

ATTACHMENT SIXTEEN

CONDENSED TRANSCRIPT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION
CAUSE NO. 1:05-CV-00634-SEB-VSS

INDIANA DEMOCRATIC PARTY, et al.,
Plaintiffs,

vs.

TODD ROKITA, et al.,
Defendants.

WILLIAM CRAWFORD, et al.,
Plaintiffs,

vs.

MARION COUNTY ELECTION BOARD,
Defendant,

and

STATE OF INDIANA,
Intervenor.

~~~~~

The deposition upon oral examination of  
**JOSEPH E. SIMPSON**, a witness produced and sworn before  
me, Linda Mayo Baynes, Notary Public, RPR, CP, CSR, in  
and for the County of Hamilton, State of Indiana; taken  
on the 8th day of September, 2005, at the offices of  
ClearPoint Legal, Inc., One Indiana Square, Suite 2525,  
Indianapolis, Marion County, Indiana; pursuant to  
Notice and the Indiana Rules of Trial Procedure. This  
deposition was taken on behalf of the Marion County  
Election Board in the above-captioned matter.

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1 DEPOSITION OF JOSEPH E. SIMPSON  
 2 SEPTEMBER 8, 2005  
 3 JOSEPH E. SIMPSON, the witness  
 4 herein, having been first duly affirmed,  
 5 under the penalties of perjury, to tell the  
 6 truth, the whole truth and nothing but the  
 7 truth, was examined and testified as follows:  
 8  
 9 DIRECT EXAMINATION,  
 10 QUESTIONS BY MR. OSBORN:  
 11 Q. Sir, could you state your name and  
 12 spell your name for the record?  
 13 A. **Joseph E. Simpson. J-O-S-E-P-H,**  
 14 **middle initial E, S-I-M-P-S-O-N.**  
 15 Q. Now, have you ever had a deposition  
 16 taken before, Mr. Simpson?  
 17 A. **Yes.**  
 18 Q. Okay. So you're somewhat familiar  
 19 with the procedure. I'm just going to  
 20 remind you of a couple of things. One is  
 21 that you have to answer affirmatively or  
 22 negatively. You can't shake your head or  
 23 nod your head because that doesn't get  
 24 recorded. You can if you want, but it isn't  
 25 going to help anybody.

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1 The other thing is if you don't  
 2 understand any of the questions if I --  
 3 because I tend to be pretty opaque and vague  
 4 sometimes, feel free to ask me to rephrase  
 5 something, or we can talk about the question  
 6 and try to figure out what it is I really  
 7 mean?  
 8 A. **Okay.**  
 9 Q. And otherwise your attorney may  
 10 object. If he objects, let him finish  
 11 whatever his objection is and then he will  
 12 inform you whether or not you should go  
 13 forward and answer the question, so...  
 14 A. **Okay.**  
 15 Q. If you hear an objection, try to keep  
 16 in the back of your mind what the question  
 17 was, so --  
 18 A. **Okay.**  
 19 Q. -- so -- in any case you have to  
 20 answer it?  
 21 A. **All right.**  
 22 Q. You are -- let me -- let me see  
 23 first. We've got an Exhibit A floating  
 24 around here somewhere and --  
 25 A. **This one?**

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1 Q. Yes. If you could take a look at  
 2 that please, and --  
 3 THE WITNESS: That the same one I  
 4 got.  
 5 MR. FALK: That's the  
 6 interrogatories.  
 7 THE WITNESS: Okay. All right.  
 8 Q. And it indicates that you are a  
 9 plaintiff in this lawsuit; is that correct?  
 10 A. **Yes.**  
 11 Q. Okay. What's your age?  
 12 A. **Fifty-four.**  
 13 Q. And your date of birth?  
 14 A. **7/3/51.**  
 15 Q. Where were you born?  
 16 A. **Indianapolis, Indiana.**  
 17 Q. Do you live currently in  
 18 Indianapolis, Indiana?  
 19 A. **Yes, I do.**  
 20 Q. How long -- where do you live in  
 21 Indianapolis?  
 22 A. **4525 Guilford Avenue.**  
 23 Q. And that's on the north side?  
 24 A. **Northeast side, it -- SoBro, as they**  
 25 **call, the south of Broad Ripple.**

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1 Q. Okay. How long have you lived there?  
 2 A. **To -- over 25 years.**  
 3 Q. Have you lived in Indianapolis all of  
 4 your life?  
 5 A. **Yes, except when I went away to**  
 6 **school or to service.**  
 7 Q. Let's talk first about school. Could  
 8 you describe your educational background?  
 9 A. **Educational background is high school**  
 10 **diploma. I have a two-year college degree**  
 11 **and, you know, eventually, hope to get a**  
 12 **four-year degree.**  
 13 Q. Okay. So you went into the service?  
 14 A. **Yes.**  
 15 Q. What area of the service?  
 16 A. **US Army. I was drafted in 1971.**  
 17 Q. And how long were you in the service?  
 18 A. **I was in the service a little over**  
 19 **six -- 18 months.**  
 20 Q. Were you in Vietnam?  
 21 A. **No. I went in on -- when we got out**  
 22 **of training, the Vietnam war was over.**  
 23 Q. Okay. Are you employed?  
 24 A. **Yes.**  
 25 Q. How are you employed?

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1 **A. Indiana Legal Services, Inc.**  
 2 Q. What is your position there?  
 3 **A. Director of administration.**  
 4 Q. How long have you been in that  
 5 position?  
 6 **A. Twenty-nine years and almost nine**  
 7 **months.**  
 8 Q. And just briefly describe what it is  
 9 you do?  
 10 **A. Over accounting, over administrate --**  
 11 **a lot of administrative matters, personnel**  
 12 **matters, some legal, you know, matters. But**  
 13 **you know, operational -- basically, you know,**  
 14 **in-charge of the operation.**  
 15 Q. Okay. I earlier pointed out --  
 16 excuse me, Exhibit A.  
 17 **A. Uh-huh.**  
 18 Q. And you've identified that you are  
 19 the plaintiff -- one of the plaintiffs in  
 20 this action.  
 21 Are you familiar with Exhibit A?  
 22 **A. Yes.**  
 23 Q. And what is Exhibit A?  
 24 **A. It is a complaint talking about the**  
 25 **voter ID law.**

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1 Q. Okay. And that would be the Senate  
 2 Enrolled Act 483?  
 3 **A. Yes.**  
 4 Q. How did -- without getting into any  
 5 discussion about any privileged  
 6 communications between you and your attorney,  
 7 how did you come to be a party to this  
 8 lawsuit?  
 9 **A. It's -- basically, I heard it through**  
 10 **the legislative process, you know, that this**  
 11 **bill was coming about. I think about midway**  
 12 **through the process I -- I contacted Ken**  
 13 **Falk. As a matter of fact, I think I'm the**  
 14 **first one to contact Ken Falk and express to**  
 15 **him that if this bill came into law, that I**  
 16 **wanted to be one of the plaintiff immediately**  
 17 **on this.**  
 18 Q. So you initiated the conversation  
 19 with Mr. Falk then?  
 20 **A. Yes, I did.**  
 21 Q. Okay. Do you recall that that was  
 22 during the process?  
 23 **A. It was about mid -- I -- pretty close**  
 24 **to 30 days out. I think it was, you know,**  
 25 **when it -- pretty much when the Senate was**

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1 **about ready to pass it and I contacted Ken**  
 2 **then, around that time.**  
 3 Q. Okay. Let's -- I'm going to go  
 4 through this a little bit with you. If you  
 5 could turn to page 13?  
 6 **A. Page 13. Okay.**  
 7 Q. The paragraph 79 says that you're a  
 8 member of the Washington Township Board. Is  
 9 that an elected position?  
 10 **A. Yes, it is.**  
 11 Q. Specifically, are you a board member?  
 12 Is that what it's called? What's the  
 13 position called?  
 14 **A. Yeah, it's a -- it's a board member.**  
 15 Q. Okay. And that is -- and does it  
 16 represent a particular district?  
 17 **A. Yes, District 2.**  
 18 Q. Could you describe generally what --  
 19 did -- how District 2 is made up?  
 20 **A. You mean the geographic or**  
 21 Q. Yes, please.  
 22 **A. District 2 is -- south boundary is**  
 23 **38th Street. Central to the west. It zig**  
 24 **-- do some zigzagging up to like about 54th**  
 25 **Street. And then take -- it goes all the**

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1 **way over to Emerson. And that's the end of**  
 2 **the township, Washington township, which is**  
 3 **Emerson on the west side, not to east side.**  
 4 **Yeah.**  
 5 Q. And it indicates that -- how -- how  
 6 long have you been a board member?  
 7 **A. Over 12 years.**  
 8 Q. Paragraph 80 indicates that you are a  
 9 precinct committee person, and that you have  
 10 been elected in the primary of 2003; is that  
 11 correct?  
 12 **A. Yeah, you have to be elected -- don't**  
 13 **ask me what the routine. All of a sudden I**  
 14 **see my name pop on the machine, and as**  
 15 **precinct people you got it -- you got to get**  
 16 **re-elected. I told Ken I don't keep up with**  
 17 **the -- but yeah.**  
 18 Q. Okay. So you say you face the voters  
 19 in two capacities, then as a precinct  
 20 committee person, and then as a township  
 21 board member; is that correct?  
 22 **A. Yes.**  
 23 Q. Any other elected positions?  
 24 **A. No.**  
 25 Q. Okay. It indicates in paragraph 81

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1 that you're aware that there are voters in  
 2 your district who have voted in the past  
 3 without possessing the identification now  
 4 required by Senate Enrolled Act 483.  
 5 First of all, are you familiar enough  
 6 with Senate Enrolled Act 483 to know what  
 7 kind of identification is required?  
 8 **A. Yes.**  
 9 **Q. Okay. And these voters to which this**  
 10 **paragraph refers, can you identify any of the**  
 11 **people that we're talking about here?**  
 12 **A. My parents.**  
 13 **Q. Your parents, they live in the**  
 14 **district with --**  
 15 **A. No, they -- they live outside the**  
 16 **district. They live in Indianapolis, Marion**  
 17 **County.**  
 18 **Q. Okay. Well, so they wouldn't be in**  
 19 **your district at -- so that -- at least from**  
 20 **my understanding of paragraph 81, that**  
 21 **wouldn't be what paragraph 81 is referring**  
 22 **to?**  
 23 **A. Right.**  
 24 **Q. If you could take a look at it**  
 25 **A. No, no. I understand. I was just**

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1 **saying --**  
 2 **Q. Okay.**  
 3 **A. -- yeah.**  
 4 **Q. But in --**  
 5 **A. In my particular district, no, I'm**  
 6 **not aware.**  
 7 **Q. Okay.**  
 8 **A. I haven't gone out and canvassed or**  
 9 **anything, but, no, I'm not aware.**  
 10 **Q. You say your parents live in**  
 11 **Indianapolis, where generally?**  
 12 **A. Washington township.**  
 13 **Q. Okay. And they don't have**  
 14 **identification?**  
 15 **A. No, their driving license are**  
 16 **expired, and they have not gone back to get**  
 17 **any formal ID.**  
 18 **Q. Okay. So they have no Indiana**  
 19 **identification?**  
 20 **A. Right.**  
 21 **Q. Card, no passports?**  
 22 **A. No.**  
 23 **Q. Okay. Paragraph 82 indicates that**  
 24 **you're aware that some of the voters will be**  
 25 **discouraged from obtaining identification.**

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1 **Let's -- let's -- I'll stop that there**  
 2 **first.**  
 3 **Are your parents going to be**  
 4 **discouraged from obtaining identification to**  
 5 **vote?**  
 6 **A. Probably will if they have to go**  
 7 **through the process I just recently went**  
 8 **through to get -- I just renewed my driving**  
 9 **license --**  
 10 **Q. Uh-huh.**  
 11 **A. -- and had to get a birth**  
 12 **certificate.**  
 13 **Q. Okay. And that was particularly**  
 14 **painful?**  
 15 **A. Time consuming and painful when it**  
 16 **come to the pocket.**  
 17 **Q. Okay. Well, let me say, when it**  
 18 **comes to the pocket, are you --**  
 19 **A. Money.**  
 20 **Q. -- talking about expenses?**  
 21 **A. Yes, expenses.**  
 22 **Q. How much did it cost you to do that?**  
 23 **A. I think it was \$12 for the birth**  
 24 **certificate plus, you know, taking off the**  
 25 **time from work. And the driving license was**

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1 **really -- maybe, I want to say around \$12,**  
 2 **around the same amount of money.**  
 3 **Q. Okay. So --**  
 4 **A. And all these were time for renewals.**  
 5 **Q. All right. Twenty-four dollars plus**  
 6 **travel expenses plus being off of work so**  
 7 **--**  
 8 **A. Uh-huh.**  
 9 **Q. -- and how much time do you think you**  
 10 **spent?**  
 11 **A. Probably about three hours --**  
 12 **Q. Uh-huh.**  
 13 **A. -- in total.**  
 14 **Q. Now, are there other people within**  
 15 **your district about whom you're aware that**  
 16 **have indicated to you that they would be**  
 17 **discouraged from getting an identification?**  
 18 **A. No, I don't.**  
 19 **Q. Okay. Paragraph 83 indicates that**  
 20 **you are interested in maximizing the number**  
 21 **of persons voting because you want to**  
 22 **continue in office, and you're just**  
 23 **interested in -- in having the -- a**  
 24 **maximized number of people exercise their**  
 25 **right to vote. Let's take those two things**

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1 separately first.  
