

1 THE WITNESS: What's the question? I'm
2 sorry.

3 BY MR. SHELLY:

4 Q. In your November 2016 tweet, you
5 tweeted --

6 A. I'm sorry. I don't see that I wrote
7 those tweets. There's some misinformation in
8 there, and I don't -- I don't recall those exact
9 words, and I'm not certain that I actually tweeted
10 them.

11 Q. Did you speak with anyone at True the
12 Vote about non-citizen voting in the six target
13 states after the November 2016 election?

14 A. Not specifically the six states.

15 Q. Did you speak with True the Vote about
16 analysis that would have included those six
17 states?

18 A. You need to clarify the question. I
19 mean, I don't know whether you're talking about
20 before or after. I mean, you're -- I just can't
21 answer a question that I don't understand.

22 Q. Did you speak to True the Vote in

1 November 2016 about non-citizen voting?

2 A. When?

3 Q. In November 2016.

4 A. Probably not.

5 Q. Did you discuss initiating legal action
6 with True the Vote related to non-citizen voting
7 in the 2016 election?

8 A. At some point post November probably,
9 but not in November.

10 Q. Who did you discuss this with at True
11 the Vote?

12 A. I don't recall specifically.

13 Q. Did you or True the Vote ever initiate
14 legal action related to your findings?

15 A. No.

16 Q. Why not?

17 A. Because we were threatened and my family
18 was threatened and we decided that it just wasn't
19 appropriate to take action and put us in further
20 danger.

21 Q. Okay.

22 MR. SHELLY: Mr. White, can you pull up

1 Exhibit R.

2 (Phillips Deposition Exhibit 4 was
3 marked for identification and attached to the
4 transcript.)

5 BY MR. SHELLY:

6 Q. Mr. Phillips, did you conduct an
7 interview with CNN in January 2017 about
8 allegations of non-citizen voting in the 2016
9 election?

10 A. Yes.

11 MR. SHELLY: Can we go to page 10.

12 Great.

13 BY MR. SHELLY:

14 Q. This is the third paragraph down
15 starting with "Obviously." Reading ahead a few
16 sentences, you say, "When we complete this
17 analysis, we're going [to] lay it out to the
18 public. We're going to lay out our methodologies.
19 We're going to lay out our hypothesis. We're
20 going to lay out our outputs. We're going to lay
21 out the raw data for everyone to see."

22 Did I read that correctly?

1 A. Yes, but I don't recall the exact words.

2 You read what's on the screen.

3 Q. Okay. And do you agree that this was in
4 the context of analysis of non-citizen voting in
5 the 2016 election?

6 A. I don't recall --

7 MR. BOPP: I object. The question goes
8 beyond the limit of the six states and, therefore,
9 you're violating the court's order, and I instruct
10 him not to answer.

11 MR. SHELLY: This is an interview that
12 he gave with CNN. I'm not asking about Oregon or
13 any state that's not among the six states. I'm
14 just asking him about what he told CNN related to
15 the 2016 election.

16 MR. BOPP: I've made my objection to
17 your question.

18 MR. SHELLY: And I understand you're
19 instructing him not to answer in his 30(b)(6) or
20 his individual capacity?

21 MR. BOPP: I did instruct him not to
22 answer because your --

1 MR. SHELLY: Okay. I just want to make
2 sure that I heard correctly. I will continue with
3 my questions.

4 BY MR. SHELLY:

5 Q. When did you complete this analysis,
6 Mr. Phillips?

7 A. I don't recall.

8 MR. BOPP: Same --

9 Gregg, you need to pause for just a
10 second so I can enter -- because, you know, half
11 of his questions are completely in violation of
12 the court order, so I need to be able to interject
13 with an objection.

14 So I object. Your question goes beyond
15 the court's limitation on your questions. And it
16 needs to be the six states and also be 2012
17 forward. I instruct him to not answer.

18 BY MR. SHELLY:

19 Q. And what did you find when you completed
20 your analysis?

21 MR. BOPP: Same objection and same
22 instruction.

1 BY MR. SHELLY:

2 Q. Did you ever release your methodology?

3 MR. BOPP: Same objection. Same
4 instruction.

5 BY MR. SHELLY:

6 Q. Did you ever release your raw data?

7 MR. BOPP: Same objection. Same
8 instruction.

9 BY MR. SHELLY:

10 Q. Do you plan to release your analysis,
11 methodology or raw data?

12 MR. BOPP: Same objection. Same
13 instruction.

14 BY MR. SHELLY:

15 Q. Did any independent third party ever
16 confirm your allegations related to the 2016
17 election?

18 MR. BOPP: Same objection. Same
19 instruction.

20 MR. SHELLY: You can take this down,
21 Mr. White.

22 THE VIDEOGRAPHER: My apologies. What?

1 MR. SHELLY: I'm all done with this
2 exhibit. You can take it down. Thank you.

3 THE VIDEOGRAPHER: Okay.

4 BY MR. SHELLY:

5 Q. Mr. Phillips, what do you do for a
6 living now?

7 A. I own a technology company.

8 Q. Is that OpSec?

9 A. No.

10 Q. What's the name of the company?

11 A. CoverMe Services.

12 Q. Did you found OpSec?

13 A. Yes.

14 Q. Are you the managing partner at OpSec?

15 A. Yes.

16 Q. And these are positions that you
17 continue to hold today?

18 A. Yes.

19 Q. Okay. Just to clean up the previous
20 section about the 2016, Mr. Phillips, can you just
21 confirm that you intend to follow your attorney's
22 instruction not to answer?

