photo ID Outreach (numbers assisted - RFP 9 Mailings).pdf
Holmes_SBOE_POD_001299 - CONFIDENTIAL - 218k Contact Log - Cards Received (Photo ID Outreach Mail).xlsx
Holmes_SBOE_POD_001300 -001438 - McCUE, GEORGE - Depo.pdf
Holmes_SBOE_POD_001439 - 001768 - DEGRAFFENREID, VERONICA Depo.pdf
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Holmes_SBOE_POD_001955 - 001955 - LiVECCHI, BRIAN - Depo.pdf
Holmes_SBOE_POD_002048 - 002231 - NEESBY, BRIAN - Depo I.pdf
Holmes_SBOE_POD_002232 - 002316 - NEESBY, BRIAN- Depo II - CONFIDENTIAL.pdf
Holmes_SBOE_POD_002317 - 002357 - STRACH, KIM WESTBROOK - Vol I - Depo.pdf
Holmes_SBOE_POD_002358 - 003977 - STRACH, KIM WESTBROOK - Vol II - & III Depo.pdf
Holmes_SBOE_POD_003978 - County Mailing October 14 (Photo ID Outreach Mailings).xlsx
Holmes_SBOE_POD_003979 - Letters to Plaintiff Organizations (Photo ID Outreach Mail).xlsx
Holmes_SBOE_POD_003980 - Mailing Project Reports.041316 (Photo ID Outreach Mailings).xlsx
Holmes_SBOE_POD_003981 - Mailing Response Count.218k.072415 (Photo ID Outreach Mail).xlsx
Holmes_SBOE_POD_003982 - CONFIDENTIAL - MASTER CONTACT LOG.042016 (Photo ID Outreach Mailing).xlsx
Holmes_SBOE_POD_003983- No_ID_Acknowledgement_List_2015-01-21 Photo ID Outreach Mail.xlsx
Holmes_SBOE_POD_003984 - no_id_acknowledgment_mailing_823_20151211 (Photo ID Outreac.xlsx
Holmes_SBOE_POD_003985- Copy of Mailing Response Counts (Photo ID Outreach Mailings.xlsx

Holmes_SBOE_POD_003986 - Voter ID Website index.html
Holmes_SBOE_POD_003987 - CONFIDENTIAL - 10000K Contact Log (Photo ID Outreach).xlsx
Holmes_SBOE_POD_003988 - Contact List - State Assn Nonprofits (Photo ID Outre.xlsx
Holmes_SBOE_POD_003989 - NCBOE MediaBudgetPlan_EstValue 2015_2016 (Photo ID Ou.xls
Holmes_SBOE_POD_003990 - NCBOE MediaPlan ADD A_2015 Fiscal Year 11-3-15 (2)TF.xls
Holmes_SBOE_POD_003991 - RFP Voter ID Outreach Campaign Scoring Sheet.xlsx
Holmes_SBOE_POD_003992 - Copy of RulesListeningTour2015.xlsx
Holmes_SBOE_POD_003993 - CONFIDENTIAL - Phone Log - Ted (Photo ID Outreach).xlsx
Holmes_SBOE_POD_003994 - Placement of VIVA Materials Spreadsheet (Photo ID).xlsx
Holmes_SBOE_POD_003995 - VIVA Team Tasklist Clyde March 2015 (Voter ID Outrea.xlsx
Holmes_SBOE_POD_003996 - VIVA Team Tasklist (Voter ID Outreach).xlsx

Holmes_SBOE_POD_003996 - HIGHLY CONFIDENTIAL - provisional_voter_20160602.xlsx

Holmes_SBOE_POD_003997 - 209K_List.xlsx
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Holmes_SBOE_POD_003999 - HIGHLY CONFIDENTIAL - 254K_List.xlsx
Holmes_SBOE_POD_004000 - CONFIDENTIAL - 301K_List.xlsx
Holmes_SBOE_POD_004001 - 318K_List.xlsx
Holmes_SBOE_POD_004002 - No_ID_Acknowledgement_List_2015-01-22_2.xlsx
Holmes_SBOE_POD_004003 - CONFIDENTIAL - No_ID_Acknowledgment_list.xlsx
Holmes_SBOE_POD_004004-004012 - SBOE-DMVMatchMemoApril2013.pdf
Holmes_SBOE_POD_004013-004023 - DMV NO-Match Report_20150315_v6.pdf
Holmes_SBOE_POD_004024-READ_ME.pdf