 2 Are -- are you saying that if there  
 3 are more people that vote in the election  
 4 that you're going to get more votes?  
 5 **A. Yes.**  
 6 Q. Okay. And on what do you base that  
 7 conclusion?  
 8 **A. The fact is that, that's what**  
 9 **election is all about, is obtaining as many**  
 10 **votes to win, you know, as possible.**  
 11 Q. No, I understand that. But you --  
 12 what -- what it seems to me that this  
 13 paragraph is saying is that if there are  
 14 more voters, then you would get those voters  
 15 to support you?  
 16 **A. Yes.**  
 17 Q. And I'm asking you what leads to you  
 18 that conclusion? I mean, is it possible,  
 19 for example, that -- that if someone else  
 20 were to run against you, that -- that more  
 21 voters might all turn and vote for your  
 22 opponent?  
 23 **A. Any time you have a worthy opponent,**  
 24 **it does bring out more people, you know.**  
 25 Q. Okay.

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1 **A. And -- but I think that over my 12**  
 2 **years of running I've been able to maximize**  
 3 **and continue to maximize each year because**  
 4 **people begin to know who you are after each**  
 5 **term and they feel comfortable to think that**  
 6 **you're doing a good job, more people tend to**  
 7 **want to come and vote for you.**  
 8 Q. So it's your experience as someone  
 9 who has run for office a number of times  
 10 that as the voters become more familiar with  
 11 you, or the people who are are going to  
 12 become voters become familiar with you, that  
 13 you are likely to get their vote?  
 14 **A. Yeah. My numbers from the first time**  
 15 **I was on the board to where they are now is**  
 16 **tot -- is just, you know, a lot more.**  
 17 Q. Okay. So it's increased over time?  
 18 **A. Yes, it's increased each year.**  
 19 Q. You're interested in maximizing the  
 20 number of persons who exercise their right to  
 21 vote. Why -- why are you interested in  
 22 that?  
 23 **A. Because I need to win.**  
 24 Q. Well, I -- that was the first part I  
 25 think of the paragraph, but -- but it sounds

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1 as though the second part of it as -- you  
 2 are saying as a citizen, you're just  
 3 interested in --  
 4 **A. Get them more --**  
 5 Q. -- that happening.  
 6 What do you mean when is the -- from  
 7 that perspective, from the cit -- perspective  
 8 of a citizen, why is it in your interest?  
 9 **A. Because I think people should have**  
 10 **the right to vote, and -- and that in my**  
 11 **particular precinct. I probably have 700**  
 12 **people, and it's been the same case when I**  
 13 **was a precinct person. There were low**  
 14 **turnout, and I think as the years went over**  
 15 **-- became, you know, as a precinct person**  
 16 **who worked with these folks, to maximize, get**  
 17 **the people to come out, I think, people are**  
 18 **now beginning to show up. I've -- I've a**  
 19 **pretty good voting precinct now. And I want**  
 20 **to continue that.**  
 21 Q. Okay. Does that affect your ability  
 22 to do your job as -- as a township board  
 23 member?  
 24 **A. Yeah.**  
 25 Q. How so?

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1 **A. If -- if I don't get the numbers of**  
 2 **votes, you know, to be able to win, I'm no**  
 3 **longer there.**  
 4 Q. Okay. So from a purely pragmatic  
 5 political viewpoint it's -- it's important.  
 6 Does it help you in any other way as -- when  
 7 you are actually -- after you are elected,  
 8 does it help you if there is a larger  
 9 participation of the group of people who  
 10 could vote for that particular office?  
 11 Is that convoluted?  
 12 **A. Yeah.**  
 13 Q. If more people -- if more people  
 14 participate, does that help you as an office  
 15 holder in any way?  
 16 **A. Yes.**  
 17 Q. How so?  
 18 **A. It lets me know that there is a lot**  
 19 **of people paying attention.**  
 20 Q. Okay. Paragraph 84, and that's on  
 21 the next page, indicates that -- that you  
 22 are opposed, first of all, to -- to showing  
 23 your identification; is that right?  
 24 **A. Correct.**  
 25 Q. You said earlier that you just went

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1 through the process of renewing your driver's  
 2 license?  
 3 **A. Yes.**  
 4 **Q.** So you actually have a current  
 5 driver's license; is that correct?  
 6 **A. Yes.**  
 7 **Q.** When we get to the next election  
 8 cycle, which would start -- or at least the  
 9 next election would be the primary of May --  
 10 in May of 2006.  
 11 **A. Uh-huh.**  
 12 **Q.** Is your opposition to having to show  
 13 identification going to keep you from showing  
 14 your driver's license during the primary?  
 15 **A. Repeat that.**  
 16 **Q.** When you go to vote -  
 17 **A. Uh-huh.**  
 18 **Q.** -- assuming you go to vote -  
 19 **A. Uh-huh.**  
 20 **Q.** -- in -- in the primary of 2006 -  
 21 **A. Uh-huh.**  
 22 **Q.** -- will you use your identification  
 23 as required under Senate Enrolled Act 483?  
 24 **A. If I want to -- I mean, if it's law,**  
 25 **I will have to show it.**

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1 **Q.** Okay. Assuming it's law?  
 2 **A. Yeah.**  
 3 **Q.** You would show it?  
 4 **A. Yeah.**  
 5 **Q.** Okay. And there would be nothing --  
 6 aside from -- from your having to pull the -  
 7 - the license out of your wallet or wherever  
 8 you keep it, would there be any inconvenience  
 9 to you to show it to a precinct election  
 10 board?  
 11 **A. Yeah. I'm opposed to showing my ID**  
 12 **to anybody that necessarily don't need to see**  
 13 **it.**  
 14 **Q.** Why are you opposed to that?  
 15 **A. Because people can take your**  
 16 **information and use it, you know. I mean,**  
 17 **this is not a fair world, and there are a**  
 18 **lot of fraud, you know, people taking your**  
 19 **Social Security number, taking your basic**  
 20 **information. All they need is basic**  
 21 **information. They can create another ID, and**  
 22 **your credit report is pretty messed up. I**  
 23 **mean, that's one of the common fear -**  
 24 **Q.** Okay.  
 25 **A. -- that I have about showing my ID at**

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1 -- at any time. I understand when I go to a  
 2 grocery store and I'm using my debit card  
 3 or, you know, using charge card that is, you  
 4 know, part of the requirement, because I want  
 5 them to show -- require them to show my ID  
 6 in order to prove that I am who I am.  
 7 **Q.** At a grocery store?  
 8 **A. Yes.**  
 9 **Q.** And why is that important then?  
 10 **A. Because they need to know that I'm**  
 11 **Joe Simpson.**  
 12 **Q.** Okay. Now, the grocery store you're  
 13 talking about, do you know the people at the  
 14 grocery store?  
 15 **A. No.**  
 16 **Q.** Okay. So these are complete  
 17 strangers to you, then?  
 18 **A. Yeah. But they are in charge of me**  
 19 **obtaining that groceries which I -- I need**  
 20 **very bad.**  
 21 **Q.** Right. The people at the precinct  
 22 where you vote -  
 23 **A. Uh-huh.**  
 24 **Q.** -- are these people that you know?  
 25 **A. Yeah, I know my people at my**

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1 precinct.  
 2 **Q.** Are you concerned that -- that any of  
 3 them are -- would take your identification  
 4 and use it for fraudulent purposes?  
 5 **A. Possible. I'm -- I'm just being**  
 6 **frank with you.**  
 7 **Q.** Right.  
 8 **A. Yeah, possible.**  
 9 **Q.** I -- I just want you to be honest.  
 10 **A. Yeah. Yeah. Possible.**  
 11 **Q.** I gather from -- from other parts of  
 12 paragraph 84, it says that you have a voter  
 13 -- you're a long-term registered voter, you  
 14 have a voter registration card issued by the  
 15 county, and that there are criminal penalties  
 16 for misuse.  
 17 I gather from that that you think  
 18 that there are sufficient safeguards already  
 19 in place. Is that a fair statement?  
 20 **A. Yes.**  
 21 **Q.** These are going to sound like -- like  
 22 obvious questions or the answer may seem  
 23 obvious.  
 24 Up to this point, to your knowledge,  
 25 has the Marion County Election Board done

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1 anything to administer or enforce Senate  
 2 Enrolled Act 483?  
 3 **A. Help me with that because it just**  
 4  
 5 Q. Okay. Well, you know, Senate --  
 6 Senate Enrolled Act 483, among other things,  
 7 tells you have to show ID to vote -  
 8 **A. Uh-huh.**  
 9 Q. -- in certain circumstances.  
 10 **A. Uh-huh.**  
 11 Q. Now there hasn't been an election  
 12 since that -  
 13 **A. Right.**  
 14 Q. -- became law; is that correct?  
 15 **A. Yeah, that's correct.**  
 16 Q. Has to your know -- and maybe you  
 17 don't know, but -- but to your knowledge,  
 18 has the Marion County Election Board done  
 19 anything to put procedures together to  
 20 implement Senate Enrolled Act 483?  
 21 **A. No, I don't know.**  
 22 Q. Okay. To your knowledge, has anybody  
 23 not -- and again this is -- this law passed  
 24 this year -  
 25 **A. Uh-huh.**

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1 Q. There hasn't been an election. Would  
 2 you say it's fair that -- to say that nobody  
 3 has been denied the right to vote because of  
 4 Senate Enrolled Act 483, up to this point?  
 5 **A. Correct.**  
 6 MR. OSBORN: I don't think I have any  
 7 other questions.  
 8  
 9 CROSS-EXAMINATION,  
 10 QUESTIONS BY MR. WEBBER:  
 11 Q. Mr. Simpson, my name is Doug Webber.  
 12 I represent the -- the defendant-intervenor,  
 13 State of Indiana in this action. And also  
 14 the fact that the defendants Rokita, King,  
 15 and Robertson are still named in this lawsuit  
 16 but inactive defendants. I also appear on  
 17 their behalf.  
 18 Please feel free to stop me if you  
 19 don't understand a question or if I talk too  
 20 fast or mumble.  
 21 **A. Okay.**  
 22 Q. If at any time you want to confer  
 23 with Mr. Falk, your attorney, that's what he  
 24 is here for, just let me know that, okay?  
 25 **A. Uh-huh.**

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1 Q. Mr. Simpson, are you a member of any  
 2 project or statewide movement that has  
 3 targeted the voter photo identification law?  
 4 **A. No.**  
 5 Q. Are you a member of any movement on a  
 6 national scale?  
 7 **A. No.**  
 8 MR. FALK: Just -- I'm not sure where  
 9 you're going, but I mean -- I believe, and  
 10 I'm not -- I'm not going to allow you to ask  
 11 Mr. Simpson what his membership is in  
 12 organizations.  
 13 MR. WEBBER: Well.  
 14 MR. FALK: But -- let's go off the  
 15 record for a second.  
 16 MR. WEBBER: Okay.  
 17 (AT THIS TIME THERE WAS A BRIEF  
 18 RECESS TAKEN, AFTER WHICH THE FOLLOWING  
 19 PROCEEDINGS WERE HAD:)  
 20 Q. Returning to the record, Mr. Simpson,  
 21 Mr. Falk just wanted to refresh your  
 22 recollection on a matter at the break. And  
 23 did he do so?  
 24 **A. Yes.**  
 25 Q. And reasking the question, if you

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1 belong to any projects or movements statewide  
 2 that have targeted the voter photo  
 3 identification statute, would -- is your  
 4 answer -- do you -- would you like to modify  
 5 your answer?  
 6 MR. FALK: Well, I just -- for Mr.  
 7 Simpson, I don't think his answer was  
 8 incorrect because I'm not sure what a project  
 9 or movement is, but Mr. Simpson is a past  
 10 officer of the local chapter of the NAACP,  
 11 which is in turn a party to this lawsuit.  