1 A. Yes, I intend to follow my attorney's
2 instructions.

3 Q. Thank you.

4 What services does OpSec perform?

5 A. Research, election intelligence
6 gathering, some operational activities.

7 Q. And what kinds of operational
8 activities?

9 A. It depends on the situation.

10 Q. I think you told me that OpSec was
11 founded in 2020.

12 Do you remember when in 2020 it was
13 founded?

14 A. Formally founded in 2020, yes.

15 Q. Was that -- do you know what part of the
16 year?

17 A. I don't.

18 Q. Before the fall elections?

19 A. Yes.

20 Q. How many employees does OpSec have?

21 A. No legitimate employee. No full-time
22 employees beyond me. We hire contractors.

1 the file that was used?

2 A. I don't know right off the top of my
3 head, no.

4 Q. Is that something you looked into in
5 preparation for this deposition?

6 A. No, just because that's not what we were
7 doing. You're asking about data cleanliness. And
8 what we were trying to do is ascertain whether
9 people still lived in the jurisdiction or not.
10 And we were compelled to assist the challenging
11 voters to give a specific reason.

12 And it's up to the counties to determine
13 reasonable suspicion or probable cause or whatever
14 it is in Georgia. A challenger has to give a
15 specific reason. The specific reason is they
16 don't live in the jurisdiction anymore.

17 Q. If your window for including people who
18 submitted an NCOA request goes back in time far
19 enough, is there a possibility that they could
20 have moved back to Georgia, but would still be on
21 your list because of their previous move out of
22 state?

1 A. Sure. It's possible.

2 Q. But I'm understanding you're not sure
3 how far back those requests would have been
4 included for your lists?

5 A. No. It's not relevant.

6 Q. Okay.

7 MR. SHELLY: Can we pull up Exhibit S.

8 (Phillips Deposition Exhibit 7 was
9 marked for identification and attached to the
10 transcript.)

11 MR. SHELLY: You can scroll down a page
12 or two.

13 BY MR. SHELLY:

14 Q. So this is an NCOALink processing
15 summary report that was produced by Mr. Davis, who
16 attempted to match the Georgia voter file with
17 NCOA data.

18 Take a look at this and tell me, was
19 anything like this produced during your matching
20 process?

21 A. We don't use this particular tool. And
22 no. It's irrelevant.

1 Q. Okay.

2 MR. SHELLY: Can you go to bottom of
3 page 5 of this document, Mr. White.

4 BY MR. SHELLY:

5 Q. Do you see here, at the bottom left
6 corner, there are some counts for insufficient
7 data, address not found, multiple responses?

8 A. Yeah.

9 Q. Am I understanding correctly that you
10 did not develop any similar counts for your
11 analysis?

12 A. No, my guess is he didn't use either
13 CASS or DPV. And I would suggest that he didn't
14 clean the rolls as it relates to identity
15 verification first or he wouldn't have had this.
16 This is bad process.

17 Q. Okay. What should Mr. Davis have done?

18 MR. BOPP: Excuse me. I need to talk to
19 my client for a second, so we will go off.

20 THE VIDEOGRAPHER: Do you want to go off
21 the record, Counsel?

22 MR. SHELLY: I just want to reiterate my

1 objection to conferring between the witness and
2 counsel about how to answer my questions.

3 (Pause from the record.)

4 MR. BOPP: Okay. We're back. You can
5 resume your questioning.

6 BY MR. SHELLY:

7 Q. Mr. Phillips, you were telling me that
8 there was -- that this document illustrates that
9 Mr. Davis used a bad process.

10 Can you explain what you meant by that?

11 A. I was just speculating. It was not
12 appropriate. We don't do it this way.

13 Q. What does this document indicate was not
14 done that should have been done?

15 A. I really can't speculate. I'm sure that
16 Mr. Davis is doing a good job.

17 Q. Is this -- is your answer informed by
18 off-the-record discussions you just had with
19 counsel?

20 A. No.

21 Q. Did you discuss your testimony with
22 counsel during that recess?

1 MR. BOPP: You know, your Honor -- I
2 mean, your Honor -- Jacob, there was no pending
3 question when I sought to consult with my client.
4 There was no pending question, no pending answer.
5 So --

6 But go ahead, Gregg, you can answer.

7 THE WITNESS: No, I don't -- I don't --
8 I'm not as aware of Mr. Davis' process as I should
9 be to make a comment, so I don't know.

