IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

PROJECT VOTE, INC.,)	
)	
Plaintiff,)	CIVIL ACTION NO. 1:16-cv-2445-
)	WSD
v.)	
)	
BRIAN KEMP,)	
In His Official Capacity as Georgia)	
Secretary of State and Chief Election)	
Official for the State of Georgia,)	
)	
Defendant.)	
)	

PLAINTIFF'S SUPPLEMENTAL REPLY IN SUPPORT OF ITS MOTION
FOR PRELIMINARY INJUNCTION

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INTRODUCTION

Plaintiff Project Vote respectfully submits this supplement to its Reply in Support of its Motion for Preliminary Injunction pursuant to the Court's August 12, 2016 Order (Dkt. 29), to explain (1) the records it requested that Defendant is required, but has failed, to produce, and (2) the specific issues that are in dispute regarding Defendant's obligation to produce records under the National Voter Registration Act (the "NVRA").

Pursuant to the Court's Order, on August 19, 2016, Project Vote deposed S. Merritt Beaver, Defendant's Chief Information Officer, under Federal Rule of Civil Procedure 30(b)(6) to clarify the extent of Defendant's July 2016 production of records and Defendant's compliance with Project Vote's record requests.[1] Defendant's testimony confirmed that Defendant failed to make available certain requested records that are in his possession and must be made available for public inspection under the NVRA's Public Disclosure Provision, 52 U.S.C. § 20507(i). In particular, Defendant withheld key data fields he admits are stored in his voter registration system, including application dates, record status changes, and other information that shows the *reasons* applicants or voters were rejected, canceled, or

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[1] An excerpted copy of the certified deposition transcript is attached hereto as Exhibit A. Project Vote is also separately filing a complete copy of the transcript as of the date of this Supplemental Reply.

not added to the voter roll. Defendant either provides no explanation for why these

records have not been provided or claims that the current design of the database in

which the records are stored makes it too cumbersome to produce the records to

Project Vote, despite that the NVRA does not permit records to be withheld based

on "burden."

Mr. Beaver's testimony and the positions advanced in Defendant's briefing

demonstrate an ongoing dispute with regard to at least two issues:

1. Whether the Requested Records, as defined in Project Vote's
    Complaint and Motion for Preliminary Injunction, fall within the
    scope of the NVRA, such that Defendant is obligated to make them
    available; and

2. Whether Defendant is excused from complying with his obligation
    under the NVRA to make the Requested Records available for
    inspection because his own recordkeeping practices make such
    inspection allegedly burdensome.

As explained in Project Vote's prior briefing, all of the Requested Records

fall within the scope of the NVRA's Public Disclosure Provision because they

relate to Defendant's process of determining whether voter registration applicants

are eligible to be added to the voter roll, and in particular the *reasons* such voters

are not added or removed from the voter roll. 52 U.S.C. § 20507(i)(1). Further, as

noted above, the NVRA does not permit Defendant to withhold records due to any

alleged "burden," especially one of his own making. Accordingly, this Court

should grant Project Vote's requested relief by declaring that Defendant is obligated to make the Requested Records available for public inspection and ordering Defendant to do so in a timely fashion.

FACTUAL BACKGROUND

The deposition of Defendant's representative illuminated Defendant's recordkeeping practices and confirmed that Defendant failed to make certain Requested Records available for public inspection. The Georgia Voter Registration System ("GVRS"), also referred to as ENet, is Georgia's voter registration database that stores all information about registered voters and voter registration applicants.[2] Beaver Dep. 9:5-10.

Georgia's ENet system was developed about three years ago by PCC Technology, Inc., a third-party vendor contracted by and acting at the direction of Defendant. Beaver Dep. 21:1-10, 22:6-7, 22:24-23:1, 108:12-14. PCC Technology, which is based in Connecticut, currently manages the system and is responsible for creating the program used to generate the spreadsheet in Defendant's July 2016 production. *Id.* at 21:1-22:7, 23:21-22. According to

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[2] ENet is Mr. Beaver's preferred name for the system that Project Vote has previously referred to as GVRS. Per Mr. Beaver, ENet, a part of GVRS, is the "voter registration system which stores all information about voters that are registered." Beaver Dep. 9:1-10.

Defendant, if Defendant wishes to run any program against ENet that is not a "pre-canned" ENet program that PCC previously designed for Defendant to run himself, Defendant must go through PCC Technology. *Id.* at 24:5-16. The program used to generate the July 2016 production is purportedly such a custom, "non-pre-canned" program. *Id.*

The ENet system is a database comprised of multiple linked tables.[3] *Id.* at 35:25-36:1. A "base" table holds static information such as a person's name and voter registration number. *Id.* at 36:1-6. Linked to that base table are related tables that contain "dynamic" information (*i.e.*, populated and updated by Defendant and election officials) such as an applicant's "status reason." *Id.* at 36:7-15. The base tables link to and draw information from other tables, creating a consolidated view of an individual voter record. *Id.* at 37:11-21.

One category of tables linked to the base table is the "audit" tables, which (among other things) record all "transactions" associated with an applicant or voter. *Id.* at 37:22-38:1. Transactions include registration events, user actions, or system actions, as well as the dates associated with each transaction. *Id.* at 38:2-5, 89:18-22. For example, the dates recorded in Column M ("Date of Canceled") of

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[3] Tables are units within a database that store related data from data fields contained in the database, such as an applicant's or voter's phone number field. *See* Beaver Dep. 89:8-15. These data are typically organized within a table using a structure of columns and rows.

the spreadsheet in Defendant's July 2016 production are dates corresponding to multiple transactions that were drawn from the audit tables. *Id.* at 49:14-50:14, 127:23-128:3. Similarly, audit tables record information related to the Georgia Department of Driver Services ("DDS") verification process by indicating whether information in a voter registration application matched information in the DDS database, and if not, which information did not match. *Id.* at 36:16-20; 38:9-22. Information related to "correspondence" history is also available in the audit tables, which record the date on which correspondence with a voter registration applicant or voter was generated by election officials. *Id.* at 95:18-96:1. However, information about Defendant or other election officials corresponding with an applicant or voter is *only* included in the system if an official created the correspondence from a template in ENet. *Id.* at 92:16-25. If the official did not use an ENet template, the information is not necessarily recorded. *Id.*

The design of Defendant's ENet system limits the ways in which a user can view the records contained in audit tables. Defendant testified that the audit tables can only be viewed by accessing an applicant's or voter's "individual[] record" in ENet one at a time because those tables are "built each time" they are accessed, given that the transactions recorded in the underlying table(s) may be "always changing." *Id.* at 82:23-83:12, 83:21-84:1, 88:14-19.

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ARGUMENT

I.   RECORDS DEFENDANT IS REQUIRED BUT HAS FAILED TO PRODUCE

Defendant has failed to make all of the Requested Records available for

public inspection as required by the NVRA. These unproduced records fall into

three categories: (1) records that Defendant admits are stored within ENet, but that

he has not produced due to the alleged burden and expense of production;

(2) records that Defendant admits are readily available within ENet, but were

inexplicably not included in Defendant's July 2016 production; and (3) records that

Defendant claims are not stored within ENet and thus cannot be provided.