 12 So it's somewhat circular, but he obviously  
 13 is involved that way.  
 14 Q. Mr. Simpson, I'm not interested in --  
 15 in kind of bigger picture ideologies. I was  
 16 just interested in you personally, if you  
 17 have taken any active role other than what  
 18 you described in response to Mr. Osborn's  
 19 questions, in joining any kind of bigger  
 20 movement -- bigger --  
 21 Have you done anything besides what  
 22 you said and participate in trying to  
 23 invalidate voter photo ID -- photo  
 24 identification laws?  
 25 **A. Yes. I would -- my only -- I have**

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1 not participated with any active  
 2 organization. My only -- as a -- as a  
 3 personal individual, as I said earlier in the  
 4 statement, I called Ken and said, "Ken, I,  
 5 Joe Simpson, want to be a plaintiff in this  
 6 case."  
 7 Q. All right. And I didn't do very good  
 8 on this. So you -- so you don't have any  
 9 other meetings to tell me about where this  
 10 topic was discussed?  
 11 A. No.  
 12 Q. Okay. When you got your own license  
 13 renewed, your driver's license you testified,  
 14 had it expired, or was there time left on  
 15 your license?  
 16 A. I think about two weeks left.  
 17 Q. Two weeks left?  
 18 A. Yes.  
 19 Q. Now, when you went to renew it, what  
 20 branch did you go to?  
 21 A. I used the web site.  
 22 Q. Oh, you used the web site?  
 23 A. Yes.  
 24 Q. Okay. And how -- and you said that  
 25 you had to provide a copy of your birth

1 through Canadian waters, and just in case if  
 2 they pulled the ship over, you had to be  
 3 able to prove that you were a citizen of the  
 4 United States.  
 5 Q. Okay. And where did you go or what  
 6 did you do to get a birth certificate?  
 7 A. Physically, I had to go to the Marion  
 8 County Health Department on Rural, and  
 9 basically walk in the office, fill out the  
 10 forms, wait in line, they called my number,  
 11 I sat down, showed them my driving license,  
 12 and then -- then I end up with a birth  
 13 certificate, when I went back out and paid  
 14 for it and left.  
 15 Q. Do you recall what the cost of that  
 16 birth certificate was?  
 17 A. I want to say around the same amount,  
 18 \$12, \$10 -- \$12, yeah. Yeah.  
 19 Q. And that took you approximately how  
 20 long to get that -- at -- at the department  
 21 of health itself?  
 22 A. About -- somewhere between 45 minutes  
 23 to an hour.  
 24 Q. Okay. And then -- okay. Mr.  
 25 Simpson, I'm handing you what I would like

1 certificate?  
 2 A. No, I had to get a birth certificate,  
 3 because I was planning a trip and I had to  
 4 use --  
 5 Q. Oh.  
 6 A. -- yeah. I mean, I just -- that's  
 7 what I was telling him. I recently had the  
 8 opportunity to get both of them.  
 9 Q. Oh. Okay. I'm sorry. I just  
 10 A. Yeah. Yeah. I was just answering  
 11 these questions.  
 12 Q. The two weren't dependent on each  
 13 other?  
 14 A. No. No. No. No.  
 15 Q. Okay. Very good. So it cost you \$12  
 16 to get your license renewed on the web site?  
 17 A. Yes.  
 18 Q. Okay. Now you had to get a copy of  
 19 your birth certificate for a trip because you  
 20 needed to get a passport made, or what  
 21 reason did you --  
 22 A. It was just one requirement to carry  
 23 a birth certificate because we were leaving  
 24 out of the United States through Canada -- I  
 25 went on Alaskan trip and he was going

1 for (indiscernable)  
 2 A. Which one is it?  
 3 UNKNOWN SPEAKER: That one, there.  
 4 A. Oh, okay.  
 5 Q. Yeah. Just the answers to the -- in  
 6 response to the interrogatories and request  
 7 for production.  
 8 A. Okay.  
 9 Q. And - did you find it? And then,  
 10 I'm going to ask you a few questions on the  
 11 -- and you did the -- I take it, help your  
 12 attorney to prepare the responses to these  
 13 interrogate -- to -- to the interrogatories  
 14 and -- and request for production that we  
 15 proffered; is that correct?  
 16 A. Yes.  
 17 Q. And so, if you keep that in front of  
 18 you, if I refer to an interrogatory, you  
 19 know, I can, maybe, go and find the language  
 20 that I'm referring to.  
 21 MR. WEBBER: That would be C, right?  
 22 That's Exhibit C, isn't it?  
 23 MR. FALK: Uh-huh.  
 24 Q. Mr. Simpson, in your answer to  
 25 Interrogatory No. 2, you indicated that you

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1 relied on your knowledge and experience as a  
 2 precinct committeeman for 18 years to reach  
 3 the conclusion that the voters will become  
 4 discouraged by the cost and the inconvenience  
 5 of -- of the -- of obtaining the photo  
 6 identification necessary to vote.  
 7 And my first question to you is, are  
 8 you still a precinct committeeman?  
 9 **A. Yes.**  
 10 Q. And during the years that you've been  
 11 a precinct committeeman, at least up until  
 12 possibly the next election, the primary in  
 13 May 2006, there's never been an election that  
 14 required a voter to produce a photo  
 15 identification; isn't that correct?  
 16 **A. Yes. Well, let me take that back.**  
 17 **In the book, randomly selected, there -- you**  
 18 **know, there's years that I may be picked, it**  
 19 **may -- don't ask me who does it, the Marion**  
 20 **County poll book. Underneath my name may be**  
 21 **required to show signature. And -- and**  
 22 **that's been going on for a long time.**  
 23 Q. Required to show signature you said?  
 24 **A. Yes. To verify signature, yes. In**  
 25 **other words, produce a document that prove**

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1 **that that signature is yours, in other words,**  
 2 **people having a driving license, you know, to**  
 3 **do that. And unless my poll book is the**  
 4 **only poll book that's been doing that, there**  
 5 **are random samples each year, and I don't --**  
 6 **it is to -- and the poll book come from the**  
 7 **Marion County Election Board, and underneath**  
 8 **on certain people it will say "Verify**  
 9 **signature," you know, proof of signature.**  
 10 **And if I came in to vote and it was**  
 11 **underneath my name -- and they can see it, I**  
 12 **can see it, and -- and it basically saying -**  
 13 **- it's a random sample to say we want to**  
 14 **verify you or who you are, and I -- and I -**  
 15 **- I would truly say people have never had a**  
 16 **problem with producing, you know, the driving**  
 17 **license to verify signature against it.**  
 18 Q. But you don't know what drives the  
 19 clerk's office to actually have that in your  
 20 book?  
 21 **A. No, never have. That's been going on**  
 22 **ever since I've been a precinct person. And**  
 23 **that's why I'm a little confused about this**  
 24 **voter ID thing, because it seemed to me this**  
 25 **thing is -- somewhat what's been going on.**

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1 Q. And I think this is what you  
 2 testified to, but, basically, your opinions  
 3 as to the affect of this new law are based  
 4 on your own experiences as opposed to any  
 5 surveys or studies done on the subject; is  
 6 that correct?  
 7 **A. Go a little further as far as when**  
 8 **you talk about the law, I mean, you know.**  
 9 Q. The law that I'm referring to is the  
 10 voter identification law, Senate Enrolled Act  
 11 483 that we've been  
 12 **A. Uh-huh.**  
 13 Q. -- talking about requiring  
 14 **A. Uh-huh.**  
 15 Q. -- voter pho -- photo identification  
 16 at the polling place -  
 17 **A. Can I talk about my experience?**  
 18 Q. What I'm saying is, no, I under -- I  
 19 understand that -- that your conclusions are  
 20 based on that experience.  
 21 **A. Yes, that's what I wanted to tell.**  
 22 Q. Well -- and I guess what I wanted to  
 23 ask is, they are not based on any kind of --  
 24 formal survey, are they?  
 25 **A. No.**

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1 Q. Are they -- and you haven't done any  
 2 data study, have you?  
 3 **A. No.**  
 4 Q. Do you know anyone that is doing that  
 5 type of -- are you participating in any of  
 6 those types of activities?  
 7 **A. No.**  
 8 Q. Okay. So, now, go ahead and tell me  
 9 about what your --  
 10 **A. Experience --**  
 11 Q. -- experience was that made you reach  
 12 the conclusions?  
 13 **A. There are people who come to my**  
 14 **polling place and they have registered with**  
 15 **the Bureau of Motor Vehicles and say that**  
 16 **they -- they've come in with a --**  
 17 **MR. FALK: I just -- I'm sorry to**  
 18 **interject -- you mean a registered, do you**  
 19 **registered to vote?**  
 20 **THE WITNESS: Yes.**  
 21 **MR. FALK: At the Bureau of Motor**  
 22 **Vehicles?**  
 23 **THE WITNESS: Yes.**  
 24 **MR. FALK: I'm sorry.**  
 25 **A. And they'll come in and say I've**

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1 registered at the mot -- you know, the --  
 2 the motor vehicle and -- and I should be in  
 3 the book. And my question to them, did you  
 4 get a card in mail, you know, voter  
 5 registration card, because until you produce  
 6 a voter registration card -- most time we'll  
 7 call downtown to inspector, call downtown to  
 8 verify, because the problem I've seen is that  
 9 the Bureau of Motor Vehicle do not transfer  
 10 records properly in time.  
 11 And so most of the time we'll call  
 12 down there, and then I'll guarantee you at  
 13 least 80 percent of the people are never on  
 14 there because the motor vehicles records  
 15 didn't transfer and they have no copy of a  
 16 receipt, to verify that they did it. But  
 17 most of the people that -- basically come  
 18 through saying I've registered at the motor  
 19 vehicle, I'm here to vote. And then, they  
 20 get real discouraged just by the mere fact  
 21 that they used the Bureau of Motor Vehicle  
 22 to register to vote and the process didn't  
 23 work the way they do and they get very  
 24 distorted, and I have to tell them they have  
 25 to go to the voter registration office and

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1 clear it up and get the card.  
 2 The bottom line is you have to have  
 3 that card because you're not on the roll.  
 4 And then, there are people that are on  
 5 there.  
 6 Q. Well, the -- the card is not required  
 7 to vote though, I think.  
 8 A. Well, in order to --  
 9 Q. Is it --  
 10 A. The card help us -- the card help us  
 11 to sign the back of the book to say that  
 12 they got a card, they are not in the poll  
 13 book but they still -- they're -- they have  
 14 the -- whatever that form.  
 15 Q. But also the card -- excuse me, has  
 16 usually what township and precinct or ward  
 17 and precinct it is?  
 18 A. And if --  
 19 Q. A lot of times they are wrong  
 20 precinct, correct?  
 21 A. No. Unless they move.  
 22 Q. Okay. That -- that's  
 23 A. That's what's I'm saying - what I'm  
 24 saying to you is that that voter ID card  
 25 helps us to identify that person's precinct.

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1 And most of the people come through and say  
 2 I vote here, you know, and -- and either  
 3 they will lay that card down in front of me  
 4 just to say to me I vote here and they had  
 5 nothing, you know, and I'm not on that list.  
 6 There are people who come through with the  
 7 voter ID card and will show it.  
 8 Q. What do you do next when they -- when  
 9 they lay that card down there?  
 10 A. We just go to the book and see if  
 11 their name is there -  
 12 Q. Well -  
 13 A. -- if they -- if their name is not  
 14 there, we fill out the proper form to say  
 15 that their name is not on the roll but they  
 16 have their voter ID card from the voter  
 17 registration office which prove that they are  
 18 registered to vote.  
 19 Q. And, Mr. Simpson, I'm a little bit  
 20 outdated on this. You don't call down for  
 21 certificate or error number anymore?  
 22 A. Yes. We do if -- if the inspector  
 23 does.  
 24 Q. Okay.  
 25 A. Yes. The inspectioner does.

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1 Q. And then -- then when he puts it in  
 2 the book with that number?  
 3 A. Yes, uh-huh. Yeah.  
 4 Q. Now, how does this provisional voting  
 5 work? Now, don't they use -- there are some  
 6 reasons -- I mean, not provisional voting  
 7 with photo identification law.  
 8 A. Right.  
 9 Q. When do you use a provisional ballot  
 10 under -- in the past election we had  
 11 provisional ballots, I know. How -- how are  
 12 those used?  
 13 A. They are used in the case where, you  
 14 know, the folks were not registered and they  
 15 have no -- you know, no proof that they are  
 16 registered to vote. But a lot of people  
 17 don't fill those things out because they know  
 18 that it doesn't mean anything.  
