

Exhibit B

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
NO. 1:15-cv-00399**

SANDRA LITTLE COVINGTON, et al.,

Plaintiffs,

v.

THE STATE OF NORTH CAROLINA, et al.,

Defendants.

**DECLARATION OF
GARY BARTLETT**

I, Gary Bartlett, upon my oath, declare and say as follows:

1. I am over the age of eighteen (18) and competent to testify as to the matters set forth herein.

2. I served as the Executive Director of the North Carolina State Board of Elections for about 20 years, with my term ending on May 15, 2013.

3. I have a Bachelor's degree in History from the University of North Carolina at Chapel Hill.

4. During my tenure as Executive Director of the State Board of Elections, I was an active member in the National Association of State Election Directors (better known as NASED). I was a former board member and lifetime member of the Election Center, which is an association of election officials from across the United States and some areas of Canada that get together to help resolve election issues and explore new ways of how to administer elections. I have also been involved with the National Task Force on Election Reform, and was the national co-chair for three years of the National Task Force on Elections Accessibility. I served on the Federal Elections Commission

Advisory Panel and the Standards Board of the United States Election Assistance Commission.

5. My responsibilities as Executive Director of the State Board of Elections were designated in Chapter 163 of the North Carolina General Statutes and generally involved voter registration to precinct changes to campaign finances, as well as any other duties that the Board gave me.

6. I submit this declaration to respond to several of the points made by Ms. Strach in her declaration of October 28, 2016 (“Strach Declaration”).

7. First, much of what is contained in the Strach Declaration is simply detail on what election administrators do year in and year out. It is what administering elections involves, and it is not extraordinary or unduly burdensome.

8. While N.C. Gen. Stat. § 163-227.3 does direct that absentee ballots be available 50 days in advance of a statewide election in odd-numbered years, when discussing absentee voting in Paragraph 7, the Declaration fails to mention that the State Board could reduce the absentee period from 50 days to 45 days pursuant to that same statute, which states “...unless 45 days is authorized by the State Board of Elections under G.S. 163-22(k) or there shall exist an appeal before the State Board or the courts not concluded, in which case the board shall provide the ballots as quickly as possible upon the conclusion of such an appeal.”

9. In Paragraph 17, the Strach Declaration also portrays the geocoding process as more complex than it really is. Geocoding is mostly an automated process except for

homes near or on district lines. Most counties can finish the process in a week. The more that counties and precincts are kept whole, the less time is needed for manual geocoding. Some counties, with smaller staff and fewer resources, may take slightly longer, but even those counties can still accomplish geocoding within 10 days.

10. Likewise, with respect to Paragraph 20, during my tenure at the State Board of Elections, we conducted geocoding and candidate filing concurrently with few or no issues.

11. The Strach Declaration at Paragraph 25 describes three weeks as the bare minimum amount of time required for ballot preparation and election coding. During my tenure, since candidate filing was moved to February in the 2000's, 21 days was the standard period of time allotted for such activities, not the bare minimum.

12. With respect to Paragraph 48 of the Strach Declaration, while I certainly understand the appeal of uniformity in elections calendar, the reality is that it is not the norm even before a special election is considered. As background, there are four different types of municipal election cycles: (1) primary partisan, second primary, and election in November; (2) election (October) and runoff (November); (3) nonpartisan primary (October) and election (November); and (4) nonpartisan plurality in November. Thus, there is not uniformity now. Moreover, we have conducted special elections with a municipal elections in the past, including a statewide bond referendum that was combined with the 1993 November municipal elections. We did so without any legislative action.

13. Finally, with respect to Paragraph 50, as I am sure Ms. Strach would acknowledge, turnout is a multi-causal phenomenon. Turnout in special or delayed elections can vary, and each of the elections mentioned had its own unique circumstances. Ultimately, the decision that would most promote or maximize turnout would be to conduct the special election in November on the same date as the already-scheduled municipal elections.

This the 11th day of November, 2016.



Gary Bartlett