10 MR. SHELLY: You can take this exhibit
11 down.

12 BY MR. SHELLY:

13 Q. For complex record linkage, do you think
14 it is important that fields used to link records
15 in different databases conform with respect to
16 data format and data type?

17 A. What was the question?

18 Q. For complex record linkage, do you think
19 it is important that fields used to link records
20 in different databases conform with respect to
21 data format and data type?

22 A. Sure.

1 Q. So would you agree that it's
2 important --

3 A. So assuming that you're performing an
4 actual linkage, yes.

5 Q. Did you perform an actual linkage?

6 A. Can you define what you mean by
7 "linkage."

8 Q. Well, I'm repeating the term that you
9 just used.

10 What do you understand that to mean?

11 A. No, that's not true. You just said
12 "linkage."

13 What do you mean by "linkage"?

14 Q. Is that not the term that you just used?

15 A. You asked me a question about linkage.
16 Read the question.

17 Q. Did you attempt to link information
18 between Georgia's voter rolls and other data sets?

19 A. What do you mean by "link"?

20 Q. Match.

21 A. Match? Sure.

22 Q. When you performed that matching, do you

1 agree that it's important that the fields conform
2 with respect to data format and data type?

3 A. Yes.

4 Q. Do you agree that it would be important
5 that both databases used for the match use
6 standardized abbreviations?

7 A. We have a separate approach that we use
8 for that because we verify identity first.

9 Q. Okay. Can you tell me about how you
10 verify the identity?

11 A. No.

12 Q. Why not?

13 A. Because it's a proprietary service that
14 my company used.

15 Q. Okay. This case has a protective order
16 in place specifically so we can understand these
17 questions.

18 A. It's a 4,000-row algorithm.

19 What do you want to know?

20 Q. I want to know what you do to verify the
21 identities before you perform the matching.

22 A. Assessing -- assessing identity involves

1 a complex series of mostly common algorithms,
2 things like dissimilarity indexes, similarity
3 indexes. We use some fuzzy logic. We use a
4 number of different things. That's my answer.

5 Q. Okay. What is fuzzy logic?

6 A. Fuzzy logic is a set of -- in identity
7 is a set of algorithms that's designed to
8 ascertain whether something similar is near
9 similar enough to assume that identity is
10 accurate. And if it's not, then it assigns a risk
11 factor to it.

12 Q. And is this something that you developed
13 yourself or you used an outside vendor for it?

14 A. Yes. I developed --

15 Q. Which one? Is that something --

16 A. I developed it myself in 2006.

17 Q. Okay. Has its accuracy ever been
18 analyzed by anybody else?

19 A. Its accuracy. We use it every day in
20 our business. So it's used in practice, and we've
21 done 43 million cases, so its accuracy is pretty
22 well known.

1 Q. Has it been independently verified by
2 anybody else?

3 A. Nope.

4 Q. Who performed the match between the
5 voter rolls and the other lists that you were
6 analyzing?

7 A. What individual?

8 Q. That's my question, yes.

9 Are you thinking of an answer or was my
10 question unclear?

11 A. I answered you.

12 Q. Who was the individual?

13 A. Me.

14 Q. Oh.

15 Did anybody else assist with that
16 matching effort?

17 A. Not that I recall.

18 Q. Approximately on what date was the match
19 completed?

20 A. Mid December.

21 Q. Can you tell me a few examples -- can
22 you give me a complete list of all of the

1 technology that you used to perform that match?

2 A. No -- I mean, yeah, I can tell you. It
3 was co-done by me and my company.

4 Q. Okay. What was -- I believe you said
5 you used a vendor called TrueNCOA?

6 A. That's one of the ones we used, yes.

7 Q. Can you tell me what their role was
8 exactly?

9 A. Their role wouldn't be anything other
10 than just being the group that performed -- that
11 made the match.

12 MR. BOPP: I'm sorry, Jacob. I need to
13 take this call for a second. Do you mind if we
14 suspend for just a second?

15 MR. SHELLY: Sure. That's fine.

16 MR. BOPP: Yeah.

17 MR. SHELLY: You can go off the record.

18 THE VIDEOGRAPHER: Okay. The time is
19 12:53 p.m. We are now off the record.

20 (Recess from the record.)

21 THE VIDEOGRAPHER: The time is 1:13 p.m.

22 We are now on the record.

1 BY MR. SHELLY:

2 Q. Mr. Phillips, I understood at one point
3 you said that you personally performed the match,
4 I also understood you to say that TrueNCOA
5 performed the match.

6 Can you clarify anything that I may have
7 misunderstood with that?

8 A. I thought you meant the person that
9 uploaded it. I uploaded it. I'm sorry.

10 Q. You uploaded -- you uploaded it to
11 TrueNCOA?

12 A. And -- we wouldn't do just one. There
13 were probably more. SmartyStreets is one that we
14 used sometimes. I mean, there are others.

15 Q. SmartyStreets is in addition to
16 TrueNCOA?

17 A. At times. Depending on the results we
18 get back, we can use both.

19 Q. So you would upload it to TrueNCOA. You
20 would get a match back, and then sometimes you
21 would provide match data to SmartyStreets?