 19 Q. Don't fill what things out?  
 20 A. The provisional ballot out.  
 21 Q. I mean -- first, I think, you have to  
 22 swear out some affidavits?  
 23 A. Yeah. Yeah. Yeah. And most people  
 24 don't want to go through that.  
 25 Q. And you've seen people, then, walk

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1 away from that?

2 **A. Yes.**

3 **Q. And I think you did mention -- and**

4 **I'm sure it's in one of my questions here --**

5 **is some concern about the two-week delay on**

6 **getting your vote counted two weeks later --**

7 **MR. FALK: Under the new law.**

8 **THE WITNESS: Under the new law.**

9 **Q. Under the new law. I'm sorry. Yes,**

10 **under the new law.**

11 **A. Yes, right. Right.**

12 **Q. Is -- you think that's a problem; is**

13 **that correct?**

14 **A. Yes.**

15 **Q. I thought -- I thought I read that**

16 **somewhere.**

17 **A. It's a problem when it comes to who**

18 **won the election.**

19 **Q. Well -**

20 **A. If it's a close vote, and I'm trying**

21 **to maximize the number of vote and if there**

22 **is, you know, some ballots that are**

23 **provisional or whatever that's under the law**

24 **and it's two weeks down the road, the**

25 **problem is I could lose. The person -- my**

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1 agree with -- I -- I can see the point -- I

2 wouldn't say I agree to that -- I can see

3 the point if in fact there is a wide margin,

4 a \$100,000 -- 100,000 vote margin.

5 **A. Uh-huh.**

6 **Q. But if it's down to the single digits**

7 **as you and I have both seen --**

8 **A. Right.**

9 **Q. -- then the -- that person may take a**

10 **little extra effort to come out and make**

11 **sure that their vote is counted. Do you**

12 **agree with that? Do you think that would**

13 **happen?**

14 **A. You don't know. I don't know. I**

15 **can't answer that. I just think -- you**

16 **know, I don't know.**

17 **Q. You have no way of knowing how many**

18 **voters in your precinct actually do not have**

19 **a voter ID, actual number, do you?**

20 **A. No.**

21 **Q. And when I say "your precinct,"**

22 **that's one you're precinct committeeman of,**

23 **and you might have already of -**

24 **A. Ward 2212.**

25 **Q. 2212. Where do they vote at?**

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1 **opponent could end up winning because most of**

2 **those ballots could go and favor him. I'm**

3 **the winner on the day of the election -**

4 **Q. Right, yeah.**

5 **A. -- and I think it's -- it's going to**

6 **be a conflict.**

7 **Q. So those -- so those votes then can**

8 **still be important in a close election?**

9 **A. If the people show up to verify --**

10 **Q. Right.**

11 **A. -- that they are who they are.**

12 **Q. Yes.**

13 **A. And I -- and I -- my -- and my**

14 **concern is I don't think a lot of people**

15 **will -- because of what I've seen with the**

16 **provisional ballots --**

17 **Q. I've got a question for you -- I'm**

18 **sorry.**

19 **A. What I've seen with the provisional**

20 **ballot, I don't necessarily -- and -- and I**

21 **have no proof -- but I just don't think**

22 **people are going to take the time to come**

23 **down to verify that they -- they feel that**

24 **they -- that's a double jeopardy.**

25 **Q. Just out of curiosity, I kind of**

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1 **A. Roberts AME Church on 46th and**

2 **College. It's on the corner. It's, you**

3 **know, the double 8 used to be 7/11, as a**

4 **Speedway filling station. Then the church**

5 **right there. It's on the northeast corner.**

6 **Q. Okay. Where's that library at? Is**

7 **that on 42nd?**

8 **A. Yes.**

9 **Q. Okay.**

10 **A. Yeah, come up one more.**

11 **Q. Okay.**

12 **A. And where would -- you know, the**

13 **filling station, 7/11, the next block you**

14 **meet at the intersection you come to.**

15 **Q. Okay. And how long have they been**

16 **voting there?**

17 **A. I would say about, maybe, four or**

18 **five years. We just moved the polling place**

19 **there.**

20 **Q. And where did you move from?**

21 **A. School 70.**

22 **Q. When you moved from school 70 to a**

23 **new location, sometimes when that happens you**

24 **lose poll workers. Did you lose poll**

25 **workers?**

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1 A. Poll workers?  
 2 Q. People working the polls, like your  
 3 clerks, judges and --  
 4 A. No.  
 5 Q. Okay. They -- they all transferred  
 6 over?  
 7 A. Yes.  
 8 Q. And you have -- do you -- you have  
 9 board then that has worked there for several  
 10 years?  
 11 A. Yes.  
 12 Q. Do you have any trouble manning that  
 13 board?  
 14 A. No.  
 15 Q. Are you aware of the fact that some  
 16 precincts do have trouble manning their  
 17 boards?  
 18 A. Yes.  
 19 Q. And it's true, isn't that, if you  
 20 have trouble manning boards, then you have  
 21 new personnel from year to year?  
 22 A. I would assume so, but I don't have  
 23 that problem.  
 24 Q. Do you know if that's a problem  
 25 anywhere in Washington township?

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1 A. No, I don't.  
 2 Q. What do you think your parents are  
 3 going to do about their lack of --  
 4 A. No ID?  
 5 Q. -- photo ID?  
 6 A. Absentee.  
 7 THE REPORTER: I'm sorry?  
 8 THE WITNESS: Absentee.  
 9 Q. You know, going to Interrogatory No.  
 10 4, and I know Mr. Osborn asked you a few  
 11 questions on this subject. And it's the one  
 12 where you think that the more people that  
 13 vote, means the more people who will  
 14 basically vote for me, the advantage to you  
 15 in maximizing the vote. And in a -- in a  
 16 primary election -- democratic -- democratic  
 17 primary election where both candidates are  
 18 from the same party, do you think that maxim  
 19 still holds?  
 20 A. Yes.  
 21 Q. And why is that?  
 22 A. You want to win.  
 23 Q. Well, I know -- I know that you are  
 24 trying to get out the most votes that are  
 25 going to vote for you.

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1 A. Right.  
 2 Q. But, the way I was reading your  
 3 statement, and -- and let me know if I don't  
 4 have it is I can understand it, in the fall  
 5 -  
 6 A. Uh-huh.  
 7 Q. - when you go -- I'm in a democratic  
 8 majority electoral district --  
 9 A. Uh-huh.  
 10 Q. -- I have more democrats than  
 11 republicans, I'm better off the more people  
 12 that vote, the better off I am?  
 13 A. Correct.  
 14 Q. I must be sounding mathematically  
 15 A. Well.  
 16 Q. -- in some law, but that's the way I  
 17 understood your statement to -- to read; is  
 18 that correct?  
 19 A. Yes, and it applies for the primary  
 20 too.  
 21 Q. Okay. And that's why I'm having a  
 22 little bit difficulty how that would apply in  
 23 the primary?  
 24 A. Because if you have a opponent, you  
 25 want to beat him.

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1 Q. Right. And -- but, I mean, if it's a  
 2 thousand democrats voting -- I'm just using a  
 3 number here -- wouldn't the critical issue be  
 4 how well board member Simpson performed or  
 5 how good a campaign you had and things like  
 6 that?  
 7 A. You don't know. They may just like  
 8 -- the color of your house is not right.  
 9 They could be mad -- I'm just saying that  
 10 when you have a opponent in the primary, the  
 11 object of the game is to win. And -- and  
 12 the more people come out to vote -- you  
 13 know, we all work hard -  
 14 Q. Uh-huh.  
 15 A. -- to get people out to vote, the  
 16 better your chances of winning.  
 17 Q. If there is a republican running in a  
 18 heavily republican majority -  
 19 A. Uh-huh.  
 20 Q. -- district, does your maxim apply --  
 21 maxim apply to him also?  
 22 A. Yes. I have republicans voting for  
 23 me.  
 24 Q. No, I mean -- well, I -- I mean, does  
 25 it apply to the republican candidate?

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1 A. Yes. Yes. Yes. Yes. Yes.  
 2 Q. You -- you answered in Interrogatory  
 3 No. 8, Mr. Simpson, that you -- you made the  
 4 point at the end of your answer that you are  
 5 well known in your precinct and at your  
 6 polling place. I imagine if it's the same  
 7 way it was when I was a precinct  
 8 committeeman, you're actually in charge of  
 9 getting the board members, aren't you?  
 10 A. Yes.  
 11 Q. But I would ask you in a situation if  
 12 Joe Simpson would move to -- well, let's not  
 13 make it Joe Simpson because I know you have  
 14 -- people do know about you and -- and your  
 15 reputation.  
 16 But if someone changes locations and  
 17 move to a new precinct, do you agree with me  
 18 that having that person present a photo  
 19 identification would, in fact, help insure  
 20 the board, that the voter is who he says he  
 21 is when they don't know the person?  
 22 A. I guess what gives me to certify to  
 23 know that I'm looking at a official document.  
 24 How do I know it's not a fraud driver's  
 25 license -

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1 Q. How do you know that the fraud --  
 2 A. Uh-huh.  
 3 Q. -- is -- is not in the document --  
 4 A. Yeah. I'm not qualified to say if  
 5 that document is official or not, because it  
 6 could be and it couldn't and it may not be.  
 7 Q. Okay. Under the present system --  
 8 A. Uh-huh.  
 9 Q. -- you're -- who is your -- your  
 10 clerk is the one who checks those signatures,  
 11 correct?  
 12 A. Right.  
 13 Q. Now, do you think that a clerk has  
 14 the ability to tell whether or not that  
 15 signature is, in fact, the sign -- the  
 16 signature that -- is the same signature as  
 17 the one that was copied from the registration  
 18 to the poll book?  
 19 A. Yes, I would think so.  
 20 Q. So you think that security measure  
 21 then is -- would be more accurate than  
 22 someone looking at ID?  
 23 A. Correct. Most people who come in my  
 24 polling places, and then, you know, I have  
 25 been doing this for a long time. They have

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1 no problem showing their voter registration  
 2 card. It took us years to get people to  
 3 start carrying their voter registration card  
 4 around. And people just feel as though that  
 5 instrument is the document they need to say  
 6 I have a right to vote. And when they come  
 7 in that door -- or even if they are not in  
 8 the right precinct -- I have people come in  
 9 saying I'm in a wrong precinct, I'll look at  
 10 their card and they'll show me and I'll say,  
 11 you have a voter registration card, they'll  
 12 show me that card, I'm able to go and look  
 13 it up or call downtown and ask where that  
 14 precinct is. And most of the time those  
 15 folks have no problem, you know, leaving and  
 16 finding where they are, but they produce that  
 17 card like I've never seen before. And the  
 18 discouragement of my damage to all of this  
 19 is that we are eliminating a process or  
 20 system that people are becoming more trusting  
 21 and now, you know, it's going to another  
 22 system. And I just think people just get  
 23 discouraged, another form of ID. It's like  
 24 I have to prove who I am twice. And there  
 25 is no picture on the voter registration book

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1 of me in there.  
 2 Q. In Interrogatory No. 9 --  
 3 A. Uh-huh.  
 4 Q. -- you said that, "moreover, I do not  
 5 see how an identification card issued by the  
 6 Bureau of Motor Vehicles is more fraud  
 7 resistant than what is currently required."  
 8 When you said "what is currently  
 9 required," were you referring to the  
 10 registration card?  
 11 A. Yes.  
 12 Q. But in fairness though we both know  
 13 that that's not -- you know, it's not  
 14 mandatory that you have to have a  
 15 registration card?  
 16 A. And I understand that. But people  
 17 such as myself --  
 18 Q. All right.  
 19 A. -- treat that document or that  
 20 instrument as though it's my right to vote.  
 21 Q. And so in -- in your precinct, is  
 22 that -- is that one of the things in your 18  
 23 years that you developed yourself?  
 24 A. Yes.  
 25 Q. Okay.

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1 A. And I personally feel that way, that  
 2 if I have my voter registration card, you  
 3 cannot deny me the right to vote.  
 4 Q. But if you don't have it, what  
 5 happens at your precinct?  
 6 A. People know me at my precinct.  
 7 Q. No, I understand. I didn't mean -- I  
 8 didn't mean you, Mr. Simpson?  
 9 A. Yeah, okay.  
 10 Q. How many people vote in your  
 11 precinct?  