(1) Records Stored by Defendant But Not Produced Because of "Burden"

Defendant admits that he did not provide in his July 2016 production

numerous categories of Requested Records that are stored in ENet because the

limitations of his current database design allegedly make it too burdensome to

produce them. Project Vote is entitled to these records, which include:

1. The date voter registration applications were signed by an applicant, Beaver Dep. 79:25-80:6;

2. The date applications were entered into ENet, *id.* at 81:25-82:4;

3. Each change in an applicant's or voter's registration status, *id.* at 89:23-90:5;

4. The date a Letter or Notice was generated, if the Letter or Notice was generated using ENet's template, *id.* at 92:12-25, 95:1-96:1;

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5.   Whether an election official manually, instead of mechanically, changed the status of one or more voters, *id.* at 89:18-22, 123:25-124:5;[4]

6.   Reasons other than the most recent reason why an applicant or voter was rejected, canceled, or otherwise not added to the voter roll, *id.* at 26:2-12, 89:23-90:5; and

7.   When recorded, specific reasons for cancelation of voters or applicants assigned to a status of "Canceled" and a status reason of "Error," "Hearing," or "Reject," *id.* at 56:13-57:5 (reasons not always recorded by ENet users, but when recorded, may be recorded in a "comment box" stored in ENet).

Defendant admits that nearly all of these records[5] are stored in one or more

of ENet's audit tables (see citations above). His explanation for why he has not

made these records available to Project Vote is that ENet's current design makes it

too cumbersome to produce them in a "flat" (*i.e.*, static) spreadsheet or aggregated

format, or any other format. Specifically, since records in the audit tables can only

be viewed by accessing an "individual record" in ENet and "ha[ve] to be built each

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[4] Defendant provided data in his July 2016 production indicating that some applicants or voters had been subject to a "user action," which means an ENet user manually made a change to an applicant's or voter's record. Beaver Dep. 31:15-17. However, these data were only provided if "user action" was the most recent action taken on an applicant's or voter's record as of the date of the production and provide no information about whether the same applicant or voter was subject to a previous manual change or the nature of that change. *Id.* at 33:3-15. Further, he provided no data indicating the reason for the action being taken. *Id.* at 31:11-25.

[5] Defendant did not specify the exact location within ENet of the "comment box" that could potentially contain specific reasons for cancelation of voters or applicants assigned to a status of "Canceled" and a status reason of "Error," "Hearing," or "Reject."

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time" they are accessed, *id.* at 82:23-83:12, 83:21-84:1, Defendant claims it is too difficult to compile an aggregated list of these records because it would "be just a jumble building of everybody's transactions altogether with no references to the actual registration number." *Id.* at 84:2-5. Moreover, Defendant suggests it would be similarly difficult to provide these records in a spreadsheet like the July 2016 production because each individual's audit table has a unique number of fields and therefore "every record is going to have its own set of columns." *Id.* at 112:7-22.

Defendant admits that the manner in which these records are stored (requiring them to rebuild every time they are accessed) is a limitation of ENet that's imposed by the way the system has been built by the third party contracted by Defendant. *Id.* at 84:16-25. The design allegedly affords ENet greater "speed of access and update." *Id.* at 84:24. However, "[i]f it was designed differently," which it appears Defendant could request, "it may lend itself to different ways of pulling that audit history." *Id.* at 85:2-4.

Critically, these records concern the processing of voter registration applicants and are central to Defendant's maintenance of an accurate and updated voter roll. Defendant now attempts to use his decision to outsource design and management of the database as a basis to avoid the public inspection mandated by federal law.

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(2) Records Stored in ENet But Not Produced

Defendant also withheld at least three categories of records that he admits

are stored in ENet but were apparently not contained in the audit tables and thus

could have been produced in his July 2016 production. These records include

applicants' and voters' phone numbers (if provided on their applications), Beaver

Dep. 81:12-15 (contained in "vote[r] phone number field"); records for applicants

or voters with a status of "Canceled" and a status reason other than one of the

eleven drop-down options in ENet, *id.* at 67:7-68:4, 69:11-17 (estimating at least

five such voters should have been included in the July 2016 production); and

copies of Letters or Notices sent to applicants, if those Letters or Notices were

generated using an ENet template, *id.* at 93:24-94:1 ("If they [] used an ENet

generated [letter], then the actual letter that was generated is stored in ENet.").

Defendant gives no explanation for why these records were not provided to Project

Vote or why the NVRA does not mandate they be made available for public

inspection.

(3) Records Required to Be Maintained by Defendant But Not Stored in ENet

Finally, Defendant failed to produce certain records that Defendant is

required to provide under the NVRA, even if they are not stored in ENet:

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1.   The date an application was received by election officials, Beaver Dep. 80:11-15;

2.   For all Letters or Notices sent to applicants, the date the Letters or Notices were sent, the return or disposition of the Letters or Notices, and responses, if any, to the Letters or Notices, *id.* at 94:22-25, 96:2-22; and

3.   Copies of Letters or Notices generated by means other than one of ENet's templates, *id.* at 92:12-25, 93:21-94:25.

Defendant has not confirmed whether these records are stored in another location and could be made available, even though federal law mandates that they be maintained for at least two years. *See* 52 U.S.C. § 20507(i). As explained below, all of these records fall within the scope of the NVRA, and Defendant is obligated by that law to make them available to Project Vote, regardless of any self-imposed limitations on the way in which Defendant (or others acting on behalf of Defendant) has elected to store these records in the ENet system, or otherwise.

II.   ISSUES IN DISPUTE REGARDING DEFENDANT'S OBLIGATION TO PRODUCE RECORDS UNDER THE NVRA

Project Vote submits that there are at least two issues in dispute regarding Defendant's obligation to make available records under the NVRA, and Defendant fails to offer a cognizable legal basis to withhold such records. First, the parties dispute whether Project Vote is entitled to inspect the Requested Records. Second, the parties dispute whether the burden of making those records available—if that burden even exists—is a valid reason to excuse compliance with the NVRA.

A.   **Project Vote's Entitlement to the Requested Records Under the NVRA**

First, this Court must still decide whether Defendant is obligated to make any of the Requested Records available for public inspection under the NVRA. Defendant maintained in prior briefing that Project Vote has no right to inspect any of the Requested Records under the NVRA's Public Disclosure Provision and is in fact prohibited from doing so by another statute. Defendant's narrow interpretation of the NVRA has no support in the language or history of the statute, and a similar interpretation was explicitly rejected by the Fourth Circuit in *Project Vote/Voting for America v. Long*, 682 F.3d 331, 335 (4th Cir. 2012). For the reasons explained in Project Vote's prior briefing, which Project Vote expressly incorporates herein, the Court should reject Defendant's proffered interpretation and grant the declaratory relief sought by Project Vote affirming Defendant's obligation to make the Requested Records available for public inspection.

B.   **Whether Defendant Is Excused from Complying with the NVRA's Public Disclosure Provision Because Compliance Would Be Burdensome**

Second, this Court must decide whether a purported burden of producing the Requested Records excuses Defendant from complying with his obligation to make the Requested Records available under the NVRA.

Production of the Records Is Possible. As an initial matter, Defendant

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cannot credibly maintain that he cannot make the Requested Records available for inspection. Defendant suggests in his deposition testimony that the manner in which records are stored in ENet's audit tables makes it too cumbersome to provide those records in a spreadsheet, aggregated format, or any other format, and as a result, the records simply cannot be provided. However, Defendant's testimony demonstrates that he has not meaningfully considered how these records could be made available to Project Vote.

Project Vote has not limited its requests to only those records that Defendant can readily make available in a single "flat" spreadsheet, or on an aggregated basis. Project Vote has consistently requested "records," and its July 6, 2015 Notice Letter and Complaint make clear that this request is not limited to specific formats. *See* Ex. L to Decl. of Jonathan R. Ference-Burke (Dkt. 1-13).

Rather, Defendant made his own, incorrect judgment—without even attempting to contact Project Vote—that Project Vote must want a single "flat" spreadsheet of aggregated data, because that is "the typical output that most requesters look for." Beaver Dep. 90:15-17. Since the filing of this litigation, Defendant has refused to confer with Project Vote about the available means of providing these records and, until the recent deposition ordered by the Court, has refused to give Project Vote any meaningful direct information about the manner

in which he stores these records within the ENet system.