22 A. It might not go in that direction. I

1 algorithm that my company owns that we use
2 primarily for the identity and residency
3 resolution.

4 Q. Okay. Are you willing to produce that
5 algorithm or provide it in a format that we can
6 review?

7 A. No.

8 Q. Okay. And in the same context, can you
9 tell me what queries you used?

10 A. Well, the query would be a query against
11 the True- -- in this case, TrueNCOA and possibly
12 SmartyStreets. So they would -- they would pass
13 it through their CASS system to clean it up,
14 perform some hygiene on it. They'd look at
15 delivery point verifications and those kind of
16 things. If we found some anomalies, we might
17 access another system like a SmartyStreets, but
18 that's it. That's the query.

19 Q. So when you say you performed "hygiene,"
20 can you give me a concrete example of what it
21 would mean to provide hygiene to a piece of data
22 that you analyzed here?

1 A. Well, I think the USPS definition of
2 "CASS" is pretty clear. I mean, I think they --
3 you know, it basically standardizes -- goes
4 through and standardized addresses, finds missing
5 things, kind of rearranges, fixes it up. Like it
6 might add a ZIP plus four.

7 You know, if there was a typo in the --
8 maybe a lowercase in an address, they might make
9 it upper case. So they perform that
10 data-cleansing process and then produce the list.

11 And then we would go through and -- or
12 they would go through and push it through another
13 one of their queries for -- you know, to see if
14 the address was -- they could validate the
15 delivery point, so could an address actually be
16 delivered on that. And that might push us off
17 into something else, to maybe look for something
18 else.

19 Q. Okay.

20 A. But it was done in a matter of minutes.
21 This wasn't a lengthy process.

22 Q. So if there was an -- if a voter had an

1 address, say, 123 Main, in a city that had a Main
2 Street and a Main Avenue, how would know the CASS
3 system know or SmartyStreets -- would either of
4 those systems know how to complete it? Or what
5 would it do in that situation?

6 A. You would have to ask them how they
7 would do it. To us, I mean, again, it's a
8 function of whether or not it's likely to be the
9 same person, organization or street. And then it
10 assigns sort of a risk score to it. And then it's
11 processed differently.

12 That might be a case where we would go
13 and look at, say, a SmartyStreets to see if we can
14 ascertain what the situation is. In the cases
15 where we cannot, we would kick it out and not
16 include it.

17 Q. Okay. And when you say it would assign
18 a "risk score," is that like a scale of 1 to 10?
19 Or what kind of risk score can be given?

20 A. We have risk scoring built into our
21 scoring mechanisms inside of our algorithms.

22 Q. So I'm trying to figure out what's

1 the -- will it tell you that this is high risk,
2 medium risk, low risk or is that like 1 to 100?

3 A. It would likely give you a number.

4 Q. And what would the scale be?

5 A. On this, I don't know what was used. So
6 zero to 100, likely.

7 Q. Okay. And 100 would mean very, very
8 high risk?

9 A. No, low risk.

10 Q. Low risk. Okay.

11 And so how low would the number need to
12 be? In other words, how high would the risk need
13 to be for you to perform further analysis? If it
14 returns a risk score of like 2, would you perform
15 further analysis on that?

16 A. We might depending on what it is.
17 Again, verifying identity is important. The
18 problem in places like Georgia is that they don't
19 give you all the info you need to get a good
20 perfect verification on identity, but that too has
21 risk to it as well. So you look at risk across
22 the board with the data.

1 Q. Were you able to eliminate the risk?

2 A. You can never eliminate all of the risk.

3 Q. Did you analyze every piece of data that
4 was flagged as a risk of potential inaccuracies?

5 A. The quality control algorithms would,
6 yes, in seeking to remove any false positives or
7 false negatives that might be in the system.

8 Q. And that's something that you did
9 in-house or that's something that TrueNCOA would
10 have done or something different?

11 A. No, that's something our algorithm does.

12 Q. And you run the data through your
13 algorithm on the back end after you -- after
14 TrueNCOA performs the match; is that correct?

15 A. Yes.

16 Q. And do you know how TrueNCOA or these
17 others assign risk?

18 A. How they assign risk? I have no idea.

19 Q. Moving on to the next clause in this
20 answer, what regression techniques did you use?

21 A. Our modeling is pretty significant. We
22 use some k-means modeling. We use a variety of

1 different techniques in our scoring. And then we
2 use a model management process to identify the
3 regression technique most likely to produce an
4 accurate result.

5 Q. And in what stage in the process were
6 you running these regressions?

7 A. They're run through the process. It's
8 all baked into the system. Again, this whole
9 thing took a few minutes.

10 Q. Am I understanding that you did these
11 regressions after you received the preliminary
12 match back from TrueNCOA, and then you're
13 providing your own further analysis on it?

14 A. I didn't say that.

15 Q. Can you clarify what I misunderstood?

16 A. The formulas and algorithms that we use
17 execute. As they need information, they pull
18 information in from an outside entity, say,
19 TrueNCOA or whatever. It feeds it into the system
20 and then it continues to process it and keeps
21 working to solve -- solve for the risk. And
22 ultimately we come up with a list.