Holmes_SBOE_POD_004024 - CONFIDENTIAL - no_match_unexp.xlsx

Holmes_SBOE_POD_004025-004026 - voterid_NoMatchMailing_FINAL_20190826.pdf
Holmes_SBOE_POD_004027 - No_Match_Code_v3.txt
Holmes_SBOE_POD_004028 - No_Match_Code_v3.ipynb
Holmes_SBOE_POD_004029 - 2019-09-10 voter_id_cbe_printed.sql.xlsx

Holmes_SBOE_POD_004030 - NCOA Export File Data Layout.xlsx
Holmes_SBOE_POD_004031 - NCOA Import File Data Layout.xlsx
Holmes_SBOE_POD_004032 - DHHS Death File Layout.xlsx
Holmes_SBOE_POD_004033 - DMV Address Change Import File Layout.xlsx
Holmes_SBOE_POD_004034 - MasterDeathFile_recordlayout.pdf

Holmes_SBOE_POD_012380 - wait_time_data_20190916.csv
Holmes_SBOE_POD_012381 - 016723 - wait-time-charts (1).pdf

Holmes_SBOE_POD_004032 - No_Match_Code_v3.ipynb
Holmes_SBOE_POD_004033 - No_Match_Code_v3.txt

Holmes_SBOE_POD_004034-004047 - Enjoined_Statutes.pdf

Holmes_SBOE_POD_004048-004049 - Correspondence to Co-Chairs 2019-03-15.pdf

Holmes_SBOE_POD_004050-004078 - 2018-19_Certified_600_Elections.pdf
Holmes_SBOE_POD_004079-004698 - H966-BD-NBC-5888.pdf
Holmes_SBOE_POD_004699-004912 - BudgetBook_web_2019_rev.pdf
Holmes_SBOE_POD_004913-004914 - RE_ [External] RE_ Section 19.3 of conference report.pdf
Holmes_SBOE_POD_004915-004947 - RE_ State Budget.pdf
Holmes_SBOE_POD_004948-006779 - 2019-21_GenGov_LineItemDetail.pdf

Holmes_SBOE_POD_006780 - Seminar Venue Info.xlsx

Holmes_SBOE_POD_012382-012438 - Team Legal.pdf
Holmes_SBOE_POD_012439 - Team Legal.pptx

Reasonable_Impediment_Forms

Holmes_SBOE_POD_006781-006783 - 08 NCAC 17 .0107 (1).pdf
Holmes_SBOE_POD_006784-006785 - 08 NCAC 17 .0107.pdf
Holmes_SBOE_POD_006786 - 08 NCAC 17 .0108.pdf
Holmes_SBOE_POD_006787 - 2019_02_07 State Board Meeting pt01.mp3
Holmes_SBOE_POD_006788 - 2019_02_07 State Board Meeting pt02.mp3
Holmes_SBOE_POD_006789-006850 - Absentee Voter ID email comments July 2019 .pdf
Holmes_SBOE_POD_006851-006852 - April 24 2019 - VoterID_Request2.pdf
Holmes_SBOE_POD_006853-006866 - DraftRules_06132019_Combined .pdf
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Holmes_SBOE_POD_006895 - Meeting_Notice_2019-06-13.pdf
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Holmes_SBOE_POD_007514-007528 - PublicNotice21June2019.pdf
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Holmes_SBOE_POD_007532-007549 - Response Summary.pdf
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EXHIBIT B