Defendant's testimony suggests or even admits that Defendant *could* provide

these records in several different formats, none of which have ever been presented

to or discussed with Project Vote. He admits that these records could be provided

in a database format, much like the database in which they are currently stored, *id.*

at 90:19-91:9, 131:4-16, as well as on an individual, as opposed to aggregated,

basis, *id.* at 130:20-131:3. Further, Defendant admits that various of these records

are contained in tables that exist within Defendant's current ENet system,

specifically the audit tables. *See supra* Section I. Notwithstanding limitations on

how these tables are viewed by ENet users—*i.e.*, not "built" or loaded until a user

accesses an individual applicant's or voter's file, *id.* at 83:21-84:1—he has

provided no explanation for why Defendant or his third party vendor could not

extract these tables from ENet and make them available to Project Vote.[6]

Defendant's testimony makes clear that Defendant has simply failed to

meaningfully consider the various options for making these records available to

Project Vote, merely jumping to the conclusion that any option would be cost

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[6] Even if these tables were provided on an individual basis, Project Vote could
utilize them if provided with sufficient information regarding how the tables are
linked. For example, it could link the tables together on its own and run queries
against them to isolate individuals whose tables contain specific transactions of
interest or contain certain numbers of transactions.

prohibitive or otherwise burdensome. For example, when asked whether and how records in the audit tables could be provided in database form, Defendant simply assumed that providing records in that format would be prohibitively expensive, speculating that he would need to re-engineer an entirely new database, which he claimed is "usually [a] multi-million dollar exercise[]." *Id.* at 90:19-91:9. Yet, Defendant did not testify that he had explored whether, in this particular instance, such an exercise would actually be necessary, and if so, how much it would actually cost. He further gave no explanation for why extracting existing records in a database form—the form in which they are currently stored—would require creating an entirely new database system.

Burden Does Not Excuse Defendant from His NVRA Obligations. Project Vote finally disputes that Defendant can avoid his obligation to make available records covered by the NVRA simply because he chooses to store such records in a manner that makes them too difficult to extract. Defendant claims that he need not make available records stored in certain ENet tables because the ENet system does not support the extraction of these records into a "flat" spreadsheet file, an aggregated file, or any other workable format.

Even assuming that ENet's current design raises significant hurdles, it remains that Defendant is obligated under the NVRA to make the Requested

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Records available. The Requested Records—related to Defendant's process of determining whether applicants or voters should be added to or removed from the voter roll—clearly fall within the scope of the NVRA. 52 U.S.C. § 20507(i)(1); *Long*, 682 F.3d at 335.

The NVRA does not excuse states that choose to design their databases in a manner that restricts their ability to access and make available records subject to disclosure. Nor does it excuse states that choose to contract away to third parties their ability (and responsibility) to manage and compile their own data. Defendant should have considered his obligations under the NVRA when he contracted with PCC Technology, Inc. to develop the ENet system. Allowing him to absolve himself of those obligations because he failed to do so would place these public records beyond public oversight and thereby undermine the stated purposes of the NVRA to "increase the number of eligible citizens who register to vote" in federal elections, "enhance[] the participation of eligible citizens as voters," "protect the integrity of the electoral process," and "ensure that accurate and current voter registration rolls are maintained." 52 U.S.C. § 20501(b).

CONCLUSION

Project Vote respectfully requests that the Court **GRANT** its Motion for a Preliminary Injunction.

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DATED this 29th day of August, 2016

Respectfully submitted,

/s/ Jonathan R. Ference-Burke
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RULE 7.1 CERTIFICATION

I hereby certify that the foregoing Plaintiff's Supplemental Reply in Support of Its Motion for Preliminary Injunction was prepared in accordance with the font and point selections approved by the court in Local Rule 5.1B.

Dated: August 29, 2016   */s/ Jonathan R. Ference-Burke*
                                                        Jonathan R. Ference-Burke

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of August 2016, I electronically filed the foregoing Plaintiff's Supplemental Reply in Support of Its Motion for Preliminary Injunction under Local Rule 7.2(B) with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

/s/ Jonathan R. Ference-Burke
Jonathan R. Ference-Burke

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2   FOR THE NORTHERN DISTRICT OF GEORGIA

3   ATLANTA DIVISION

4   PROJECT VOTE, INC.,

5   Plaintiff,

              CIVIL ACTION FILE

6   vs.   NO. 1:16-cv-2445-WSD

7   BRIAN KEMP, In His Official

     Capacity as Georgia Secretary

8   of State and Chief Election

     Official for the State of

9   Georgia,

10   Defendant.

11

12   30(B)(6) DEPOSITION OF

13   BRIAN KEMP, In His Official Capacity as

14   Georgia Secretary of State and Chief Election

15   Official for the State of Georgia

16   through

17   S. MERRITT BEAVER

18   August 19, 2016

19   9:00 a.m.

20

21   Caplan Cobb, LLP

22   75 Fourteenth Street, NE

23   Atlanta, Georgia

24

25   Robin K. Ferrill, CCR-B-1936, RPR

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1   Q.   "GVRS," that is the acronym for the Georgia

2   Voter Registration System; is that correct?

3   A.   I refer to it as ENet.

4   Q.   ENet?

5   A.   Right. GVRS encompasses multiple

6   applications. We have something called OLVR, online

7   voter registration. It's a different application.

8   MVP, my voter page, different application. ENet

9   which is the voter registration system which stores

10   all information about voters that are registered.

11   Q.   That's very helpful.

12   Is ENet the umbrella over all those?

13   A.   GVRS, I would call the umbrella, but that

14   term is not used very often.

15   Q.   Okay. So you more often use ENet?

16   A.   Yes.

17   Q.   And does that stand for something?

18   A.   It was before me.

19   Q.   Okay. Fair enough.

20   I have seen referred to in these documents

21   sometimes DDS. I think common understanding of that

22   is Georgia Department of Driver Services?

23   A.   Yes.

24   Q.   SSA is Social Security Administration?

25   A.   Yes.

Tiffany Alley, A Veritext Company

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 1        Q.    "The file was created after extensive

 2   computer programming by the third-party vendor that

 3   both developed and maintains the State's voter

 4   registration database."

 5            Did I read that right on Page 2?

 6        A.    Yes.

 7        Q.    Okay.   The reference in that line to

 8   State's voter registration database, what does that

 9   refer to?

10        A.    ENet.

11            MS. CORREIA:   Okay.   That's fine.

12            I'm going to object to the scope, but he

13       can answer as far as he knows.

14            MR. FERENCE-BURKE:   That's fine.

15            MS. CORREIA:   Because this is beyond the

16       questions identified or the topic areas

17       identified by the Court.   But I'm fine with you

18       asking and him answering to the extent that he

19       can.

20            MR. FERENCE-BURKE:   Understood.   These are

21       pre-foundational questions and we will get --

22            MS. CORREIA:   Well, asking him what my

23       letter means is not a brief foundational

24       question.   But go ahead.

25            MR. FERENCE-BURKE:   I'm going to continue
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1   questioning.

2   Q   (By Mr. Ference-Burke) So just to go back,

3   the reference to State's voter registration database,

4   that means ENet?

5   A.   Yes.

6   Q.   Who is the third-party vendor?

7   A.   PCC Technologies.

8   Q.   And does PCC stand for something?

9   A.   I don't know. I never asked that question.

10 I have a sheet of paper that has their name on it, so

11 I'll look at it.

12   No, I don't know.

13   Q.   Okay.

14   A.   They only reference themselves as PCC

15 Technology.

16   Q.   Where is PCC based; do you know?

17   A.   Connecticut.

18   Q.   Connecticut.

19   A.   Hold on. Let me verify that. I have

20 multiple vendors. Yes, Connecticut.