1 MR. SHELLY: Okay. You can take this
2 exhibit down, Mr. White.

3 BY MR. SHELLY:

4 Q. When you were matching the voter
5 registration rolls to the NCOA list, what fields
6 were matched between those files?

7 A. We just uploaded the file. CASS does
8 the matching -- I'm sorry. The source does the
9 matching, TrueNCOA or SmartyStreets.

10 Q. Okay.

11 A. In this case TrueNCOA first.

12 Q. Are you familiar with the term "unique
13 identifier" in the context of data matching?

14 A. Sure.

15 Q. Are there any common unique identifiers
16 between the voter registration rolls and NCOA
17 lists?

18 A. Well, that -- not as many as there
19 should be, and that's why we seek to resolve
20 identity first.

21 Q. Are there any unique identifiers common
22 between those two lists?

1 A. I don't have the Georgia list right off
2 the top of my head.

3 Q. Do you think that the lack of unique
4 identifiers could affect the accuracy of the
5 lists?

6 A. Sure.

7 Q. Am I understanding correctly from your
8 previous answers that the records are matched on
9 partial matching rather than exact matching, these
10 other databases would fill in any partial
11 information?

12 A. That's not what I said.

13 Q. Was an exact match required between the
14 data that you provided and the NCOA list?

15 A. You can never get an exact match. So
16 when you provide the list to -- when you provide
17 the list to the vendor, whoever it is, TrueNCOA or
18 whoever, they take what you give them. They
19 perform a little bit of a cleaning process on it.
20 They try to update the addresses. They run it
21 through CASS. They try to get it right. And then
22 they send it back.

1 Q. Could individuals with the same first
2 name and last name, but different middle initials
3 be flagged as a match?

4 A. That's why you try to verify identity
5 first, but yes.

6 Q. The answer is, yes, it could be?

7 A. Of course.

8 And -- but that's why you use fuzzy
9 logic and some of the other things I mentioned
10 earlier.

11 MR. BOPP: Gregg, no question was
12 pending.

13 BY MR. SHELLY:

14 Q. Could names be matched if they had
15 different name suffixes, like junior or senior?

16 A. Sure. I mean, you could do that.

17 Q. How many duplicates did you identify
18 where a record in the NCOA registry matched more
19 than one record in the voter file?

20 A. I have no idea.

21 Q. Are you aware if any such duplicates
22 were identified?

1 A. I have no idea.

2 Q. Did you investigate whether there were
3 any such duplicates?

4 A. I have no idea. I don't -- it wasn't a
5 topic.

6 MR. SHELLY: Can we pull up Exhibit C
7 again, the one we just had up.

8 BY MR. SHELLY:

9 Q. This is page 13 again. And I have a
10 question about number 6, "OpSec removed from the
11 list any names that did not meet the standards of
12 the Georgia code."

13 What standards do you understand the
14 Georgia code to require?

15 A. I'm not sure what we were -- what we
16 were referring to there. I'm not sure what we
17 meant.

18 Q. Did you take any steps to remove names
19 that did not meet the standards of the Georgia
20 code?

21 A. I think that was just poorly worded.

22 Q. Okay. Do you have any idea how you

1 could reword that in a different way?

2 A. I think it was referring to number 5
3 above. Because the code -- the relevant code
4 section is pretty clear that any voter can do the
5 challenge against any other voter in the
6 jurisdiction. And so there's not much room for
7 standard in the word "any."

8 Q. Okay. So is it -- am I understanding
9 correctly that you do not think you removed any
10 names that did not meet the standards of the
11 Georgia code?

12 A. I'm not sure what it means. It must
13 have been poorly worded. I'm not sure what that
14 paragraph -- or what that sentence means.

15 Q. Okay.

16 MR. SHELLY: You can take this exhibit
17 down.

18 BY MR. SHELLY:

19 Q. Is it your understanding, Mr. Phillips,
20 that an individual who submits an NCOA, change of
21 address, is no longer eligible to vote?

22 A. No, that's not correct.

1 Q. What are some reasons you are aware of
2 that someone could submit an address change to the
3 postal service while remaining eligible to vote
4 where they are registered?

5 A. I have no speculation on that point.

6 Q. Okay. Just to clarify, you understand
7 that someone can submit an NCOA list and still be
8 properly registered, but you're not sure in what
9 scenarios that may be the case?

10 A. I didn't understand that's what you
11 asked. Is that what you're asking?

12 Q. So my second question was, what are some
13 reasons you're aware of that someone can submit an
14 address change to the postal office while
15 remaining eligible to vote where they are
16 registered?

17 A. Maybe they're being deployed in the
18 military. Maybe -- might have something to do
19 with school. Those kind of things.

20 Q. Any other examples you're aware of?

21 A. Moved inside the county or inside the
22 jurisdiction in which they were registered.

1 There's a few.

2 Q. Is it your understanding that someone
3 who moved for other non-military government
4 service could still be eligible to vote in
5 Georgia?