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:18-cv-01034

NORTH CAROLINA STATE CONFERENCE OF THE NAACP, et al. Plaintiffs, v. ROY ASBERRY COOPER III, in his official capacity as the Governor of North Carolina; et al. Defendants.	)	**STATE BOARD DEFENDANTS' SUPPLEMENTAL DISCLOSURES** **Fed. R. Civ. P. 26(a)(1)**

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, by and through their undersigned counsel, State Board Defendants hereby supplement their initial disclosures as follows:

1. In addition to those individuals identified in State Board Defendants' Initial Disclosures, Plaintiffs' Initial Disclosures, and State Board Defendants' Response to Motion for Preliminary Injunction, the following are persons who are likely to have information that State Board Defendants may use to support their defenses in this case:

Name	Title or Position	Address/Phone Number	Subject of Information
NCDOT/DMV Records or ESI Custodian(s)		NCDOT 1 South Wilmington St. Raleigh NC 27601	The number of DMV-issued voter photographic identifications cards issued since January 1, 2014, no Fee ID cards issued since 12/19/2018, ID cards issued to a person upon receipt by the Division of the seized or surrendered document for a person whose valid driver license, permit, or endorsement is required to

			be seized or surrendered beginning May 1, 2019.
Kory Goldsmith	Director of the Legislative Drafting Division, North Carolina General Assembly	Counsel for State Board Defendants	Information about the legislative process and the process of enactment of S.B. 824 as described in D.E. 97-18 and Exhibits A and B to that docket entry.
Any and all persons identified in Plaintiffs' Initial Disclosures and any supplements thereto.	As identified in Plaintiffs' Initial Disclosures and any supplements thereto.	As identified in Plaintiffs' Disclosures.	As identified in Plaintiffs' Disclosures.
Trena Velez	Deputy Director for Election Administration, N.C. State Board of Elections	Counsel for State Board Defendants	Knowledge of administration and training regarding implementation of the photo ID requirements of S.B. 824, and implementation of the prior photo ID law at the county level.
Allison Blackman	Vote-by-mail Program Specialist, N.C. State Board of Elections	Counsel for State Board Defendants	Knowledge of implementation of photo ID requirements for absentee balloting and other aspects of photo ID implementation pursuant to S.B. 824.
Ellen Colon	Training, Education, and Outreach Specialist, N.C. State Board of Elections	Counsel for State Board Defendants	Knowledge of training and outreach on S.B. 824.
Jessica Terrell	Training, Learning, and Outreach Specialist, N.C. State Board of Elections	Counsel for State Board Defendants	Knowledge of training and outreach on S.B. 824.
Katelyn Love (already identified in prior disclosures, but this supplements the subjects of her knowledge)	General Counsel, N.C. State Board of Elections	Counsel for State Board Defendants	Knowledge of implementation of voter challenge and poll observer provisions of S.B. 824.

State Board Defendants will supplement these disclosures according to Rule 26(e) of the Federal Rules of Civil Procedure.

2. In addition to the documents identified in State Board Defendants' Initial Disclosures, Plaintiffs' Initial Disclosures, and State Board Defendants' Response to Plaintiffs' Motion for Preliminary Injunction, the following is a description by category and location, of those documents, electronically stored information, and tangible things that State Board Defendants have in their possession, custody or control and may use to support their defenses in this case:

Document or Electronically Stored Information	Location
Please see attached **Exhibit A.**	All documents have been shared by State Board Defendants electronically via Citrix ShareFile system, Everlaw, or via email from the undersigned counsel.
Please see attached **Exhibit B**. Any additional updates to the recent NCDOT/DMV records or ESI regarding the number of DMV-issued voter photographic identifications cards, no Fee ID cards, ID cards issued to a person upon receipt by the Division of the seized or surrendered document.	Counsel for State Board Defendants (as attached herein). NCDOT (for up-to-date records) 1 South Wilmington St Raleigh NC 27601
All public records, judicial and litigation records, including all transcripts of current or future judicial proceedings, deposition transcripts, additional records and documents produced or to be generated in the parallel state law voter photo ID lawsuit *Holmes v. Moore,* (Wake County 18 CVS 15292).	Counsel for State Board Defendants. *Holmes v. Moore* documents that have been shared electronically via Citrix ShareFile system, Everlaw, or via email from the undersigned counsel. *Holmes v. Moore* Record on Appeal and Rule 9(d)(2) Exhibits available at: North Carolina Court of Appeals Clerks Office 1 West Morgan Street Raleigh, NC 27601
Legislative History and Procedure of S.B. 824 and the N.C. General Assembly S.B. 824 Legislative Hearing Transcripts and/or audio records (11/26/2018 through 12/19/2018).	Counsel for State Board Defendants. DE 97-16 North Carolina General Assembly 16 W. Jones St. Raleigh NC 27601