21   MR. FERENCE-BURKE: We are going to ask for

22   a copy of whatever he's referring to.

23   MS. CORREIA: Sure.

24   Q   (By Mr. Ference-Burke) Does the Secretary

25 operate under a contract with PCC?

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 1        A.   Yes.

 2        Q.   Okay.  Are you responsible for negotiating

 3   that contract?

 4        A.   No.

 5        Q.   Do you know who is?

 6             MS. CORREIA:  I'm objecting to the scope.

 7        But go ahead and answer if you know.

 8        A.   I wasn't there when they did it.  That was

 9   before I got there.

10        Q    (By Mr. Ference-Burke) And you got there in

11   roughly 2013?

12        A.   Yes, end of '13.

13        Q.   Okay.  All right.

14             So directing your attention back to

15   Exhibit 2, on Page 2 of this letter, states that "the

16   program that created this data analysis is not part

17   of the software, the GBRS software, and cannot be run

18   by anyone at the Office of the Secretary of State."

19             Did I read that correctly?

20        A.   Yes.

21        Q.   Who created the program?

22        A.   Somebody at PCC.

23        Q.   Do you know who?

24        A.   No.

25        Q.   Do you know what the name of that program
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 1   is?

 2   A.   No.

 3   Q.   And why can the program not be run by

 4   anyone at the Secretary of State's office?

 5   A.   We don't manage the system. So any

 6   programs against ENet have to be run by the vendor

 7   unless it's a pre-canned program such as ENet.

 8   Q.   All right. And when you need to have a

 9   program run by PCC, what steps are taken? Is it a

10   phone call; is it an e-mail?

11   A.   Typically, it's contractual arrangement.

12   So if something that needs to be built, we have to

13   contract to do that, and there's requirements that

14   have to be written. Information has to be passed

15   over. They have to then come back and tell us what

16   it takes to be able to generate that.

17   And there's an agreement that we will

18   produce that -- or they will produce that for us, and

19   then they go off and produce it.

20   Q.   And if such a program needed to be run,

21   would it be you who is making those arrangements or

22   someone on your staff?

23   A.   It could be myself, or it could be somebody

24   on my staff.

25   Q.   Okay. All right.

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1   in this spreadsheet?

2   A.   This spreadsheet contains the most recent

3   data on people that are registered in Georgia or

4   tried to register in Georgia for voting that the

5   record shows that they have been canceled, rejected,

6   or in a pending status.

7   Q.   Okay. And those are the subject of the

8   court order and we will drill down a little bit.

9   When you say "the most current," you define

10   current as, I believe it was the morning of July 18,

11   2016; is that correct?

12   A.   That's what this says.

13   Q.   Okay.

14   A.   Now, that's not -- later I discovered that

15   this is -- the 18th was a Monday and the file is

16   actually produced on Friday evening.

17   Q.   Okay. It would be Friday evening --

18   A.   The 15th.

19   Q.   -- the 15th. Okay.

20   A.   So the data was actually extracted on the

21   Friday and given to me on the 18th.

22   Q.   Okay. And it was extracted by PCC?

23   A.   Yes.

24   Q.   Okay. So the spreadsheets were to contain,

25   they contain numbered rows as well as lettered

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 1   user action, and vital process.

 2   Q.   Okay.   But to take a step back, does every

 3   entry in this spreadsheet need to have an entry for

 4   Column N?

 5   A.   I'm pretty sure they did, yes.   Because

 6   that would define the programming filter that

 7   contributed to this spreadsheet.

 8   Q.   Okay.   So specifically as to one of the

 9   options for Column N, user action, can you explain a

10   little bit more; what does user action mean?

11   A.   User action is when the record -- so a

12   given record, on here, a person's record over time

13   can be impacted by numerous different types of

14   actions.

15   Those could be -- a user action would be

16   when a county clerk goes into ENet and makes a change

17   to that record.   So that change could be approving

18   them to be active after going through the

19   registration process.   It could be changing the

20   address.   It could be marking them as deceased.   It

21   could be marking them as canceled for a variety of

22   reasons.

23   So there's a number of different things

24   that a user in the county could do that would impact

25   that record.

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1   input data into ENet.

2   A.   Yes.

3   Q.   Okay. So just dialing back in on Column N

4   and the user action column, if a given entry on a

5   given line of this spreadsheet has the value user

6   action in Column N, could that person be canceled?

7   Considered canceled?

8   A.   Yes.

9   Q.   Okay. So you --

10   A.   Now, can we restate something?

11   Q.   Yes.

12   A.   What's in this database is the most recent

13   action for each record. So somebody who has been

14   registered for 30 years may have 20 transactions

15   against their record. This is the most recent view.

16   Q.   Okay. So just to take a step back, when we

17   talked a little bit ago about what this spreadsheet

18   contains, you said that the spreadsheet reflects

19   voters who are canceled, rejected, and pending.

20   A.   Yes.

21   Q.   Okay. Which column on this spreadsheet

22   reflects the voter being canceled -- or a voter

23   registration applicant, I guess, to be more

24   precise -- which column represents whether a voter is

25   canceled, rejected, or pending?

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1   Q.   Okay.

2   A.   That's only if the last transaction was a

3   system or user.

4   Q.   Okay.

5   A.   Understand it could change if something

6   else happens since then.

7   MS. CORREIA: If you don't mind, could you

8   just explain the database --

9   THE WITNESS: Okay. The database?

10   MS. CORREIA: -- itself, because I think it

11   would help you.

12   MR. FERENCE-BURKE: No objection to that.

13   Please explain the database.

14   MS. CORREIA: Explain the database and then

15   how this was developed from that database.

16   THE WITNESS: Okay.

17   MS. CORREIA: I think it will just help

18   you.

19   MR. FERENCE-BURKE: No, that's perfectly

20   fine. That's perfectly fine.

21   A.   Okay. So the database is not flat. And

22   when I say "flat," that is this spreadsheet is flat.

23   Meaning one record, alt fields, there's one item in

24   each field.

25   ENet is actually created with what's called

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1   tables. So you will have a base table. The base

2   table will hold things like the person's registration

3   number. And I won't say I know exactly what's in the

4   base table, but it probably holds their name, things

5   that don't change about a person would be in the base

6   table.

7   Then things that change would come into

8   related tables, and you could have multiple tables.

9   Or not could, we have lots of tables. So things like

10   status reason has lots of possibilities because a

11   person could be in lots of different statuses over

12   their life of a registration. You could be a felon.

13   You could be a non-citizen. You could be -- well,

14   under status you will see there's lots of states a

15   person could be in.

16   Related to each of those types of different

17   status are related tables that make sense for that

18   status. So if part of the registration process is

19   paper, we have a set of tables that refer to DDS,

20   which is a driver services. If we send a document,

21   it comes in paper, somebody in the county enters it

22   into the system and information gets sent to DDS to

23   do a match and then gets sent back.

24   That's recorded as to what comes back from

25   DDS, and it's only applicable for records that are

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1   paper. If you register to vote online or through DDS

2   through your registration, which is different than

3   paper, those records come directly into the system,

4   we will call them "clean," so we don't have to go to

5   DDS to check ahead of time.

6   So I don't have any DDS information in the

7   table for those people. So I have tables for that.

8   If you are a felon, well, there's a felon

9   process and there's information about that felon

10   transaction, the information about you which stored

11   in another table. Each of these stack up on the

12   person's base record as links to a table every time

13   somebody goes in and does something. If you go vote,

14   there's a transaction that happens which gets

15   recorded.

16   So there's voter participation tables and

17   there are a sundry number of different kinds of

18   tables. Each base record gets pointers that points

19   to the database or to these different tables that

20   helps to build a consolidated view when you go on and

21   look at a person's individual record.