 12 A. Over 800.  
 13 Q. Okay. So it is a good-sized  
 14 precinct, big deal?  
 15 A. Oh, yeah.  
 16 Q. So over 800 votes. There got to be  
 17 some people in there that are -- that are  
 18 certainly lesser known, if known at all,  
 19 people that move in a precinct of that size?  
 20 A. Right.  
 21 Q. Now, this person comes in -- this  
 22 voter comes in -- a potential voter comes  
 23 in, does not have a registration card; what  
 24 happens to him? What security system is in  
 25 place?

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1 A. Don't have a registered -- but if  
 2 they are in the book, they have a right to  
 3 vote.  
 4 Q. Yeah. So they are in the book --  
 5 A. Right.  
 6 Q. -- and they have the right to vote.  
 7 I asked Mr. Crawford this question and I ask  
 8 you, have you ever in your 18 years seen a  
 9 clerk look down at the signature and go I  
 10 don't think these signatures match?  
 11 A. No.  
 12 Q. Okay.  
 13 A. In -- in fairness, I would say that  
 14 most -- person who are new that are coming  
 15 in are usually young gen -- the next  
 16 generation and their parents are bringing  
 17 them in to force, you know, to get them --  
 18 not to really force -- it's like my  
 19 daughters, you -- you haven't -- you got to  
 20 get out and vote. You have a right to vote.  
 21 And most parents will say this is my  
 22 daughter Joe, who is a first-time voter, you  
 23 know, and people, you know -- so there is  
 24 some connection there, in fairness, to those  
 25 folks who you are referring to, they do come

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1 in with somebody who votes in that precinct  
 2 It could be relative, neighbor or somebody.  
 3 Q. The only security system left other  
 4 than the signature match that we were talking  
 5 about that -- that you seem to -- I think we  
 6 agreed with it -- or at least not very  
 7 effective, you don't see it used over your  
 8 years --  
 9 MR. FALK: Well, I'll object to that.  
 10 I don't think that's what he said. What he  
 11 said was he didn't see a situation where  
 12 someone came in with a signature that was  
 13 different than what was in the poll book.  
 14 MR. WEBBER: In 18 years?  
 15 MR. FALK: Right. That doesn't  
 16 mean --  
 17 MR. WEBBER: And I think that  
 18 MR. FALK: -- it's not effective. It  
 19 doesn't mean -  
 20 MR. WEBBER: Okay.  
 21 MR. FALK: Agreed.  
 22 MR. GROTH: Maybe nobody tried to  
 23 cheat.  
 24 Q. That is not often used -- is that --  
 25 that is not often used.

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1 Isn't the only thing that's left as a  
 2 security measure under the current system is  
 3 the challenge system itself?  
 4 A. If the opposition wants to challenge.  
 5 Q. Is -- isn't that -- isn't the  
 6 challenge system the -- isn't the challenge  
 7 system all that's left in order to somehow  
 8 insure that this person is who he says he  
 9 is?  
 10 A. He can sign an affidavit. There --  
 11 there is a form in the book that it will  
 12 permit anybody, as long as they -- they live  
 13 in that -- we -- we can prove that they live  
 14 in that -- in that precinct boundary, they  
 15 can fill out an affidavit and vote.  
 16 Q. Someone could challenge then --  
 17 A. Yes.  
 18 Q. -- and then they fill out a counter  
 19 affidavit -  
 20 A. Fill out -- out the affidavit and  
 21 they -- they go down  
 22 Q. -- counter affidavit?  
 23 A. -- right, but very rare that happens.  
 24 Q. And then they are permitted to vote?  
 25 A. Right.

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1 Q. Now, you should know this better  
 2 than, maybe, Mr. Crawford or Mr. -- or  
 3 myself. Is the last election then was that  
 4 a provisional ballot that they vote, or is  
 5 that a regular ballot?  
 6 **A. Regular ballot.**  
 7 Q. Okay. What was the use -- aren't  
 8 there provisional ballots to use for some  
 9 things other than -- than this new law?  
 10 Weren't there provisional ballots used in  
 11 last election?  
 12 **A. I can't remember.**  
 13 Q. Okay. All right. In your 18 years  
 14 experience in Washington township, can you  
 15 relate any incidence at all of voter fraud?  
 16 **A. Yeah.**  
 17 Q. And what would those be?  
 18 **A. When I was running for -**  
 19 Q. Go ahead -  
 20 **A. Yeah. Okay. When I was running for**  
 21 **-- I don't know what year it was, maybe, the**  
 22 **last -- it was the last election, four years**  
 23 **-- would have been five years ago, my**  
 24 **republican opponent said he lived at the deaf**  
 25 **school. I looked up his address on the**

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1 **registration card and he had put down the**  
 2 **deaf school. And I kept looking at the**  
 3 **address and I said -- that's the deaf**  
 4 **school, and found out it was the deaf school**  
 5 **that he didn't live there, he worked there**  
 6 **temporarily for a couple of days, and went**  
 7 **to the Marion County Election Board and**  
 8 **presented before the election board and --**  
 9 **and the -- the person was -- was questioned**  
 10 **and to that extent, he went down and changed**  
 11 **his registration on the -- on the card to**  
 12 **say that, you know -- but, yeah, that was a**  
 13 **fraud.**  
 14 Q. That was a fraud. I -- I remember  
 15 that and I agree. He -- he was taking care  
 16 -- removed from the ballot.  
 17 Any other examples where we actually  
 18 have voter fraud. Where the -- where there  
 19 was actually fraud at the polls or absentee  
 20 ballot and that you recall in your  
 21 experience?  
 22 **A. No.**  
 23 Q. Okay.  
 24 MR. FALK: And, Doug, I'm sorry.  
 25 Your question was in the Washington township;

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1 is that correct.  
 2 MR. WEBBER: Yeah, well --  
 3 MR. FALK: Okay. I just want to make  
 4 sure.  
 5 Q. That was in the Washington township?  
 6 **A. That's correct. Yeah -- no.**  
 7 Q. And -- and I kind of added it in your  
 8 experience.  
 9 Do you -- do you have any other  
 10 knowledge of voter fraud yourself?  
 11 **A. No.**  
 12 Q. How many challenges occurred at your  
 13 precinct last election?  
 14 **A. I don't know. I couldn't begin to**  
 15 **tell you.**  
 16 Q. It's my understanding those challenges  
 17 are put in a separate envelope; is that  
 18 correct?  
 19 **A. Yes.**  
 20 Q. Well, not a normal -- not a normal  
 21 election. That's not fair.  
 22 But can you give me an idea in a  
 23 general election of how many challenges  
 24 occur?  
 25 **A. Zero.**

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1 Q. When these people -- voters get  
 2 challenged and fill up -- I don't know if  
 3 it's called a counter affidavit or a  
 4 challenge affidavit, but if they fill it out,  
 5 they've got the right to vote. You said you  
 6 think it's a regular ballot?  
 7 **A. It's because the inspector has called**  
 8 **downtown and got a number to verify that**  
 9 **they are on the roll, and then they are able**  
 10 **to move forward with the voting.**  
 11 Q. Okay.  
 12 **A. I mean, we do -- you know, if you're**  
 13 **not on the roll and they don't have them**  
 14 **downtown, they can't vote, for they are not**  
 15 **registered to vote, period.**  
 16 **But if we call downtown and it's**  
 17 **verified that they are on the roll but they**  
 18 **are not on our books, there is a number that**  
 19 **we attach to the book, to the form and --**  
 20 **and they get to vote.**  
 21 Q. Is -- in Interrogatory 12, you were  
 22 talking about walking away -- I'm trying to  
 23 see where -- see the top of the page -- is  
 24 that page 7?  
 25 MR. FALK: Uh-huh.

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1 Q. Oh, there it is. Okay. On the top  
2 of page 8. You said "People will walk away  
3 rather than face a hassle when trying to  
4 vote."

5 Do you see that, Mr. Simpson?

6 A. Yes.

7 Q. I didn't turn the page there.

8 Are you -- is it -- is it your belief  
9 that anyone who is challenged will walk away,  
10 or is it anyone who is currently -- if it --  
11 I know -- I know there was zero last time.

12 But you've seen people challenged before. Is  
13 it your experience that they will act --  
14 usually fill out the counter affidavit or  
15 will they just say -- walk away?

16 A. I can only tell you about my  
17 experience.

18 Q. Go ahead.

19 A. I work for Evan Bayh campaign over  
20 Crispus Attucks High School and the level of  
21 pressure that was put on by the opposition  
22 party, discouraged that person to walk away.  
23 That was the reason they walked away,  
24 because, you know, it was so aggressive, you  
25 know, toward that voter that the voter just

1 majority of voters that were challenged?

2 A. Most of them were so upset that they  
3 just felt -- because it became how dare you.  
4 You know, you as a person challenge me, you  
5 know, I'm in my precinct where blacks are  
6 voting, you don't live in this precinct,  
7 you're coming in here and challenging me, and  
8 it -- it became -- sometime became physical.

9 Q. Uh-huh. And if the person walks  
10 away, we have no idea of knowing, you or I  
11 or anyone else, as to whether or not they  
12 actually -- actually were in the right place  
13 or not, do they?

14 A. They live -- people in line will say  
15 that they live there. But I think that it  
16 became so aggressive on the opposition side  
17 that the person was just -- yeah, they may  
18 not have brought their voter registration  
19 card, you know, to prove -- brought, you  
20 know, ID, and they are so --

21 Q. Go ahead =

22 A. -- and they are so used to walking up  
23 and saying, hey, Joe, and you get challenged  
24 because I say, hey, Joe, will you prove to  
25 me who you are. And that person will say,

1 became -- said it's not worth of it - you  
2 know, short of losing, you know, losing their  
3 temper and stuff that they walk away.

4 Q. Okay. So let -- let's walk through  
5 how that works.

6 So someone challenges a voter as to  
7 his residence?

8 A. Right.

9 Q. You have to have some reason to  
10 challenge. But let's just -- is the main  
11 one usually whether or not you're a qualified  
12 resident, I would take it?

13 A. Right.

14 Q. And now they're challenged and they  
15 have the right to fill out a challenge  
16 affidavit?

17 A. Correct.

18 Q. Okay. I guess what I'm asking you --  
19 in your experience and you're referring to  
20 when you worked for Evan Bayh at Crispus  
21 Attucks, did most of the voters simply walk  
22 away or would they fill out the challenge  
23 affidavit and go and vote?

24 A. Walked away.

25 Q. Okay. And you would say that was the

1 well, I've been voting here for a long time  
2 and blah -- and then the challenge and then  
3 the people just -- it become contentious and  
4 then the office -

5 Q. Do you think there is an unfairness  
6 in that challenge system?

7 A. If you -- yes. The unfairness is --  
8 is the attitude of the person who is trying  
9 to challenge. That's the way I've seen.  
10 I've seen challenge go down where it's very  
11 professional and it worked -- you know, the  
12 person basically -- they both get some  
13 satisfaction out of it because they're both  
14 being respectful. When you're disrespectful,  
15 I guarantee you people will walk away bec --  
16 short of trying to kill you or choke you or  
17 do something, because you have antagonized  
18 that person, and I think the basis of all  
19 that -- that anger that they are putting on  
20 that person is to say exactly what you say.  
21 Well, that person probably didn't -- probably  
22 was in voter fraud when -- when in reality  
23 if you would ask the question in a  
24 professional manner, you probably would have  
25 got the information.

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1 Q. So in your opinion, and -- and make  
 2 sure that I'm summarizing this correctly is,  
 3 in many situations the challenge affidavit --  
 4 **A. Uh-huh.**  
 5 Q. -- is not working to relieve the  
 6 problems you're talking about?  
 7 **A. No, I didn't say that.**  
 8 MR. FALK: I was just going to -- I  
 9 was just going to say that it was not what  
 10 he said. I think what he was saying was  
 11 that he was -- it was how people approached  
 12 the issue.  
 13 THE WITNESS: Yeah  
 14 **A. That it don't get to the challenge**  
 15 **ballot.**  
 16 Q. But -- okay. That's fine. And that  
 17 -- that --  
 18 **A. Yeah. They don't even get to it**  
 19 **because --**  
 20 Q. They don't get to it, yes.  
 21 **A. Yeah, because rather than saying,**  
 22 **Joey, I challenge you, you go ahead and**  
 23 **vote, I challenge you. They would challenge**  
 24 **him to the point that you can't even fill**  
 25 **out the challenge ballot.**

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1 Q. Then -- by that time people get  
 2 angry, there is disrespect --  
 3 **A. Right.**  
 4 Q. And --  
 5 **A. Versus you saying, Joe, you have a**  
 6 **right to fill out, but I'm challenging your**  
 7 **ballot, you know, sir, I'm not, you know,**  
 8 **trying to deny you the right to vote.**  
 9 **There's two different ways. I've seen it**  
 10 **done both ways.**  
 11 Q. Do you as a precinct committeeman  
 12 help to facilitate people voting absentee?  