6 A. I don't have a perfect list to offer
7 you. You asked me for some ideas. Those were
8 three.

9 Q. And now I'm offering you some more and
10 asking if they're consistent with what you would
11 have understood the requirements to be.

12 So, one, would you have understood
13 someone who moved for non-military government
14 service to remain eligible to vote in Georgia even
15 if they submitted an NCOA?

16 A. Sure.

17 Q. And would you understand someone to
18 remain eligible to vote in Georgia if they had a
19 temporary move or a part-time job or to visit
20 family?

21 A. It depends on the circumstance, but yes.

22 Q. And would you recognize that someone

1 would remain eligible to vote if they forwarded
2 their mail for some mail-specific purpose, for
3 example, if they were on vacation and needed their
4 mail to be forwarded?

5 A. Yep.

6 Q. And if someone intended to move and so
7 filed an NCOA request, but did not actually move,
8 you would agree that they would remain eligible to
9 vote in Georgia?

10 A. It depends on their circumstance. I
11 can't answer that.

12 Q. And the question is, if someone is
13 living in Georgia, they intend to move so they
14 file an NCOA request to forward their mail, and
15 then they change their mind and do not actually
16 move, you would agree that they're still eligible
17 to vote in Georgia?

18 A. Sure. If they still submitted the
19 permanent move change, yeah.

20 Q. Okay. Who was responsible for removing
21 the names of eligible voters such as these from
22 the challenge lists?

1 A. We did our best to -- first of all, the
2 code. Let's put it that way.

3 Q. Okay. To go through those examples
4 again, would the code be able to identify someone
5 who is deployed for military service?

6 A. As best we can, yes. We pulled out
7 300,000 voters off the initial query.

8 Q. Okay. I'll ask you another question
9 about that in a second, but would the code be able
10 to recognize someone who moved because they were a
11 college student?

12 A. It might.

13 Q. How would it do that?

14 A. If they submitted a permanent change or
15 a temporary change.

16 Q. Okay. Would the code --

17 A. We also --

18 Q. -- also identify --

19 A. I'm sorry. Go ahead.

20 Q. Go ahead.

21 A. Go ahead.

22 Q. Would the code be able to identify

1 BY MR. SHELLY:

2 Q. My question for you --

3 A. I don't understand the question.

4 Q. My question for you, when you say that
5 it would not matter, is that because Mr. Williams
6 had access to the hard copies, but any changes to
7 the hard copies would not be reflected in the
8 electronic versions?

9 A. No, that doesn't mean that. It means we
10 chose not to mail hard copies.

11 Q. And Mr. Williams was responsible for the
12 hard copies; is that correct?

13 A. Printing the hard copies.

14 Q. Okay. Did Mr. Williams have access to
15 the electronic copies?

16 A. He had access to a -- whatever, an Excel
17 spreadsheet or something with them on there, yeah.

18 Q. Would he have been able to remove
19 addresses that suggested they were military bases?

20 A. I don't know the circumstance, so I just
21 don't know. I didn't -- I don't recall.

22 Q. Okay. Returning to the Moody Air Force

1 Base example, do you know what town Moody Air

2 Force Base is closest to in Georgia?

3 A. Macon? I don't know.

4 Q. I'll represent to you that I believe
5 it's Valdosta.

6 A. Yeah, that's right.

7 Q. Did you examine whether any addresses
8 with a Valdosta address could be in the military
9 or family of someone in the military?

10 A. We probably did, yeah.

11 Q. Would you have removed those voters?

12 A. Assuming that it met the matching
13 requirement, sure.

14 MR. SHELLY: You can take this exhibit
15 down, Mr. White.

16 BY MR. SHELLY:

17 Q. Mr. Phillips, are you familiar with
18 UOCAVA?

19 A. Of course.

20 Q. Did you examine whether any voters on
21 your list had requested a UOCAVA ballot?

22 A. As best we can. As you know, UOCAVA

1 ballots and postcard ballots in general are not
2 handled by the state; they're handled by the
3 counties individually.

4 Q. How would you have researched or sought
5 to identify whether an individual had requested a
6 UOCAVA ballot?

7 A. Almost impossible because the counties
8 don't publicize that.

9 Q. Okay. When you say "almost impossible,"
10 so was there anything you did to identify whether
11 a voter had requested a UOCAVA ballot?

12 A. No, I am not aware of any way to do that
13 effectively.

14 Q. Did you -- I think you said you did --
15 well, let me just ask the question.

16 Did you take any steps to remove all the
17 names of college or university students who were
18 temporarily away from home?

19 A. Anyone temporary that had registered the
20 temporary address change, yes. Permanent address
21 changes, what we tried to do was eliminate the ZIP
22 codes in and around the schools.

1 Q. And how did you identify which ZIP codes
2 were appropriate?

3 A. I don't recall what our methodology was.

4 Q. Were you only looking at -- were you
5 looking at ZIP codes in Georgia or out of Georgia
6 or both?

7 A. I don't know.

8 Q. Do you think an address in, for example,
9 Notre Dame, Indiana, would suggest the person
10 lives on a college campus?