22   So you can build, I'll call it a story

23   about a person, from a single view that comes from

24   lots of tables over time. Because there's lots of

25   transactions. And transactions are stored in what

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 1   are called the audit table.

 2   So a registration event, that's an audit

 3   table. A voting participation, that goes in the

 4   audit table. So there's any kind of action. If you

 5   were a test to DDS, that went to the audit tables.

 6   So when we say "most recent view," we're

 7   going through and say, what is the most recent

 8   transaction and its related information from the

 9   tables that go with that transaction. So if you

10   looked at this spreadsheet, you'll see there's a lot

11   of blank spaces over here on the right under, like,

12   last name, file match. But if you scroll down, you

13   will start to see some yeses and noes.

14   Q.   Sorry, he's referring to Columns O and P.

15   For a last name match is O and the P is first name

16   match. Sorry, you can continue.

17   A.   So there's an example on line -- Record

18   297. All of a sudden, we have data under last name,

19   first name, date of birth. This was a paper

20   application that went off to DDS. So there's a table

21   for that information, and it's only used for people

22   that have paper applications.

23   Q.   Okay.

24   A.   Now, we, as part of this to give and to

25   respond to a requested that was specifically asking

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1   Q.   Okay. But at that point, Column K would

2   change to DDS verification?

3   A.   Yes.

4   Q.   Okay. All right.

5   So when an entry has a status in Column J

6   of pending and a status reason of K for verification,

7   which as you just explained is in your initial period

8   when the voter registration application just came in,

9   why would there be a value for date of canceled in

10   Column M?

11   A.   That is just a label that the programmer

12   put for that column.

13   Q.   Okay.

14   A.   So he needed a date of canceled. But we

15   also had what was the date of verification, what was

16   the date of rejected, those are different dates. But

17   rather than having three dates, he threw all the

18   dates in under date of canceled. Because the

19   original request was can you tell us about date of

20   canceled.

21   Q.   So date of canceled is a bit of a misnomer

22   in that those folks who have a value in Column M have

23   a date whose status in Column J is pending, they

24   haven't actually been canceled.

25   A.   Correct.

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1   Q.   Okay.   It just that that happens to be the

2   column that someone has chosen --

3   A.   To put that date.

4   Q.   -- to put that Column M.

5   A.   Right.   They could have added another

6   column and date of canceled would have been blank and

7   date of verification would have the date in there.

8   And then have another date column for when it went to

9   DDS, and then another column when it went to felon

10   test.

11   So we could end up with lots of columns.

12   And since the question or request was about

13   cancellations, the programmer just threw all the

14   dates in one column.

15   Q.   Again, that's very helpful and I appreciate

16   the explanation.   That's very helpful.

17   MR. FERENCE-BURKE: Are you good for a few

18   more minutes and then we will take a break?

19   THE WITNESS: Sure, I'll get some more

20   water.

21   BY MR. FERENCE-BURKE:

22   Q.   I just want ask you about a couple more of

23   these status reason values in Column K.

24   Ms. Durkin, can you do status Column K

25   value duplicate?

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1   going on and you could build a story of what

2   happened.

3   Q.   Okay.

4   A.   Sometimes that is not enough information in

5   that and you have to call the county.

6   Q.   Okay.

7   A.   Understand, all registration are done at

8   the county level. So the Secretary of State's office

9   doesn't do any registration or cancellations or

10   pendings or anything. It's all done at the county.

11   The counties are responsible. We are just the

12   keepers of this data.

13   Q.   Okay. And so when someone at the county

14   level enters an error, there's no, for lack of a

15   better word, like, a comment box where they have to

16   enter comments explaining why they have entered an

17   error.

18   A.   There is a comment box.

19   Q.   Okay.

20   A.   And like I had said before, sometimes

21   there's information there; sometimes there is not.

22   It's not consistent. And in more times than not,

23   there's nothing there.

24   Q.   Is that information in the comment box

25   stored in ENet?

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```
 1          A.    Yes.

 2          Q.    Okay.

 3          A.    Now, the comment box could apply to any of

 4    the transactions.  So just because there's a comment

 5    there, doesn't mean it applies to that transaction.

 6          Q.    All right.  Okay.  Okay.  All right.

 7                So I think we're going to move on now to

 8    Column L, as in Lucy, which is the column for reason

 9    code.  What does Column L reason code contain?

10          A.    So reason codes are DDS, happen with paper

11    transactions.

12          Q.    Okay.

13          A.    So if you have something in L, if you see

14    lots of them are blank, but if there's something

15    there, there was a paper application sometime during

16    that person's record life.