 13 **A. I have, in the past, but I haven't**  
 14 **done recently.**  
 15 Q. And you would do that by telling  
 16 people how to apply for absentee?  
 17 **A. Yes.**  
 18 Q. You're providing them with  
 19 applications; is that correct?  
 20 **A. Or how -- where to call -**  
 21 Q. Okay.  
 22 **A. -- to get it.**  
 23 Q. And have you in the past as a  
 24 precinct committeeman help people register?  
 25 **A. Yes.**

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1 Q. What was the basis for your statement  
 2 in here -- I'm sorry. I didn't mark what  
 3 paragraph it is, but somewhere you said that  
 4 you thought fraud was a lot -- much more  
 5 likely to occur in the absentee ballot area.  
 6 It sounds like in your area of Washington  
 7 township there is not much fraud at all.  
 8 But what do -- what do you know about fraud  
 9 in the absentee area?  
 10 **A. I have done recounts. I did a recent**  
 11 **one for Sharon Franklin and Curtis Kuplrod.**  
 12 **And, you know, they have -- both parties**  
 13 **there and we have seen instances where the**  
 14 **wife or the husband signed for the wife or**  
 15 **the husband, same signature. They are in**  
 16 **the book. But when it comes down to when**  
 17 **you look at it -- when you do the recount,**  
 18 **there are people, you know, and -- well,**  
 19 **I've seen where either the wife sign for the**  
 20 **husband or the husband sign for the wife.**  
 21 **And don't ask me why. Maybe, because they**  
 22 **wasn't at home at the time and all that, but**  
 23 **you can -- definitely see the same signature**  
 24 **on both of them. And that -- that votes**  
 25 **getting tossed out.**

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1 Q. Okay. Any other --  
 2 MR. FALK: I'm just -- got to make  
 3 that clear. Was that an absent -- we talked  
 4 -- was that an absentee ballot or was --  
 5 THE WITNESS: Yes, absentee.  
 6 MR. FALK: Okay.  
 7 Q. And are there any other examples you  
 8 have then of the absentee voter fraud that  
 9 you've seen or familiar with?  
 10 **A. Where the signatures just don't**  
 11 **match.**  
 12 Q. Have you ever -- in Marion County, I  
 13 know -- and the absentees, they actually have  
 14 a absentee ballot board that -- that examines  
 15 those signatures  
 16 **A. Uh-huh.**  
 17 Q. -- before they -- before the  
 18 election. Have you ever served on that?  
 19 **A. No.**  
 20 MR. WEBBER: Let me just check here,  
 21 Mr. Simpson.  
 22 THE WITNESS: Okay.  
 23 MR. WEBBER: I may be done, you know.  
 24 THE WITNESS: I'm going to get some  
 25 water.

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1 (AT THIS TIME THERE WAS A BRIEF  
 2 DISCUSSION HELD OUTSIDE OF THE RECORD, AFTER  
 3 WHICH THE FOLLOWING PROCEEDINGS WERE HAD:)  
 4  
 5 CROSS-EXAMINATION,  
 6 QUESTIONS BY MR. GROTH:  
 7 Q. Mr. Simpson, my name is Bill Groth.  
 8 And we are acquainted; is that correct?  
 9 A. Yes, we are.  
 10 Q. And in -- in this case I'm  
 11 representing the Indiana Democratic Party as  
 12 well as the Marion County Democratic Central  
 13 Committee, which is actually a separate case,  
 14 but which has now been consolidated with the  
 15 case that you filed in federal court. I  
 16 just have a few questions.  
 17 First of all, you've made -- you've  
 18 made mention of having worked at your polling  
 19 place for quite a few years?  
 20 A. Yes.  
 21 Q. In the last election that was held,  
 22 November 2004, did either party have any  
 23 challengers at your precinct?  
 24 A. The last election there were no  
 25 challengers.

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1 Q. Have there been any elections in your  
 2 recollection in your present -- precinct  
 3 you're most familiar with, where either party  
 4 has stationed challengers at the polls?  
 5 A. Yes.  
 6 Q. And when was the most recent time?  
 7 A. I cannot recollect that, but I have  
 8 had challengers.  
 9 Q. Okay. And on the occasions that  
 10 challengers have been sent to your polling  
 11 place and have stayed at your polling place,  
 12 what political party were they affiliated  
 13 with?  
 14 A. Republican.  
 15 Q. Are -- are you involved in Democratic  
 16 Party politics in Marion County generally in  
 17 various capacities? Do you attend party  
 18 meetings and functions and that sort of  
 19 things?  
 20 A. Yes, occasionally.  
 21 Q. Are -- are you familiar with the  
 22 Democratic Party ever using challengers or  
 23 attempting to challenge voters in Marion  
 24 County?  
 25 A. No.

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1 Q. Are you familiar with the Republican  
 2 Party using challengers in Marion County and  
 3 elsewhere?  
 4 A. Yes, in Washington township.  
 5 Q. On the occasions that challengers,  
 6 dispatched by the Republican Party, have been  
 7 used in your experience, were they persons  
 8 who lived in your precinct or in the  
 9 precinct that they were working in?  
 10 A. No.  
 11 Q. What was the race of the person who  
 12 was dispatched to serve as a challenger in  
 13 your precinct?  
 14 A. White.  
 15 Q. Did you observe that challenger  
 16 making challenges to voters?  
 17 A. Some cases, yes.  
 18 Q. In the last election did you have any  
 19 problem with long lines at the polls, like  
 20 delays in -- in voters -- voters having to  
 21 wait some period of time in order to vote?  
 22 A. Only because there was a lot of  
 23 people voting.  
 24 Q. All right.  
 25 A. Only -- the delay was only because

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1 there was a lot of people in line to vote.  
 2 Q. I understand. And -- and you -- as  
 3 you mentioned there were no challengers at  
 4 the last election in your precinct --  
 5 A. Correct.  
 6 Q. -- how long can you recall the wait  
 7 was at the peak?  
 8 A. I would say under the new system --  
 9 Q. No, I'm -- I'm talking about 2004,  
 10 November of 2004. How long -- what's the  
 11 longest that --  
 12 A. I'm trying to remember what system --  
 13 I'm trying to remember what system that they  
 14 had had in 2004, because the computerized  
 15 system --  
 16 Q. 2004, the optical scan ballot was  
 17 used?  
 18 A. It was used.  
 19 Q. Right?  
 20 A. Okay. Probably no more than about  
 21 two to -- two to four minutes.  
 22 Q. Okay. So there weren't real long  
 23 delays?  
 24 A. No.  
 25 Q. Did you travel around your -- your

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1 district?  
 2 **A. Yes.**  
 3 Q. Did you observe longer delays or  
 4 longer lines at other precincts?  
 5 **A. No.**  
 6 Q. You testified that you had personally  
 7 witnessed what you would characterize as what  
 8 voter intimidation tactics?  
 9 **A. Yes.**  
 10 Q. And you made specific reference to a  
 11 polling place at Crispus Attucks I believe?  
 12 **A. Yes.**  
 13 Q. What -- what year was that?  
 14 **A. First year I ran for the Secretary of**  
 15 **State.**  
 16 Q. So that would have been 1986?  
 17 **A. Yes.**  
 18 Q. And what exactly did you observe?  
 19 **A. The --**  
 20 MR. WEBBER: Objection as to the  
 21 relevance of --  
 22 MR. GROTH: Okay. I'm just following  
 23 up on your question.  
 24 Q. Go ahead.  
 25 **A. The ward chairperson and the**

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1 Q. Are you aware that the Indiana  
 2 General Assembly changed the law this year as  
 3 far as where challengers can be stationed?  
 4 **A. No.**  
 5 Q. All right. You're not aware that  
 6 -- that the General Assembly as a result of  
 7 a law change now will permit the challengers  
 8 to be in the polling place?  
 9 **A. No.**  
 10 Q. Do you think that --  
 11 **A. Huh?**  
 12 Q. Do you think that change will have an  
 13 impact on how challengers conduct themselves?  
 14 Do you think it will cause them to be more  
 15 or less aggressive in terms of challenging  
 16 voters?  
 17 **A. No. I just -- no.**  
 18 Q. That's no, it will or -- I'm sorry.  
 19 **A. No, it won't change how challengers**  
 20 **-- the, you know -- how challengers work.**  
 21 Q. Okay. Thank you.  
 22 Q. Do you think the fact that, you know,  
 23 if this law is not struck down by the court,  
 24 that the voters will be required to produce  
 25 a specified form of photo identification?

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1 **challengers were -- were -- it was Joe**  
 2 **Summers precinct -- representative Joe**  
 3 **Summer's precinct, and his precinct must have**  
 4 **been -- you know, this is my first getting**  
 5 **into politics and really working -- his --**  
 6 **his precinct was -- was a target, he had**  
 7 **told me that. And they were really**  
 8 **challenging people in line as they came**  
 9 **through, you know, and challenged them to**  
 10 **produce ID that who they were -- who they**  
 11 **were and all about.**  
 12 Q. Have you seen similar tactics used  
 13 since 1986?  
 14 **A. No.**  
 15 Q. Have you read any -- any literature  
 16 or reports as to whether that kind of  
 17 tactics still goes on in other areas?  
 18 **A. I have had friends who are precinct**  
 19 **people, yes, they had told me that tactics**  
 20 **is still going on.**  
 21 Q. What kind of tactics are still going  
 22 on?  
 23 **A. The aggressiveness.**  
 24 Q. Of challengers?  
 25 **A. Yes.**

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1 **A. Yes.**  
 2 Q. Do you think that will increase or  
 3 decrease or leave the same, the number of  
 4 challenges that will be registered?  
 5 **A. I think there would be an increase in**  
 6 **challenge.**  
 7 Q. Mr. Webber asked you about signature  
 8 comparisons and suggested that that's the  
 9 only means by which the system insures the  
 10 integrity of the process. Isn't it also  
 11 true that registration serves that the  
 12 purpose of insuring that voters are who they  
 13 say they are?  
 14 **A. The voter's registration card.**  
 15 Q. The voter registration, the act of  
 16 registering to vote?  
 17 **A. Yes.**  
 18 Q. And you mentioned that you worked in  
 19 a recount, that was in 2003; is that  
 20 correct?  
 21 **A. Oh, no. Well, let's see, the city**  
 22 **county council.**  
 23 Q. That was 2003.  
 24 **A. Yeah, you got -- yes.**  
 25 Q. Okay. And that -- with respect to

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1 absentee ballots, you and the other members  
 2 of the counting -- count -- counting team  
 3 --  
 4 **A. Yes.**  
 5 Q. -- would compare signatures?  
 6 **A. Right.**  
 7 Q. And if a signature didn't match, you  
 8 would -- or if somebody thought a signature  
 9 didn't match, you would then take a vote to  
 10 determine whether that absentee ballot should  
 11 be opened and counted?  
 12 **A. Yes, my -- yes, we would look at it**  
 13 **to be able to determine, yes.**  
 14 Q. And were there some ballots during  
 15 that recount process that were not opened and  
 16 counted because the -- the counters -- and  
 17 that's a bipartisan team, correct?  
 18 **A. Uh-huh, correct.**  
 19 Q. That the counters -- the team of  
 20 counters decided among -- between themselves  
 21 that this absentee ballot should not be  
 22 counted because the signatures didn't match  
 23 up?  
 24 **A. Correct.**  
 25 MR. GROTH: That's all I have.

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1 district who have voted in the past without  
 2 possessing ID or who would object to showing  
 3 ID. Had there anyone in your district come  
 4 up to tell you that they objected to this --  
 5 **A. Yes.**  
 6 Q. -- new law?  
 7 **A. Yes.**  
 8 Q. And what did they tell you?  
 9 **A. That they felt that this was another**  
 10 **mechanism to stop them from voting.**  
 11 Q. And did they indicate to you they  
 12 felt it would be difficult for them to  
 13 comply?  
 14 **A. No.**  
 15 MR. WEBBER: Objection, it's hearsay.  
 16 MR. FALK: Yeah. Right.  
 17 Q. They just felt this -- they just  
 18 objected to this?  