All State Board Defendants' and Proposed Legislative Intervenors' filings in this case, including but not limited to all filings in opposition to Plaintiffs' Motion for Preliminary Injunction.	The docket for this case.
Chapter 163 of the North Carolina General Statutes and Title 8 of the North Carolina Administrative Code, which govern elections in North Carolina.	Electronic legal databases, including Lexis and WestLaw.
All public records concerning the implementation efforts of the S.B. 824's voter photographic ID requirement by the North Carolina State Board of Elections.	Counsel for State Board Defendants. North Carolina State Board of Elections' website, https://www.ncsbe.gov/index.html, and the State Board's public FTP website, https://dl.ncsbe.gov/index.html?prefix=Voter%20ID/
Any and all documents identified in Plaintiffs' Initial Disclosures and any supplements thereto.	As identified in Plaintiffs' Initial Disclosures.

Defendants will further supplement these disclosures according to Rule 26(e) of the Federal Rules of Civil Procedure.

3. No supplemental information regarding damages.

4. No supplemental information regarding insurance agreements.

Respectfully submitted, the 15th day of May, 2020.

JOSHUA H. STEIN
Attorney General

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N.C. Department of Justice
Post Office Box 629
Raleigh, NC 27602
Telephone: (919) 716-0185
Facsimile: (919) 716-6759
Counsel for the State Board Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this date I served the foregoing **STATE BOARD DEFENDANTS' SUPPLEMENTAL DISCLOSURES** by electronic mail, on the following parties at the following addresses:

Caitlin Swain
cswain@forwardjustice.org

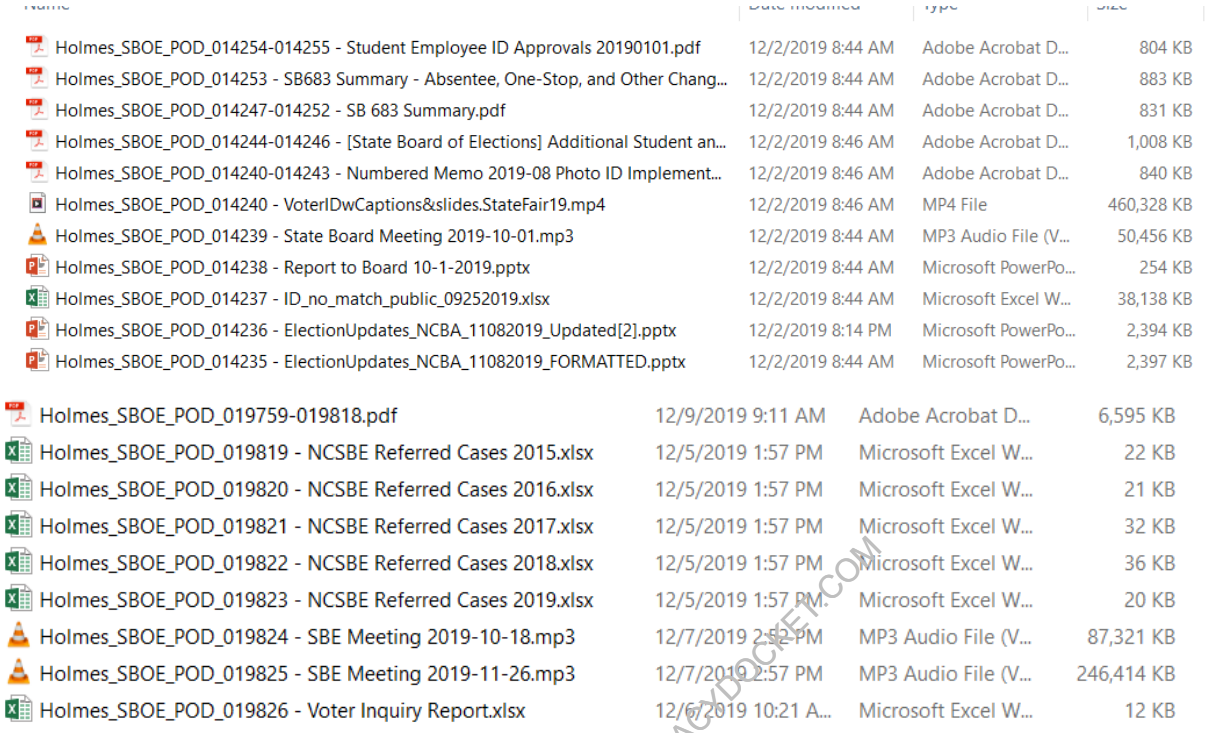
Irving Joyner
ijoyner@nccu.edu

Cooper, James W.
James.W.Cooper@arnoldporter.com

This 15th day of May, 2020.

/s/ Olga E. Vysotskaya de Brito
Olga E. Vysotskaya de Brito
Special Deputy Attorney General

EXHIBIT A



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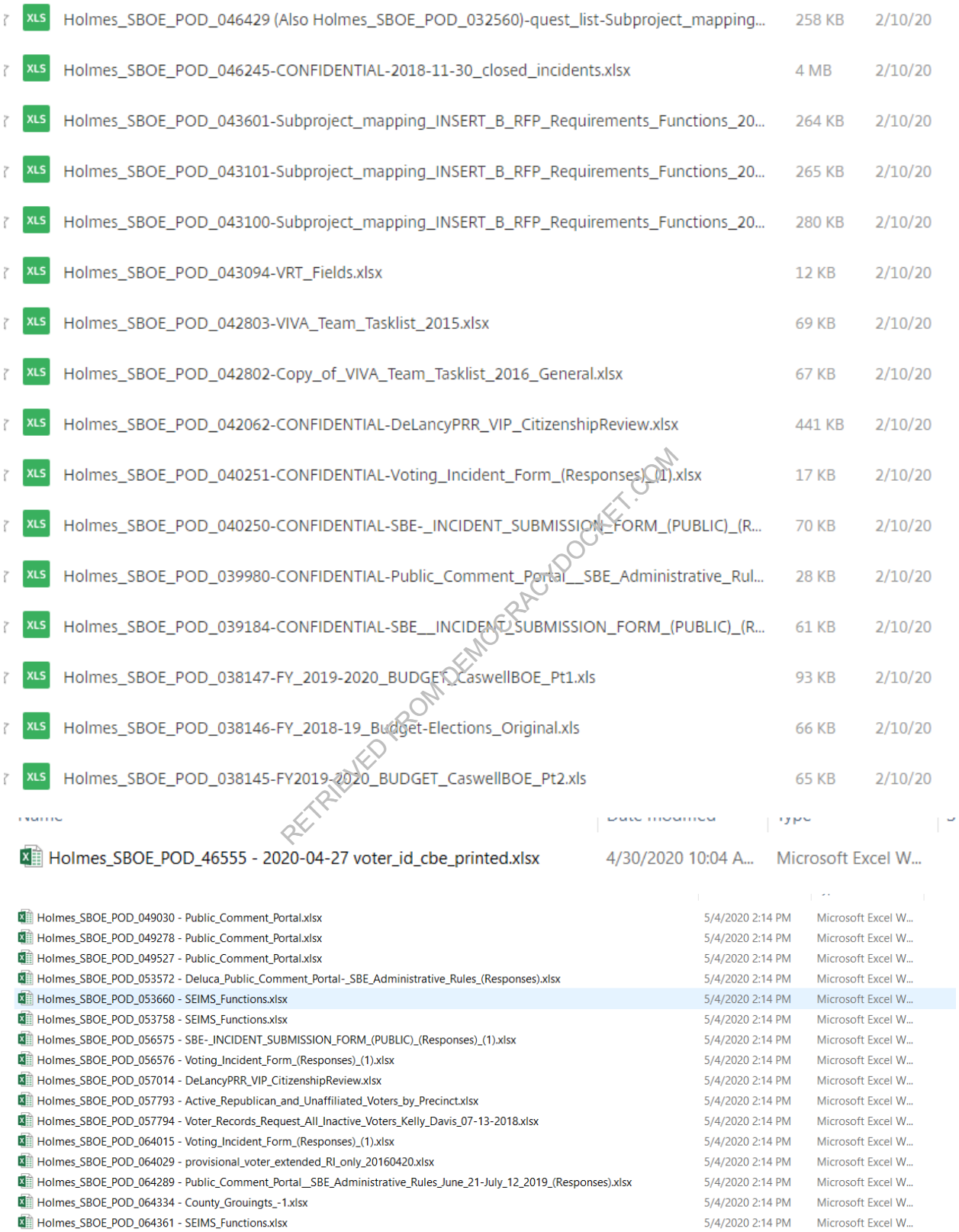
Holmes_SBOE_POD_036514-ballots-by-county (1).xlsx	1/9/2020 4:22 PM	Microsoft Excel W...	1