17          Q.    Okay.

18          A.    Now, understand people can have multiple

19    paper applications.  They could start off with an

20    online digital or come straight from DDS and then

21    later have a paper application.  So that doesn't --

22    just because it has a reason code, meaning it was a

23    DDS check, doesn't mean that that was the first.

24    That just means that sometime in the transaction

25    life -- or its record life, there was a paper
```

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1   case.

2   Do you remember filing two declarations?

3   A.   Very much.

4   (Plaintiff's Exhibit 4, Second Declaration

5   of S. Merritt Beaver, marked for

6   identification.)

7   Q.   And your second declaration, you explain

8   that there were actually some voters who had canceled

9   status that were not included. Do you remember that?

10   Can you explain what happened there?

11   A.   When I requested to the vendor all

12   canceled, rejected, and pending, the conversation was

13   in what instances. And so the instances, if you

14   remember we talked about the actions. In order to

15   pull that data, we had to define what instances am I

16   looking for.

17   And so I said all instances, and the vendor

18   looked at the drop-down of all the possible current

19   reasons and pulled for all those current reasons.

20   Well, in the data, there was legacy reasons that

21   didn't move to the new system.

22   And there was a small number that were

23   still there when the data was moved from the old

24   system to the new system, so these were people that

25   are canceled further back. And the number -- I don't

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1   know exact number, I think it was 800 and some

2   records that didn't get transferred over or when we

3   looked at what the current reasons are didn't get

4   captured.

5   Q.   Okay.

6   A.   Okay. And there was all -- I think that's

7   it.

8   Q.   So you said it was roughly around 800

9   records?

10   A.   I believe so. The letter said.

11   Q.   Okay.

12   MS. CORREIA: Do you mind if I ask him a

13   question just to --

14   MR. FERENCE-BURKE: Go ahead, please.

15   MS. CORREIA: Did you at any time -- in

16   comparing those two and we are talking about an

17   April 20, 15, Excel file that included certain

18   codes that are not included in the July 2016

19   excel file; is that right?

20   THE WITNESS: Yes.

21   MS. CORREIA: For canceled voters.

22   In comparing those two data files in those

23   800 and some odd voters that -- let's look in

24   your affidavit and see where it says how many.

25   MR. FERENCE-BURKE: Do you want the first

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1   affidavit or the second?

2   MS. CORREIA: It's the second.

3   Paragraph 14. You can use your own copy.

4   THE WITNESS: Yes. Paragraph 14.

5   (Plaintiff's Exhibit 3, Thumb drive

6   containing a spreadsheet, marked for

7   identification.)

8   MS. CORREIA: Are those the voters, is that

9   what you are talking about the comparison

10   between those two Excel files?

11   THE WITNESS: So, yes. Those were the

12   ones, but only five of those file's records were

13   actually in the same timeframe of the July 2016

14   spreadsheet. Meaning the earlier spreadsheet

15   actually was for an earlier -- pulled from

16   earlier data. So the bulk of those all but five

17   were outside of the window of this request.

18   MR. FERENCE-BURKE: For the record, the

19   April 3, 2015, production references an earlier

20   production that the Secretary made to my client,

21   Project Vote. That was also an Excel

22   spreadsheet.

23   Q   (By Mr. Ference-Burke) Okay. I just want

24   to focus a little bit more on some of the values in

25   Column L that we have been talking about which you

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1   algorithm. We don't choose about that.

2   MR. FERENCE-BURKE: Ms. Correia just

3   anticipated what I wanted to know.

4   MS. CORREIA: Sorry about that.

5   MR. FERENCE-BURKE: No, no, no, that's

6   helpful. And just as an aside, the airlines are

7   as strict, trust me. So that's helpful.

8   Do you have anything on column, on PVR?

9   Q   (By Mr. Ference-Burke) All right. So

10   let's -- hopefully we can move on to a new topic that

11   will hopefully be less confusing.

12   Does this spreadsheet, the canceled voter

13   spreadsheet that's been entered as Exhibit 3, does

14   that contain records of the date that a voter

15   registration application was signed by an applicant?

16   A.   No, it does not.

17   Q.   Okay. Does the Secretary have that

18   information?

19   A.   Yes.

20   Q.   Okay.

21   A.   Well, we have dates. Remember, you could

22   send multiple paper applications in. You could apply

23   multiple different places. Each one of those goes

24   into our audit log, so that we keep track of all

25   dates of transactions. The date that's signed on an

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```
 1    application is recorded.

 2         Q.   And where is that in ENet's, in a table

 3    somewhere, in the audit table?

 4         A.   Yes.

 5         Q.   Okay.  Sorry, the audit table?

 6         A.   Yes.

 7         Q.   Does this canceled voter spreadsheet show

 8    the date that an application was received by county

 9    officials?

10         A.   No, it does not.

11         Q.   Would that date also be recorded within the

12    audit table?

13         A.   No, it does not.

14         Q.   Okay.  Is that date recorded anywhere?

15         A.   No.

16         Q.   Okay.  Does the canceled voter spreadsheet

17    that's Exhibit 3 --

18              MS. CORREIA:  No -- I'm sorry.  Do you have

19         your -- because you have your list of --

20              THE WITNESS:  Oh, yes.  Oh, I see yes.  I'm

21         sorry.

22         Q    (By Mr. Ference-Burke) Does the canceled

23    voter spreadsheet, Exhibit 3, contain the phone

24    number of an applicant if an applicant provided it on

25    their application?
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```
 1        A.    Yes, it does.

 2        Q.    Does this spreadsheet contain the phone

 3   number?

 4        A.    No, it does not.

 5        Q.    Okay.

 6        A.    I misunderstood your question.  Could you

 7   restate your question, please?

 8        Q.    Sure.  Does the spreadsheet, Exhibit 3,

 9   contain the phone number of an applicant if the

10   applicant provided it?

11        A.    No.

12        Q.    Is that data maintained within ENet?

13        A.    Yes.

14        Q.    Where is it maintained?

15        A.    In a vote phone number field.

16        Q.    Okay.  Another date question.

17              Does this spreadsheet that's been entered

18   as Exhibit 3, does it contain a record of the date

19   that a voter registration application was entered

20   into the ENet database?

21        A.    Yes, that is part of the audit history.

22        Q.    So I was asking if this spreadsheet,

23   Exhibit 3, contains that information?

24        A.    No.

25        Q.    Okay.  But as you just stated, that
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1   information, the date that an application was entered

2   into the ENet database that is maintained in ENet in

3   the audit table?

4   A.   Yes, it is.

5   MS. CORREIA: Do you mind if I ask him

6   another question?

7   MR. FERENCE-BURKE: Sure.

8   MS. CORREIA: When you're referring to

9   audit table, is it a table?

10   THE WITNESS: It's multiple tables. So

11   there is multiple tables in the system that keep

12   track of events. If you remember, we talked

13   about there are different types of transactions.

14   Each one could -- needs its own set of tables to

15   store the data related to it.

16   So the audit table is a combination of

17   dates from all of those transactions; similarly

18   to this spreadsheet, where date canceled is not

19   actually a cancel date, but a combination of

20   dates from different tables.

21   MS. CORREIA: And if I may, just how do you

22   get to an audit table? How can you see --

23   THE WITNESS: To see, you can see the audit

24   transactions from an individual's record view in

25   ENet. It is not a report that you can print out

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1   the audit tables. It is only available from a

2   single view on that record.

3   Q   (By Mr. Ference-Burke) Just explain. I'm

4   not sure I follow.

5   A.   So if the data is stored in the database,

6   access to that is limited to how a program that can

7   actually pull that data. So there are -- is only

8   from a user perspective, myself, if I want to see

9   that, I can only pull that list of transactions from

10   a single view, meaning put in a single registration

11   number, I can now look at that transaction audit

12   history.

13   Q.   Right. So I think Ms. Correia is smiling

14   because she knows what I'm about to ask next, I

15   think.

16   So I understand what you're saying. So

17   there's no sort of way to pull a huge audit history

18   report per se. In order to view audit history, you

19   have to go into the individual voter file and then

20   look at that individual's audit record?

21   A.   Correct. The reason is the audit record

22   has to be built each time for a given point in time,

23   because it's always changing. And so the system, the

24   ENet system, has a program as part of it that knows

25   how to go in and rebuild a view of that individual

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1   person's records.

2   If you try just pulling an aggregated list,

3   it will be just a jumble building of everybody's

4   transactions altogether with no references to the

5   actual registration number.

6   So if you viewed it, you would see all the

7   transactions, but they wouldn't be reference to any

8   individual voter.

9   Q.   Right. So in other words, and please

10   correct my understanding if I have it wrong, but the

11   audit history for an individual user is sort of

12   dynamically built every time you look at it.

13   A.   Yes.

14   Q.   Okay. I think that's extremely helpful.

15   Thank you.

16   Just so I understand as well, that sort of