11 A. Not necessarily.

12 Q. Why not?

13 A. What?

14 Q. So Notre Dame is a school within the
15 city of South Bend, but if the address said Notre
16 Dame, Indiana, is it your understanding that that
17 person would not be living on a college campus?

18 A. Did the person submit a permanent change
19 of address out of Georgia?

20 Q. This question wasn't about whether they
21 would be eligible to vote; it would have been
22 whether they moved to a college campus.

1 A. I don't have any opinion about moving to
2 college campuses.

3 Q. I didn't hear you. Could you repeat
4 that last part.

5 A. I don't have any opinion on your
6 question.

7 Q. Is it your understanding that most
8 students who attend college reside in a dormitory?

9 A. I would believe that to be false.

10 Q. Did you take any steps to remove the
11 names of individuals who were temporarily
12 attending college, but did not live in a
13 dormitory?

14 A. Did they register as permanent moves
15 from the NCOA?

16 Q. Am I gathering correctly that your
17 analysis of whether voters were eligible turned on
18 whether they filed a permanent or temporary change
19 of address?

20 A. It might. As I said, it's a complex
21 algorithm. It's 4,000 rows long. It doesn't --
22 it doesn't work like your brain does.

1 Q. Did you research which colleges Georgia
2 high school students are most likely to attend?

3 A. No.

4 Q. Approximately how many names did you
5 identify and remove of individuals you suspected
6 were enrolled in a college or university?

7 A. I have no idea.

8 Q. What steps did you take to confirm
9 whether an individual who submitted an NCOA
10 request actually moved?

11 A. Well, we submitted it to TrueNCOA. We
12 possibly submitted it to SmartyStreets if it
13 needed more work. And I think, in Georgia, we
14 submitted the new address. So we told them where
15 we thought the person went.

16 Q. Approximately how many -- approximately
17 how many matches did TrueNCOA identify?

18 A. I don't recall. It's all part of the
19 equation. We don't look at it that way.

20 Q. Approximately how many did you send
21 along to SmartyStreets?

22 A. I don't know the answer to that either.

1 Q. Do you know what proportion of the
2 original list that TrueNCOA flagged that you would
3 have sent along for further verification?

4 A. I recall that we probably got -- the
5 initial cut was probably 700,000 or so. And then
6 it ultimately got down to, what, 360-, so whatever
7 that delta is.

8 Q. Approximately how much time did you
9 spend reviewing the names that were matched
10 between the voter file and the NCOA registry? Or
11 am I understanding correctly that the code did all
12 the analysis and you personally did not do any
13 further?

14 A. There's a little bit of sort of
15 reviewing the quality of reports to ensure that
16 we're within something we consider reasonable on
17 the false positives and false negatives, but an
18 hour maybe.

19 Q. Okay. And what would you have
20 considered reasonable?

21 A. Maybe a standard deviation.

22 Q. Can you just explain that a little bit

1 more? A standard deviation of what?

2 A. Relative to the potential error rate
3 that we might expect. That's the best way to
4 frame it.

5 Q. Okay. And what error rate did you
6 expect?

7 A. Less than one standard deviation.

8 Q. If you had had more time, would you have
9 done anything more?

10 A. No.

11 Q. Did you do anything to correct for
12 potential matches of individuals in the voter file
13 who share a first name, last name and reside at
14 the same address? Or am I understanding that you
15 relied on TrueNCOA to determine whether that would
16 be a match?

17 A. I never said that, but the import of
18 verifying identity can't be overstated in this
19 case. And that would come as a result of helping
20 verify identity.

21 Q. Okay. So when you pulled the voter
22 file, there was -- if there were two individuals

1 who shared a first name, last name and address,
2 you would have done some further analysis of that
3 at the front end; is that correct?

4 A. Yes.

5 Q. And that analysis would be by running it
6 through a code, and they would try to fill in more
7 information to distinguish these individuals? Or
8 how exactly would you be able to distinguish them?

9 A. There are elements of risk in any
10 determination. And eliminating as many of the
11 elements of risk as you can is important. The
12 absolute verification of identity, again, has to
13 be done by the counties because they have access
14 to the state DMV file. They have access to other
15 things that citizens and voters don't have.

16 The citizens and voters were compelled
17 to identify -- give a specific reason for why they
18 thought someone was ineligible, and having moved
19 was the reason. And so our -- our ability to
20 identify -- verify identity is limited by the fact
21 that Georgia only gives year of birth rather than
22 day and month and year of birth.

1 Q. Are you aware that thousands of records
2 in the challenge list do not show a street address
3 in the "moved to" field?

4 A. Yes. Because sometimes people move and
5 they don't give their address. They don't give
6 their forwarding address.

7 Q. And what is the reason for challenging
8 someone on the basis of residency when you do not
9 have evidence of where the person moved?

10 A. Because that's the specific -- the law
11 compels a voter to challenge based on a specific
12 reason. The specific reason is they believe they
13 moved.