 19 **A. They just objected to the law, that**  
 20 **this was suppressing their vote.**  
 21 Q. And you were asked some questions by  
 22 Mr. Osborn, I think, in which you were  
 23 comparing the use of an ID at the grocery  
 24 store as opposed to voting, and am I -- am I  
 25 correct in -- was it your testimony that you

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1 MR. FALK: Can I take a break before  
 2 I begin my questions?  
 3 (AT THIS TIME THERE WAS A BRIEF  
 4 RECESS TAKEN, AFTER WHICH THE FOLLOWING  
 5 PROCEEDINGS WERE HAD:)  
 6  
 7 CROSS-EXAMINATION,  
 8 QUESTIONS BY MR. FALK:  
 9 Q. Mr. Simpson, you testified that you  
 10 were able to get your driver's license on-  
 11 line?  
 12 **A. Yes.**  
 13 Q. Can you do that anymore?  
 14 **A. No.**  
 15 Q. How do you know that?  
 16 **A. It stated to me that I didn't -- I**  
 17 **was not -- I don't know what word to use --**  
 18 **that I could not use the on-line driving**  
 19 **license system any longer.**  
 20 Q. Okay. It's been discontinued?  
 21 **A. I think that's what I heard. And**  
 22 **then, the next day I heard that they had**  
 23 **discontinued it.**  
 24 Q. You were asked some questions  
 25 concerning your knowledge of people in your

Page 81

1 believe that there are sufficient safeguards  
 2 in place under the current law of Pre Senate  
 3 Enrolled Act No. 483, 4-8-3 to protect your  
 4 rights when voting?  
 5 **A. Yes.**  
 6 Q. You testified -- you told Mr. Webber  
 7 it took you about 45 minutes to an hour to  
 8 get your birth certificate, but you told Mr.  
 9 Osborn that the process took two to three  
 10 hours. Were you counting driving time --  
 11 **A. Yes.**  
 12 Q. -- when you spoke to Mr. Osborn?  
 13 **A. Yes.**  
 14 Q. And you were talk -- you were asked a  
 15 number of questions concerning how people  
 16 reacted when they were challenged in the  
 17 past?  
 18 **A. Uh-huh.**  
 19 Q. And I believe you testified that it  
 20 appeared that people perceived the challenge  
 21 process there as a denial of the right to  
 22 vote?  
 23 **A. Correct.**  
 24 Q. And you perceive Senate Enrolled Act  
 25 483 as a denial of the right to vote?

DEPOSITION OF JOSEPH E. SIMPSON - SEPTEMBER 8, 2005

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1 A. Yes.  
 2 Q. And do you believe people will  
 3 respond to that in the same way?  
 4 A. Yes.  
 5 MR. FALK: I have no further  
 6 questions.  
 7 MR. OSBORN: I don't have anything.  
 8  
 9 RECROSS EXAMINATION,  
 10 QUESTIONS BY MR. WEBBER:  
 11 Q. Mr. Groth talked about the practice  
 12 of -- at least, historically or in the past  
 13 that the Republican Party had sent  
 14 challengers to democratic minority precinct,  
 15 as I understand it. You are familiar with  
 16 democratic politics. What reaction, if any,  
 17 did the local democratic party take in  
 18 response to that action?  
 19 A. I'm aware of none.  
 20 Q. Okay.  
 21 A. It was just to alert us that  
 22 challengers were going to be showing up.  
 23 Q. They -- they told you that?  
 24 A. (Nod.)  
 25 Q. Who told you?

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1 the law is?  
 2 A. Based on the rules, you -- your --  
 3 your challenge table is so many far feet  
 4 away from the chute and all that, all the  
 5 vote.  
 6 Q. Do they provide legal lawyers, teams  
 7 of lawyers to help you in those situations?  
 8 A. No.  
 9 Q. Do they provide numbers for you to  
 10 call where -- where help with legal advice  
 11 could be given?  
 12 A. No more than the election board,  
 13 Marion County Election Board. We have a  
 14 problem.  
 15 Q. Well, the election board is always  
 16 helpful.  
 17 A. Well, I'm just -- I'm just telling  
 18 you.  
 19 Q. Right.  
 20 A. You asked me; I would call the  
 21 election board -  
 22 Q. No. No. I understand.  
 23 A. Yeah. Because I mean, I wanted a  
 24 republican and a democrat to show up and  
 25 make sure that it was properly challenged on

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1 A. Our ward person would just -- you  
 2 know, in our meeting -- normal meeting would  
 3 just say that be aware that, you know, some  
 4 of you may have challengers working on your  
 5 post. That's common knowledge, you know,  
 6 that's said every year.  
 7 Q. And what do they tell you to do about  
 8 it, if anything?  
 9 A. Nothing. It was just FYI.  
 10 Q. So this practice, at least to this  
 11 point, that has not created any consternation  
 12 in the Democratic Party?  
 13 A. Break that down for me.  
 14 Q. If that's -- if the reaction is  
 15 merely that, hey, by the way, the republicans  
 16 may send a challenger, it doesn't sound like  
 17 the Democratic Party is too concerned about  
 18 it; is that fair?  
 19 A. I think our pos -- it's fair but our  
 20 position was it's just FYI information. If  
 21 a challenger showed up in my precinct, he  
 22 has a right under the law to do whatever he  
 23 needs to do and we made sure he followed the  
 24 law.  
 25 Q. And how do they help teach you what

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1 whatever the problem was.  
 2 Q. You said that the -- I'm not sure  
 3 whose question this was. But you -- you've  
 4 made a statement that photo ID's in your  
 5 opinion -- the -- the implementation of this  
 6 law would increase challenges. And I didn't  
 7 hear what your basis for that statement was.  
 8 A. It's under the same guidance as the  
 9 challenger prior to this law coming into  
 10 place, that people feel -- because I'm  
 11 registered to vote, I'm on the voting poll  
 12 book, why should I been challenged again.  
 13 When I went down to register, to sign my  
 14 name to verify who I am, and they verify at  
 15 the registration office who they are, that  
 16 they get challenged again and people  
 17 personally -- take that personally and they  
 18 think that's a denial of right to vote, to  
 19 suppress the vote.  
 20 Q. Let me -- let me see if I can clarify  
 21 that -- this.  
 22 Are you calling it a challenge when  
 23 someone asked for your ID, or beyond that?  
 24 A. Any form.  
 25 Q. All right. But one -- let me go a

DEPOSITION OF JOSEPH E. SIMPSON - SEPTEMBER 8, 2005

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1 little farther than this.  
 2 Is -- let's not --  
 3 MR. WEBBER: Strike that. Let me see  
 4 if I can focus the question.  
 5 Q. If -- if the voter photo  
 6 identification law is passed -- and it really  
 7 has passed, but if it's allowed to be  
 8 implemented, is it your feeling that there  
 9 will be more formal challenges as a result  
 10 of that law being implemented or less  
 11 challenges -- as formal challenges as a  
 12 result of that law being implemented?  
 13 A. More.  
 14 Q. And why is that?  
 15 A. Because the person that challenging  
 16 don't live in that district is going to sit  
 17 there and challenge everybody who come  
 18 through there because they don't know who  
 19 they are and they want to challenge them to  
 20 see if they know who they are.  
 21 Q. Okay. But now, what if the person be  
 22 showing him a card that shows his photo and  
 23 his address, what is the basis of the  
 24 challenge is going to be?  
 25 A. People are offended.

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1 Q. Don't -- don't -- I understand that  
 2 dynamic -  
 3 A. Okay.  
 4 Q. -- the day that they -- they won't  
 5 like it. But I mean, he still has to have a  
 6 legal basis. You just said that, you know,  
 7 your party says make sure that they follow  
 8 the law. There has to be a legal basis for  
 9 the challenge. Won't those be reduced by  
 10 someone that actually has --  
 11 A. No.  
 12 Q. And why not? I -- I'm missing that  
 13 point.  
 14 A. Because the person who's doing the  
 15 challenge don't need -- they don't live in  
 16 that district or they don't live in that  
 17 precinct, so they don't know the people, and  
 18 their job is going to be there to challenge  
 19 everybody come through, which is going to do  
 20 -- get the - and it's going to delay the  
 21 line, the lines are going to be become  
 22 slower, people are not going to get in the  
 23 polling site because they are going to be  
 24 challenged before they get to the polling  
 25 site, show me your ID, show me your ID, show

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1 me your ID. And now people are going to get  
 2 -- they are going -- some people -- they are  
 3 going to be offended, majority of people are  
 4 going to be offended that they have to do  
 5 that. That's not the way people see voting  
 6 taking place in America. At least I don't.  
 7 Q. And other than saying "show me your  
 8 ID," what do you think the basis of the  
 9 challenge would be -- these increased  
 10 challenges are going to be?  
 11 A. I think it's just purely going to be  
 12 show -- you prove me who you are.  
 13 Q. You're saying that you're not the guy  
 14 I see in this picture?  
 15 A. Exactly. And I'm saying -- and --  
 16 and I'm saying to you that's offense when  
 17 somebody is saying "Hello, I'm Joe Simpson."  
 18 Q. I see where that might be. I'm just  
 19  
 20 A. Okay. That's -- that's the point --  
 21 Q. You think that's what -- that's going  
 22 to happen, isn't it?  
 23 A. Yes.  
 24 Q. The person is going to study the ID  
 25 and go, that's not you?

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1 A. I don't think they are going to get  
 2 that far, but it's just going to be  
 3 offensive that the person is going to say  
 4 show me your ID, which in other words prove  
 5 me who are. Well, who are you? You know,  
 6 that's the attitude people are going to have.  
 7 MR. WEBBER: I have no further  
 8 questions.  
 9 THE WITNESS: Yeah.  
 10 MR. OSBORN: Thank you.  
 11 THE WITNESS: Okay.  
 12  
 13 RE-CROSS EXAMINATION,  
 14 QUESTIONS BY MR. GROTH:  
 15 Q. Well, like under previous law --  
 16 A. Right.  
 17 Q. -- Mr. Simpson, a voter didn't have  
 18 to produce a photo ID, correct?  
 19 A. No.  
 20 Q. And now, under the new law, a voter  
 21 is going to be required to produce a  
 22 specified form of photo identification,  
 23 right?  
 24 A. Yeah, correct.  
 25 Q. And if a voter comes to the polls and

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1 doesn't have the required form of photo  
 2 identification --  
 3 **A. Right.**  
 4 Q. -- there's going to be an issue over  
 5 that raised by someone, right?  
 6 **A. Yeah, correct.**  
 7 Q. And even if the voter has the photo  
 8 identification, as you point out, a  
 9 challenger, or a poll worker could say, for  
 10 example, I don't think you are the person  
 11 that's depicted in that photograph.  
 12 **A. That's correct.**  
 13 Q. So that's yet another basis for a new  
 14 form of challenges under this new law?  
 15 **A. Correct.**  
 16 Q. Correct?  
 17 **A. Correct.**  
 18 Q. And is that why your testimony was  
 19 that you think this new law will increase  
 20 the number of challenges?  
 21 **A. Yes.**  
 22 MR. GROTH: All right. That's all I  
 23 have.  
 24  
 25

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1 STATE OF INDIANA  
 2 SS:  
 3 COUNTY OF MARION  
 4 I, Linda Mayo Baynes, a Notary Public  
 5 in and for said county and state, do hereby  
 6 certify that the deponent herein was by me  
 7 first duly sworn to tell the truth, the  
 8 whole truth and nothing but the truth in the  
 9 aforementioned matter;  
 10 That the foregoing deposition was  
 11 taken on behalf of the Marion County Election  
 12 Board, that said deposition was taken at the  
 13 time and place heretofore mentioned;  
 14 That said deposition was taken down  
 15 in stenograph notes and afterwards reduced to  
 16 typewriting under my direction; and that the  
 17 typewritten transcript is a true and accurate  
 18 record of the testimony given by said  
 19 deponent;  
 20 And that the deposition upon oral  
 21 examination was taken down in Stenograph  
 22 notes and afterwards reduced to typewriting  
 23 under my direction and thereafter presented  
 24 to said witness for signature;  
 25 I do further certify that I am a

Page 91

1 MR. OSBORN: I have nothing further.  
 2 MR. FALK: We'll take the signature.  
 3  
 4 FURTHER THE DEPONENT SAITH NOT.  
 5  
 6  
 7  
 8  
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1 disinterested person in this cause of action;  
 2 that I am not a relative or attorney of any  
 3 of the parties, or otherwise interested in  
 4 the event of this cause of action, and am  
 5 not in the employ of the attorneys for any  
 6 of the parties.  
 7 IN WITNESS WHEREFORE, I have hereunto  
 8 set my hand and affixed my notarial seal  
 9 this 14th day of September, 2005.  