Holmes_SBOE_POD_046429 (Also Holmes_SBOE_POD_032560)-quest_list-Subproject_mapping...	258 KB	2/10/20
Holmes_SBOE_POD_046245-CONFIDENTIAL-2018-11-30_closed_incidents.xlsx	4 MB	2/10/20
Holmes_SBOE_POD_043601-Subproject_mapping_INSERT_B_RFP_Requirements_Functions_20...	264 KB	2/10/20
Holmes_SBOE_POD_043101-Subproject_mapping_INSERT_B_RFP_Requirements_Functions_20...	265 KB	2/10/20
Holmes_SBOE_POD_043100-Subproject_mapping_INSERT_B_RFP_Requirements_Functions_20...	280 KB	2/10/20
Holmes_SBOE_POD_043094-VRT_Fields.xlsx	12 KB	2/10/20
Holmes_SBOE_POD_042803-VIVA_Team_Tasklist_2015.xlsx	69 KB	2/10/20
Holmes_SBOE_POD_042802-Copy_of_VIVA_Team_Tasklist_2016_General.xlsx	67 KB	2/10/20
Holmes_SBOE_POD_042062-CONFIDENTIAL-DeLancyPRR_VIP_CitizenshipReview.xlsx	441 KB	2/10/20
Holmes_SBOE_POD_040251-CONFIDENTIAL-Voting_Incident_Form_(Responses)_(1).xlsx	17 KB	2/10/20
Holmes_SBOE_POD_040250-CONFIDENTIAL-SBE-_INCIDENT_SUBMISSION_FORM_(PUBLIC)_(R...	70 KB	2/10/20
Holmes_SBOE_POD_039980-CONFIDENTIAL-Public_Comment_Portal__SBE_Administrative_Rul...	28 KB	2/10/20
Holmes_SBOE_POD_039184-CONFIDENTIAL-SBE__INCIDENT_SUBMISSION_FORM_(PUBLIC)_(R...	61 KB	2/10/20
Holmes_SBOE_POD_038147-FY_2019-2020_BUDGET_CaswellBOE_Pt1.xls	93 KB	2/10/20
Holmes_SBOE_POD_038146-FY_2018-19_Budget-Elections_Original.xls	66 KB	2/10/20
Holmes_SBOE_POD_038145-FY2019-2020_BUDGET_CaswellBOE_Pt2.xls	65 KB	2/10/20