14 Q. How could a voter be notified of a
15 challenge if you do not know the forwarding
16 address?

17 A. How would a voter be notified?

18 Q. Yes.

19 A. Okay. We don't notify the voters. The
20 county notifies the voter when they come in to
21 vote.

22 Q. Okay.

1 MR. SHELLY: Can we pull up Exhibit F.

2 (Phillips Deposition Exhibit 9 was
3 marked for identification and attached to the
4 transcript.)

5 BY MR. SHELLY:

6 Q. Are you familiar with this table,
7 Mr. Phillips?

8 A. No, I don't know. It doesn't ring a
9 bell. I don't know that I saw it yesterday. What
10 is it?

11 Q. This is a document that you -- that
12 OpSec produced in response to our discovery
13 requests.

14 A. Okay. What's the question?

15 Q. Did you create this table?

16 A. It looks like it was created out of the
17 system.

18 Q. Why does it only include nine counties?

19 A. I have no idea, actually.

20 Q. How would you have used this
21 information?

22 A. We wouldn't use this information at all.

1 It was system-generated.

2 MR. SHELLY: You can take this down,
3 Mr. White.

4 BY MR. SHELLY:

5 Q. Mr. Phillips, did you review the
6 challenge lists for instances where the name of
7 the registrant in the challenge file does not
8 match the name in the voter file or the registrant
9 with that registration number?

10 A. We would have, yes.

11 Q. And if you had noticed that, would you
12 still -- should that person have been included in
13 the challenge list if their name in the challenge
14 list did not match the name assigned to that
15 registration number in the registration rules?

16 A. That likely would have been an exception
17 and would have been kicked out, but it's possible
18 it could be included.

19 Q. Did you review the challenge list for
20 instances where the address an individual is
21 registered at and the address where a registrant
22 moved to are identical?

1 A. There are some anomalies like that, yes.

2 Q. Should those anomalies have been removed
3 from the challenge list?

4 A. I would like to think they would, but
5 it's possible they wouldn't. There are some other
6 reasons why, especially if it was a different
7 name.

8 Q. Would you review the challenge list to
9 confirm whether an individual reregistered at the
10 address where the NCOA match suggested the
11 individual moved to?

12 A. That was beyond our capacity. So in
13 that case, what we would say is submit the
14 challenge and let the county figure it out.

15 Q. Do you know what it would mean when a
16 record shows a "moved to" street address of
17 general delivery?

18 A. It could mean a lot of things. They
19 didn't give an address. They didn't have an
20 address when they moved. It's possibly a homeless
21 person. There are dozens of reasons.

22 Q. Would you still understand that to

1 provide probable cause for a challenge?

2 A. We don't determine probable cause. We
3 determine the reason that the voter would make the
4 challenge. The county determines probable cause.

5 Q. Did I hear you correctly earlier to
6 suggest that the challenge lists ultimately
7 included approximately 360,000 individuals?

8 A. We didn't challenge that many. That's
9 how many we identified. The counties didn't take
10 up the challenges in most cases.

11 Q. Okay. Of that whole list that you had
12 prepared, the 360,000, how many do you think of
13 those individuals were actually ineligible to
14 vote?

15 A. Well, that would be for the county to
16 determine. We don't know.

17 Q. Do you have any anticipation of what
18 that figure would have been?

19 A. I'm not going to speculate.

20 Q. Do you accept that some individuals on
21 the challenge list may be eligible to vote?

22 A. Sure.

1 Q. Did you discuss the potential inaccuracy
2 of the list with anybody?

3 A. I don't recall.

4 Q. Do you think that 99 percent of the
5 names on the challenge list were ineligible to
6 vote?

7 A. As I said, I have no idea.

8 Q. Are you aware of any challengers who
9 retracted their challenge after concluding that
10 the lists you prepared were unreliable?

11 A. I'm not, but I wouldn't have had that
12 communication.

13 Q. Did you use the Social Security Death
14 Index as part of your process?

15 A. Not in this instance.

16 Q. "This instance" referring to the Georgia
17 challenge lists?

18 A. Yes.

19 Q. Are there any other data sources you
20 believe could have enhanced the accuracy of the
21 challenge lists?

22 A. Not for the purposes for which we

1 were -- we were called to work.

2 Q. How many counties did you prepare
3 challenge lists for?

4 A. I think we did them all.

5 Q. And in how many counties were challenge
6 lists actually submitted?

7 A. I don't know the answer to that.

8 Catherine can answer that.

9 Q. Do you know how counties were chosen for
10 lists to be submitted?

11 A. I believe it's where we found a Georgia
12 voter that lived in the jurisdiction to make the
13 challenge.

14 Q. After you conducted the initial match,
15 did you analyze demographic information or other
16 characteristics of the individuals you identified?

17 A. Not until after you sued us.

18 MR. SHELLY: Can we pull up Exhibit H.

19 (Phillips Deposition Exhibit 10 was
20 marked for identification and attached to the
21 transcript.)

22