 10  
 11  
 12  
 13  
 14 \_\_\_\_\_  
 15 Linda Mayo Baynes, Notary Public,  
 16 Residing in Marion County, Indiana  
 17 My Commission Expires:  
 18 December 31, 2007  
 19  
 20  
 21  
 22  
 23  
 24  
 25

**DEPOSITION OF JOSEPH E. SIMPSON - SEPTEMBER 8, 2005**

**CAPTION**

1  
2 The Deposition of JOSEPH E. SIMPSON,  
3 taken in the matter, on the date, and at the  
4 time and place set out on the title page  
5 hereof.

6 It was requested that the deposition  
7 be taken by the reporter and that same be  
8 reduced to typewritten form.

9 It was agreed by and between counsel  
10 and the parties that the Deponent will read  
11 and sign the transcript of said deposition.

12 .  
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**CERTIFICATE**

1  
2 JOSEPH E. SIMPSON, states that the  
3 foregoing transcript of his/her Deposition,  
4 taken in the matter, on the date, and at the  
5 time and place set out on the title page  
6 hereof, constitutes a true and accurate  
7 transcript of said deposition.

8  
9  
10  
11  
12  
13 JOSEPH E. SIMPSON  
14  
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24



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

INDIANA DEMOCRATIC PARTY, )  
et al., )

Plaintiffs, )

v. )

TODD ROKITA, et al., )

Defendants, )

No. 1:05-CV-00634 SEB-VSS

WILLIAM CRAWFORD, et al., )

Plaintiffs, )

v. )

MARION COUNTY ELECTION BOARD, )

Defendant, )

and )

STATE OF INDIANA, )

Intervenor. )

**JOSEPH SIMPSON'S RESPONSE**  
**TO INTERVENOR-DEFENDANT'S INTERROGATORIES AND REQUEST FOR**  
**PRODUCTION**

Comes now Joseph Simpson, being duly sworn upon his oath, and by his counsel,  
and files responses to Intervenor-Defendant's Interrogatories and Request for Production  
of Documents.

**INTERROGATORIES**

**INTERROGATORY 1:**

Please identify by names and address those voters in Washington Township that you assert in paragraph No. 81 of your Complaint that voted in the past but do not have any photo identification and will be precluded from voting by implementation of Senate Enrolled Act (SEA) No. 483.

**ANSWER:**

I do not have specific names or addresses. However, I have been told this by a number of persons.

**INTERROGATORY 2:**

Please identify the particular process that you utilized to determine that voters in your precinct will become discouraged by the cost and inconvenience of obtaining the photo identification necessary to vote as alleged in paragraph No. 82 of your Complaint.

**ANSWER:**

I have been a precinct committeeperson for 18 years during which time I have worked at, and observed, the polls in my neighborhood. I have observed voters and voter behavior. I am aware of the identification requirements demanded by both the health department and the Bureau of Motor Vehicles in order to obtain a birth certificate and identification. I used this knowledge and experience to draw the above conclusion.

**INTERROGATORY 3:**

Please identify by names and address the voters in your precinct that you determined will become discouraged from obtaining the identification required by SEA No. 483 because of the cost and/or inconvenience.

**ANSWER:**

I do not know the names of any such persons.

**INTERROGATORY 4:**

What is the causal relationship, if any, of maximizing the number of persons voting in your precinct and your own ability to be elected as referenced in paragraph No. 83 of your Complaint?

**ANSWER:**

I am a Democratic official in a precinct that has a majority of Democratic voters. The chances are that the more people who vote means that the more Democrats who will vote for me. Therefore, from a purely selfish perspective, I think the more people who vote means the more people who vote for me. However, as I indicated in the Complaint I have a basic interest in maximizing the number of persons who vote, regardless of who they vote for.

**INTERROGATORY 5:**

What records, if any, are kept by Joseph Simpson that identify:

1. The financial status levels of voters in your precinct.
2. Voters in your precinct who possess Indiana driver's licenses.
3. Voters in your precinct who possess government-issued photo ID.
4. Aggregate voting records in your precinct

**ANSWER:**

I do not have any such records.

**INTERROGATORY 6:**

Is Joseph Simpson claiming associational standing for voters in his precinct or anyone else? If so, please identify for what injuries Plaintiff claims associational standing.

**ANSWER:**

I am not claiming associational standing because I am not an association. However, my attorney has indicated to me that a candidate clearly has standing to raise legal claims on behalf of voters and I therefore am raising the right of voters to be able to vote without unreasonable, unlawful and unconstitutional restrictions.

**INTERROGATORY 7:**

Has any State or federal agency issued a valid and current photo identification to you?

Please specify the type and originating agency.

**ANSWER:**

I have a driver's license issued through the Indiana Bureau of Motor Vehicles.

**INTERROGATORY 8:**

Is Joseph Simpson claiming a direct injury to himself? If so please state that injury with specificity.

**ANSWER:**

Yes, I am claiming direct injury. As indicated above, as a candidate I am damaged by anything that will reduce the number of persons who may vote for me. The challenged statute will make it more difficult to vote and this damages me. Moreover, as a personal matter I strongly object to having to show my identification when I have applied for and received a voter registration card after swearing to the truth of matters in the application. Moreover, I object to having to show my identification where I vote inasmuch as I am well known there.

**INTERROGATORY 9:**

Is voter security, as defined herein, inconsistent with any of your beliefs or principles?

**ANSWER:**

Of course not. However, there is no credible evidence that there is a voter fraud problem that is addressed by the challenged statute. Moreover, I do not see how an identification card issued by the Bureau of Motor Vehicles is more fraud resistant than what is currently required.

**INTERROGATORY 10:**

What is the basis for your allegation in paragraph No. 26 of your Complaint that it may be difficult, time consuming, and expensive for applicants to collect the information necessary to obtain an identification card from the Bureau of Motor Vehicles? Please identify the expenses to which you are referring. Also please identify any documents that support your allegations in paragraph No. 26 of your Complaint.

**ANSWER:**

The Bureau of Motor Vehicles publishes its requirements for the identification that must be shown to receive a license or identification card. The Indiana Department of Health and the Marion County Board of Health all publish the identification requirements necessary to receive a birth certificate. It costs money to purchase a birth certificate and if a person doesn't have ID from the Bureau of Motor Vehicles it will be difficult to obtain a birth certificate and without a birth certificate a person will have difficulty in obtaining identification.

I am aware that it can be very time consuming to have to go to the Board of Health and then to the license branch to get the required items. Having to travel back and forth, particularly if the person is using public transportation will be expensive.

I am aware that the Bureau of Motor Vehicles requires more than a birth certificate to obtain identification or a license and that some people may not have the other information required by the Bureau.

**INTERROGATORY 11:**

What is the basis for your allegations in paragraph No. 85 of your Complaint "that there has not been any widespread identity fraud in Indiana among voters personally appearing to vote and the proponents of Senate Enrolled Act 483 did not produce evidence of any such fraud." Please identify any documents that support these allegations and any other documents or information regarding voter fraud in Plaintiff's possession.

**ANSWER:**

This conclusion is based on my experience on watching the polls and is also based on the fact that I have not heard any reports of widespread identity fraud in Indiana among voters personally appearing to vote.

**INTERROGATORY 12:**

Please identify any and all documents and evidence that support your allegation in paragraph No. 86 of your Complaint that "Senate Enrolled Act No. 483 will impede the ability of persons to vote."

**ANSWER:**

The documents I am relying upon are mentioned above, the identification requirements imposed by the Bureau of Motor Vehicles, Marion County Board of Health and Indiana State Department of Health.

This conclusion is based, as indicated above, on my knowledge of the difficulties that people face when having to get identification from the Bureau. Moreover, it is based on my experience of watching the polls for many years. I have seen persons who were challenged while trying to vote and, even though the challenge was not meritorious, the

persons became discouraged and left the polling place rather than fight the challenge. People will walk away rather than face a hassle while trying to vote. This is particularly true here inasmuch as a person who is challenged for not having appropriate identification may, if they wish to vote to count, have to travel to the Board of Health, the Bureau of Motor Vehicles, and then to the Clerk's office. And, the voter will have to do this knowing that the vote won't be counted until two weeks after the election; presumably long after the election is decided. It is my conclusion that most people will just not vote rather than go through this.

**INTERROGATORY 13:**

Please identify the entire costs attendant to obtaining a state identification card from the Bureau of Motor Vehicles that you allege constitute a "*de facto* poll tax" in paragraph No. 92 of your Complaint.

**ANSWER:**

Although the identification card is free, the birth certificate must be purchased. Moreover, there are costs such as transportation to and from the board of health, license branch and the Clerk's office that are certainly not minor. Moreover, there is a cost in terms of time, aggravation and inconvenience.

**INTERROGATORY 14:**

Please identify all of the "unreasonable and irrational burdens and requirements on the fundamental right to vote" imposed by Senate Enrolled Act 483 that you allege in paragraph No. 93 in your Complaint.

**ANSWER:**

It should be the job of the government to maximize the opportunity of persons to vote to the greatest degree possible. It is irrational for a law to discourage persons, otherwise qualified, from voting unless there is substantial evidence to support its need. There simply is no such evidence here to support the challenged statute and it is therefore irrational and unreasonable.

It is irrational and unreasonable that a statute has been passed which, in the name of combating fraud, imposes burdens on those seeking to vote in person, while imposing no burdens on those voting absentee by mail. This is particularly true inasmuch as voter fraud, if it occurs, is more likely to occur in the absentee ballot area.

It is irrational and unreasonable to carve out an exception in the law for persons who live in a nursing home and vote there but to impose the identification requirements on everyone else who votes in person.

**REQUEST FOR PRODUCTION**

**REQUEST NO. 1:**

Please provide any and all documents identified in your answer to interrogatory No. 5.

**RESPONSE:**

There are no such records.

**REQUEST NO. 2:**

Please provide any and all documents identified in your answer to interrogatory No. 11.

**RESPONSE:**

There are no such documents.

**REQUEST NO. 3:**

Please provide any and all documents identified in your answer to interrogatory No. 12.

**RESPONSE:**

The identification requirements imposed by the Marion County Health Department, the Indiana Department of Health and the Bureau of Motor Vehicles are attached.

**REQUEST NO. 4:**

Please provide any and all documents identified in your answer to interrogatory No. 13.

**RESPONSE:**

There are no documents other than those previously produced.

**REQUEST NO. 5:**

Please provide any and all documents identified in, consulted in connection with, or containing information relied upon in your Complaint in this case, excluding items covered by any legitimate privilege or work-product exception.

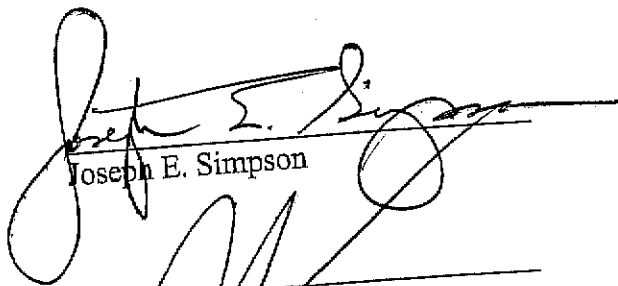
**RESPONSE:**

Other than the statute itself, there are no documents other than those previously produced that I am aware of.

**VERIFICATION**

I verify, under the penalty of perjury, that the foregoing is true and correct.

Executed on: 9-6-05

  
\_\_\_\_\_  
Joseph E. Simpson

\_\_\_\_\_  
Kenneth J. Falk  
No. 677749  
Indiana Civil Liberties Union  
1031 E. Washington St.  
Indianapolis, IN 46202  
317/635-4059 ext. 229  
317/635-4105  
Ken.falk@iclu.org

Attorney for Plaintiffs

**Certificate of Service**

I hereby certify that a copy of the foregoing was served on the below named person(s) by first class U.S. Postage, pre-paid, on this 6th day of September, 2005.

Thomas M. Fisher

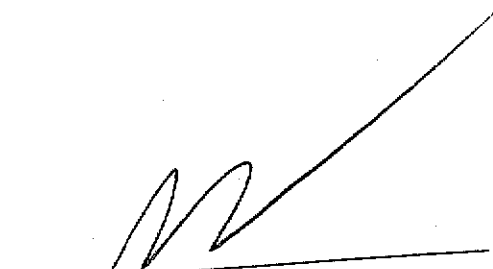
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Kenneth J. Falk  
Attorney at Law