17   dynamic process that we just discussed where the

18   audit history for an individual user is built every

19   time you view that record, that's a limitation, for

20   lack of a better word, that's imposed by the way the

21   system has been built by the third-party?

22   A.   It's the design of the system --

23   Q.   Okay.

24   A.   -- for speed of access and update, the

25   system has designed that way.

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1   Q.   Okay.

2   A.   If it was designed differently, it may lend

3   itself to different ways of pulling that audit

4   history, but that would have other impact on

5   performance.

6   Q.   Right. And so again purely hypothetical

7   world, if you were trying to get some sort of more

8   detailed audit history, you would have to go to the

9   vendor and try to get specifications for them to pull

10 or build a program in a different way that could pull

11 that audit history?

12   A.   I'm not sure whether or not -- are you

13 referring to in an aggregated fashion?

14   Q.   Yes.

15   A.   I'm not sure whether even in an aggregated

16 fashion you could -- how that would look.

17   Q.   Okay.

18   A.   I think part of the issue we run into here

19 is the transition between laymen's speak and

20 technical speak. And when somebody says, I would

21 like to have an aggregated view of the audit table,

22 there really is no definition of what that looks

23 like.

24   I think the wish is probably a spreadsheet.

25 But in reality, trying to put an audit table into a

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1   date on that application is one of the many

2   transactions in the audit table.

3   Q.   Okay. And the phone number would also be a

4   data field?

5   A.   Phone number is a data field.

6   Q.   Okay.

7   A.   One other comment about the audit table, we

8   keep talking about the audit table.

9   ENet's view of the audit table is within

10   ENet working page for a registered voter has multiple

11   tabs. There's, like, we talked about the base

12   record, which has got the person's name and their

13   current status and information.

14   There is an audit tab that lets you then

15   see information which has got transaction dates.

16   I'll say some information about the transaction, it

17   could be voted, transferred, application. There's

18   information that is listed, and sometimes it has some

19   other detail in it.

20   So it's a very simplified -- I mean, audit

21   tables aren't lots of detail in them. They are just

22   basically transactions. And in order to see what

23   happened to a person, it takes interpretation. You

24   have to look at them and do analysis, individual by

25   individual, to try to figure out what happened during

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1   that registration life cycle or -- you know, the

2   registration life cycle.

3   It's not just give me all of these kinds of

4   activities. Well, that's not straightforward.

5   Q.   Okay. Just so I understand, at a

6   fundamental level, an audit table is a different

7   animal from a data field.

8   A.   Yes. It's still a data field, an audit

9   table has data fields in it. I mean, it's like the

10 transaction date for the audit, and it's got the type

11 of a transaction it was, and maybe a more

12 information. So each one of those is data fields.

13   But the information stored in an audit

14 table varies widely. Where in the phone number

15 field, it's just phone numbers.

16   Q.   Okay.

17   A.   And you're dependent to know it's a phone

18 number. In the audit table, they are transactions.

19 And they could be anything from voting events, change

20 of address event, registration events, felon actions,

21 system action, user actions, different types of

22 things.

23   Q.   So that -- again, you went right into my

24 next question, which is: Is there information within

25 ENet as to all of the changes in a voter's

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1   registration status? For example, pending to

2   canceled or rejected, pending to rejected, is there

3   information as to those changes?

4   A.   Yes. And those are stored in the audit

5   table which is viewable at the individual level.

6   Q.   Okay.

7   A.   And as I said in an aggregated level, they

8   are disjointed and not connected to any registrant.

9   Q.   Okay. So again speaking hypothetically, if

10   one were to try to get the data for all of the

11   changes in a registration status, how would you go

12   about getting that?

13   A.   So to do that -- well, one is what is the

14   expected outlook -- output look like. And that's

15   where the struggle comes is there's an expectation

16   typically that I want a spreadsheet, which is the

17   typical output that most requesters look for.

18   Q.   Right.

19   A.   And you couldn't put this in a spreadsheet.

20   There would be a database.

21   Q.   Is that the kind of database that could be

22   produced, or you don't know off the top of your head?

23   A.   Well, when you ask an engineer could

24   something be produced, it just takes time and money.

25   Q.   Okay.

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1   A.   I'll tell you a typical conversion from one

2   legacy to the next system takes 18 months, and it

3   needs to do what you described, which is take all the

4   data out of this database and put it into a new

5   database.

6   MS. CORREIA: And what's the cost of such

7   a --

8   THE WITNESS: Those are usually

9   multi-million-dollar exercises.

10   Q   (By Mr. Ference-Burke) You just mentioned a

11   couple of times now that requesters often anticipate

12   spreadsheets, and you have just mentioned that a

13   database might be one other. Hypothetically, in a

14   hypothetical world possible output, are there other

15   outputs that you could conceive of?

16   A.   Those are the two that I would -- I mean,

17   no, I can't think of anything else. It's either

18   going to be a database or even a spreadsheet is a

19   database. It's just what I -- it's called a flat

20   file.

21   Q.   Okay. What's the difference between a flat

22   file and a database?

23   A.   A flat file is a database.

24   Q.   Okay.

25   A.   It just means that a single record is one,

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1   every field has one data element for that field. So

2   reason is -- you get one reason, status reason. You

3   get one date canceled. You get one action.

4   And if over time you have multiple status

5   changes, that's not reflected in a flat file.

6   Q.   Okay. Just following up a little bit more

7   on types of information that may or may not be

8   available. Does the spreadsheet that's Exhibit 3

9   reflect whether the Secretary mailed notices to a

10 registration of a voter registration applicant?

11   A.   No.

12   Q.   Does ENet contain records of whether

13 notices were sent to applicants?

14   A.   Sometimes.

15   Q.   Can you explain?

16   A.   So counties are responsible for

17 communications to voters. The ENet system provides

18 the ability to build from templates, a letter. Not

19 all counties use that.

20   So the only time the ENet would hold a

21 correspondence or that one was sent out, is if they

22 used the templates that's in the system. We know

23 that some of our larger counties don't use that, so

24 that means the bulk of communications aren't held

25 within the system.

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1   Q.   And for lack of a better term that I would

2   understand, those counties that do use the ENet

3   system for generating those notices, is that sort of

4   like a mail merge where they are running addresses

5   into notices?

6   A.   If you are asking how a letter is built --

7   Q.   Yes.

8   A.   -- yes, it's a template, and the system

9   would merge the voters' information into that

10   template.

11   Q.   Okay.

12   A.   And then they would print that letter out

13   and mail it.

14   Q.   And speaking hypothetically, that could be

15   done, say, certain subset of voters who are missing a

16   certain type of information on application?

17   A.   My understanding, I don't run the counties,

18   I'm in charge of data is that is true.

19   Q.   Okay.

20   A.   But as I said, I don't run the counties.

21   Q.   So what gets entered in ENet, then, is

22   what, is it a record that a notice was generated

23   using the ENet system?

24   A.   If they use used an ENet generated, then

25   the actual letter that was generated is stored in

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1   ENet.

2   Q.   Okay.

3   A.   In another table. It's only viewable from,

4   once again, a signal entity view.

5   Q.   Okay.

6   MS. CORREIA: Do you mind if I just ask a

7   couple questions?

8   MR. FERENCE-BURKE: Please.

9   MS. CORREIA: The letter that is stored in

10   ENet, would that be like a signed letter or some

11   sort of pdf?

12   THE WITNESS: So the letter -- and I have

13   not looked at the letters.

14   MS. CORREIA: Okay, I'm sorry. Just one

15   other question.

16   When you are looking at the audit screen

17   that shows the letter is sent, is there any sort

18   of indication in ENet without actually looking

19   at the letter about what type of letter is being

20   sent, or does it just, you know, say

21   correspondence so you know something is there?

22   THE WITNESS: The system does not track the

23   type of letter. It just says, Correspondence

24   sent. You need to open each letter up to see

25   what kind of letter it was.

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1   Q   (By Mr. Ference-Burke) Is there a specific

2   table that records these correspondence sent records?

3   A.   Yes, there is a table that keeps track of

4   the letters and then when a record uses or has a

5   letter, it's linked to that table.

6   Q.   Okay.

7   A.   And to rebuild those links, the system is

8   programmed so when you bring up that person's view,

9   you could now see all the links of any letters that

10   were sent.

11   Q.   Does that same view also record the date a

12   letter was sent?

13   A.   The date of the letter that is sent, I

14   believe, is in the audit history.

15   Q.   Okay.

