



U.S. Department of Justice

Criminal Division

Public Integrity Section

Washington, D.C. 20530

March 6, 2019

North Carolina State Board of Elections
Via Hand Delivery

RE: Grand Jury Subpoena

You have been served with a subpoena issued in connection with a criminal investigation being conducted in the Eastern District of North Carolina. That subpoena directs you to produce certain records on April 16-18, 2019, before the grand jury in the Eastern District of North Carolina.

As a convenience, you may, if you wish, deliver the requested documents in lieu of appearing personally before the grand jury to Special Agent James Kaylor via electronic mail at jmkaylor@fbi.gov or via U.S. mail at 110 Pinedale Springs Way; Cary, North Carolina 27511. Any questions pertaining to the records under the subpoena should be directed to Special Agent Kaylor at (704) 942-8968.

You are also requested to complete the attached Business Record Affidavit pursuant to Rule 902(11) of the Federal Rules of Evidence. By submitting this affidavit with the requested documents, you may avoid the need to appear at trial to testify to the authenticity of these records.

We appreciate your cooperation in this matter. If you have any questions, please feel free to contact us at (202) 514-1412.

Sincerely,

/s/

James C. Mann
Michael N. Lang
Trial Attorneys
Public Integrity Section
United States Department of Justice
Office: (202) 514-1412
Email: James.Mann@usdoj.gov
Michael.Lang@usdoj.gov

UNITED STATES DISTRICT COURT
for the
Eastern District of North Carolina

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: North Carolina State Board of Elections

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: United States District Court, EDNC Terry Sanford Federal Building 310 New Bern Avenue, Raleigh, North Carolina 27601	Date and Time: April 16-18, 2019 @ 9:00am
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You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

- See Attachment -

Date: March 6, 2019

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:

James C. Mann
U.S. Department of Justice
1400 New York Avenue NW
Washington, DC 20005
(202) 305-4763

USAO # 2017R00198(18)

PROOF OF SERVICE

This subpoena for *(name of individual or organization)* _____
was received by me on *(date)* _____ .

I personally served the subpoena on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the subpoena at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the subpoena on *(name of individual)* _____ , who is
designated by law to accept service of process in behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because _____ ; or

Other *(specify)*:

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

ATTACHMENT A

To: North Carolina State Board of Elections

Documents To Be Produced

All documents related to the investigation of election irregularities affecting counties within the 9th Congressional District.

Instructions

1. You are required to produce each and every document, responsive to the category listed above, that is in your possession, custody, or control. Unless a specification limits the time period, the subpoena requires the production of all documents regardless of date.
2. You shall produce each and every document that exists in electronic form electronically with all metadata preserved.
3. All documents that respond, in whole or in part, to the category listed above shall be produced in their entirety, including all attachments, enclosures, cover letters or memoranda, and post-it notes.
4. If you know of documents that are or would be responsive to any of the categories listed above that you are not producing because you are unable to find them, they have been destroyed, they are no longer in your possession, custody, or control, or for any other reason, please list all such documents and provide for each a complete statement of the reason why you are unable to produce them, your efforts to find or obtain copies, the identity of each and every person who has or may have copies or has or may have any memory of the contents, and your best memory or other knowledge of the contents.
5. If a document demanded by this subpoena is withheld under a claim of privilege, or is otherwise withheld, provide the following information regarding the document: (1) its date; (2) the name and title of its author(s); (3) the name and title of each person to whom it was addressed, distributed, and disclosed; (4) the number of pages; (5) an identification of any attachments or appendices; (6) a general description of its subject matter; (7) its present location and the name of its present custodian; (8) the paragraph of this subpoena to which it is responsive; and (9) the nature of the claimed privilege or other reason the document is withheld.

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NORTH CAROLINA

IN RE:)
)
) **BUSINESS RECORD AFFIDAVIT**
) **FED. R. EVID 902(11)**
Grand Jury Subpoena)
2017R00198 (20))

I am personally acquainted with the facts stated herein and make this statement under penalty of perjury.

I am the custodian of records for _____ herein after referred to as "Company"). The documents made by the Company and produced in compliance with the subpoena duces tecum (consisting of ___ pages attached hereto) are memoranda, reports, records or data compilations of acts, events, conditions, opinions or diagnoses that were made at or near the time, by or from information transmitted by a person with knowledge and that have been kept in the course of the Company's regularly conducted business activity. It has been the Company's regular practice in that business activity to make those memoranda, reports, records or data compilations. Neither the source of information, nor the method or circumstances of preparation, indicate a lack of trustworthiness for those memoranda, reports, records or data compilations.

Affiant

Sworn to and subscribed before me
this the _____ day of _____, 2019

Notary Public
My Commission expires: _____

**UNLESS OTHERWISE REQUESTED, ALL FINANCIAL RECORD REQUESTS
SHOULD BE DELIVERED IN ELECTRONIC FORMAT**

IN LIEU OF PERSONAL APPEARANCE BEFORE THE GRAND JURY TO DELIVER THE DOCUMENTS, YOU MAY COMPLY WITH THE TERMS OF THE GRAND JURY SUBPOENA BY THE FOLLOWING SHIPPING PROCEDURES:

1. Mail Electronic Media: Electronic media (DVDs, CDs, flash drives, etc.) may be physically mailed to the address identified on the subpoena. The mailed media must be packaged securely by sending either 1) by a dedicated courier such as FedEx, UPS, etc., or 2) standard U.S. Postal mail. All media mailed using these methods must be shipped using a dual-container configuration. This means media must be packaged in two nested, or double wrapped, containers; e.g., an inner envelope packed within an outer shipping envelope. The recipient's name and "To be Opened by Addressee Only" should be clearly annotated on the inner envelope. When using these mailing methods, the electronic media itself does not need to be encrypted.

2. Please provide the records to:

Special Agent James Kaylor
110 Pinedale Springs Way
Cary, NC 27511
Telephone Number: (704) 942-8968
Email: jmkaylor@fbi.gov