Holmes_SBOE_POD_46555 - 2020-04-27 voter_id_cbe_printed.xlsx	4/30/2020 10:04 A...	Microsoft Excel W...
Holmes_SBOE_POD_049030 - Public_Comment_Portal.xlsx	5/4/2020 2:14 PM	Microsoft Excel W...
Holmes_SBOE_POD_049278 - Public_Comment_Portal.xlsx	5/4/2020 2:14 PM	Microsoft Excel W...
Holmes_SBOE_POD_049527 - Public_Comment_Portal.xlsx	5/4/2020 2:14 PM	Microsoft Excel W...
Holmes_SBOE_POD_053572 - Deluca_Public_Comment_Portal-_SBE_Administrative_Rules_(Responses).xlsx	5/4/2020 2:14 PM	Microsoft Excel W...
Holmes_SBOE_POD_053660 - SEIMS_Functions.xlsx	5/4/2020 2:14 PM	Microsoft Excel W...
Holmes_SBOE_POD_053758 - SEIMS_Functions.xlsx	5/4/2020 2:14 PM	Microsoft Excel W...
Holmes_SBOE_POD_056575 - SBE-_INCIDENT_SUBMISSION_FORM_(PUBLIC)_(Responses)_(1).xlsx	5/4/2020 2:14 PM	Microsoft Excel W...
Holmes_SBOE_POD_056576 - Voting_Incident_Form_(Responses)_(1).xlsx	5/4/2020 2:14 PM	Microsoft Excel W...
Holmes_SBOE_POD_057014 - DeLancyPRR_VIP_CitizenshipReview.xlsx	5/4/2020 2:14 PM	Microsoft Excel W...
Holmes_SBOE_POD_057793 - Active_Republican_and_Unaffiliated_Voters_by_Precinct.xlsx	5/4/2020 2:14 PM	Microsoft Excel W...
Holmes_SBOE_POD_057794 - Voter_Records_Request_All_Inactive_Voters_Kelly_Davis_07-13-2018.xlsx	5/4/2020 2:14 PM	Microsoft Excel W...
Holmes_SBOE_POD_064015 - Voting_Incident_Form_(Responses)_(1).xlsx	5/4/2020 2:14 PM	Microsoft Excel W...
Holmes_SBOE_POD_064029 - provisional_voter_extended_RI_only_20160420.xlsx	5/4/2020 2:14 PM	Microsoft Excel W...
Holmes_SBOE_POD_064289 - Public_Comment_Portal__SBE_Administrative_Rules_June_21-July_12_2019_(Responses).xlsx	5/4/2020 2:14 PM	Microsoft Excel W...
Holmes_SBOE_POD_064334 - County_Grouingts_-1.xlsx	5/4/2020 2:14 PM	Microsoft Excel W...
Holmes_SBOE_POD_064361 - SEIMS_Functions.xlsx	5/4/2020 2:14 PM	Microsoft Excel W...

EXHIBIT B

Voter Inquiry Report

Voter ID Cards issued since January 1,2014	
Original Voter ID with No Fee (18 years & older)	3217
Duplicate Voter ID with No Fee (18 years & older)	1953
Renewal Voter ID with No Fee (18 years & older)	777

No Fee ID cards issued since 12/19/2018.	
Note: A free id is categorized and assigned to one of the buckets below. The free id is asssigned to the first bucket that qualifies. For Example: If a person is above 17 years and legally blind, that record will be assignged to "Above 17 years" bucket. That is, counts are not duplicated across buckets. The counts are number of issuances.	
17 years old or more	197351
Medically cancelled	0
Developmental disability	31
Legally Blind	6
Homeless	17

The number of ID cards issued to a person upon receipt by the Division of the seized or surrendered document for a person whose valid driver license, permit, or endorsement is required to be seized or surrendered due to a cancellation, disqualification, suspension, or revocation under applicable State law beginning May 1, 2019 – Station 417	
Number of ID cards issued at Station 417	8419