16   A.   Which is different than the correspondence

17   history.

18   Q.   Is the correspondence history a table?

19   A.   Yes.

20   Q.   Does the correspondence history record a

21   date on which the correspondence is generated, the

22   date a letter is written?

23   A.   I believe so.

24   Q.   Okay.

25   A.   I would have to verify that. I know that

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1   that is also in the audit table.

2   Q.   Okay. And so just to be clear, so we are

3   talking about two dates here. We are talking about

4   the date that a letter is sort of generated, and then

5   we are also talking about the date that a letter is

6   actually sent.

7   A.   I did not make that distinction.

8   Q.   Sorry. Okay. Are there two separate dates

9   recorded or just one date?

10   A.   Just one date, the date it was generated.

11   Q.   Okay. And that's the date that is in the

12   correspondence history, but is also in the audit

13   history?

14   A.   Yes.

15   Q.   Does ENet record the disposition of those

16   letters? So, say, for example, if a letter was

17   returned, is there any record in ENet of that return?

18   A.   No.

19   Q.   So all ENet records is that a letter was

20   generated.

21   A.   For those letters that were generated, by

22   the system.

23   Q.   Okay. All right.

24   I want to focus again on the way in which

25   voter applicants are verified. So we talked earlier

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1   THE WITNESS: Yes.

2   MS. CORREIA: Okay. And have you looked at

3   this Excel sheet and looked at records where

4   there were pending dates that were very old?

5   THE WITNESS: Yes.

6   MS. CORREIA: Okay. And can you tell us

7   why that resulted?

8   THE WITNESS: If a county goes in and stops

9   the 40-day clock but never goes back and

10   revisits that record, it will stay pending

11   forever.

12   MS. CORREIA: When did this new ENet system

13   begin?

14   THE WITNESS: I think it was early 2013.

15   MS. CORREIA: Okay. And are there any set

16   of records encompassed that are still included

17   understand this file that would have predated

18   that.

19   THE WITNESS: Yes. Many.

20   MS. CORREIA: Was there a pending system

21   under the legacy system as well, under the prior

22   system? Like, a pending status?

23   THE WITNESS: Yes, I believe there was a

24   pending. Yes, there was a pending status in the

25   old system.

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1   those dates from the ENet; how would that look?

2   THE WITNESS: They would look very similar

3   to the individual's record that you pull when

4   you look -- when I say "pull," when you look at,

5   bring up an individual's record in ENet, you

6   would see those different dates.

7   As for a consolidated view over 600,000,

8   I'm not sure how that would look like.

9   MS. CORREIA: Let me ask it differently.

10   In pulling the last transaction from these

11   data fields and allowing some to step over on --

12   each other, what would this look like if you

13   pulled more than one transaction?

14   THE WITNESS: Oh. And tried to put it into

15   this type of a spreadsheet?

16   MS. CORREIA: Yes.

17   THE WITNESS: Oh, one is your spreadsheet

18   would now become very, very wide, and you

19   wouldn't be able to have columns that actually

20   make sense because a column refers to a data

21   field. Now every column -- every record is

22   going to have to have its own set of columns.

23   Q   (By Mr. Ference-Burke) This is the issue we

24   discussed earlier of a better way to present that

25   might be through actually a non-flat database?

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1   here with your day.

2   Mr. Beaver, first of all, you mentioned

3   that earlier that the county officials are

4   responsible for maintaining data in individual voter

5   records; is that right?

6   A.   Correct.

7   Q.   Can members of the Secretary's office make

8   changes to a voter's record?

9   A.   Yes.

10   Q.   Okay. So if either a county official or

11   Secretary of State level official makes a change to a

12   registration status, and by "registration status," I

13   mean the status in Column J, is the fact that a

14   change was made recorded somewhere in ENet?

15   A.   Yes. So when it says user action, there's

16   a user ID that's attached to that.

17   Q.   Okay. That goes to Column N, which is

18   action, so it would show up as user action if

19   someone's status in Column J is changed?

20   A.   Any change.

21   Q.   Okay.

22   A.   Any change to the system that goes in the

23   audit table, the changing entity, whether it be a

24   system or a person gets recorded.

25   Q.   And as we have discussed, what we are

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1   seeing in Exhibit 3, which is the spreadsheet in

2   Column N, as in Nancy, for action, that's just as we

3   have discussed, that's the most recent one that would

4   not be historical.

5   A.   Correct.

6   Now, I mean, just to give you a little more

7   information, State users typically do not make any

8   changes to the record. They have the ability, but

9   they don't.

10   Q.   What would be -- go ahead.

11   A.   You might have a state user go in, in a

12   training exercise, to show somebody how to do

13   something. They do have some tools where if they are

14   guiding a new county person on how to do something,

15   they may go and take over their machine and show them

16   how to click, you know, what entries to do.

17   But it is the county's job to make changes

18   to the system. And you'll see very few -- in fact, I

19   think I have done an audit when I was doing this

20   trying to look at see how many State people were

21   involved in that 600,000, and I think I found two

22   entries were State.

23   Q.   Okay. Go ahead and just we will clean this

24   up.

25   We have already had marked as Plaintiff's

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1   the matches fields, presumably O through T, are

2   matching at DDS, correct?

3   A.   Correct.

4   Q.   Do those fields then get populated within

5   ENet for that DDS originating application?

6   A.   Are you saying does O, P, Q, R, S, and T

7   get populated?

8   Q.   Correct.

9   A.   No. Those fields are only populated as

10   responses back to the batch process for paper

11   applications to be tested by DDS.

12   Q.   Thank you. That's helpful.

13   Okay. So I think mostly got a handle on

14   this earlier, but just so we have this clear,

15   Column J for status, that's a data field?

16   A.   Yes.

17   Q.   Okay. Column K, status reason, that's also

18   a data field?

19   A.   Yes.

20   Q.   Okay. What is Column L; is Column L a data

21   field?

22   A.   Reason code is a data field.

23   Q.   Okay. Same question for Column M.

24   A.   M is a compilation.

25   Q.   Okay. Is it a compilation of data fields

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1   or is --

2   A.   Well, okay. It's a compilation of fields,

3   dates that came from the audit table.

4   Q.   Okay.

5   A.   So in the audit table, there's a date

6   field, so they are all from the date fields. But

7   they are for -- that column is mislabeled as saying

8   date of cancel.

9   Q.   Right. And Column N, by contrast, I think

10 the term you used earlier was to program field.

11   A.   Yes.

12   Q.   Are there any other fields in this

13 spreadsheet that the Secretary has provided that are

14 program fields?

15   And Ms. Durkin can scroll, if that will be

16 helpful.

17   A.   Scroll left. I don't think there's

18 anything to the left. Let's just see.

19   Address field and mailing address fields.

20 There is not an address field per se.

21   Q.   Okay.

22   A.   That address field is actually made up of

23 many fields. So there's an address number field,

24 there's an address street name field, there's an

25 address suffix field, there's an address city field,

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1   that I were entitled to have that data, how would I

2   go about getting that data from you?

3   A.   If you wanted to see your records, like

4   your record?

5   Q.   A similar sort of scope of this. So say

6   the dates of previous changes in status for all

7   currently canceled voters.

8   A.   So if any individual person on that list

9   wanted to go see their record, to see their changes.

10   Q.   No, I'm asking if -- let's use your

11   hypothetical. If my client, Project Vote, again,

12   being purely hypothetical, if we were to try to get

13   that data from you, what format would you -- how

14   would you produce it to us?

15   A.   The audit table?

16   Q.   Okay. Yes, the audit table.

17   MS. CORREIA: I'm going to object to scope,

18   but he can go ahead and answer it if he can.

19   A.   We do not have a way to provide that on an

20   aggregated 600 column. If they wanted it, it would

21   have to be provided on an individual basis, meaning

22   put in the first registration number, bring it up,

23   and take a screen shot essentially of that, I mean.

24   And then I can, if need be, provide you with what

25   that would look like.

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1   But each one would be brought up as an

2   individual screen shot because ENet would have to

3   build that.

4   Q   (By Mr. Ference-Burke) Again speaking

5   purely hypothetically, I understand that you can't

6   know, sitting here today, what the capabilities of

7   PCC are. Would it be possible to generate a database

8   file so it's not just being produced in a flat

9   spreadsheet?

10   MS. CORREIA: I'm going to object to the

11   scope, but he can answer if he can.

12   A.   It goes back to my earlier statement is as

13   an engineer, anything can be done with time and

14   money. So I think saying that it can't be done, it's

15   just how much money do you want to throw at a

16   problem.

17   MR. FERENCE-BURKE: Give me one second.

18   All right. We don't have any further

19   questions at this time.

20   MS. CORREIA: I don't have anything.

21   MR. FERENCE-BURKE: All right. Thank you

22   very much, Mr. Beaver.

23   (WHEREUPON, the proceedings were concluded

24   1:34 p.m.)

25