

ATTACHMENT NINE

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  
**MELISSA MADILL**, a witness produced and sworn before me,  
Kathleen L. Cast, Notary Public, in and for the County  
of Marion, State of Indiana; taken on the 9th 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  | APPEARANCES                              |
| 2  |                                          |
| 3  | FOR THE INDIANA DEMOCRATIC PARTY, MARION |
| 4  | COUNTY DEMOCRATIC CENTER COMMITTEE:      |
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| 10 |                                          |
| 11 | ALSO PRESENT:                            |
| 12 | Melody Goldberg                          |
| 13 |                                          |
| 14 |                                          |
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| 1  | DEPOSITION OF MELISSA MADILL                     |
| 2  | SEPTEMBER 9, 2005                                |
| 3  | MELISSA MADILL, the witness herein,              |
| 4  | having been first duly sworn to tell the         |
| 5  | truth, the whole truth and nothing but the       |
| 6  | truth, was examined and testified as follows:    |
| 7  |                                                  |
| 8  | DIRECT EXAMINATION,                              |
| 9  | QUESTIONS BY MR. OSBORN:                         |
| 10 | Q. Could you state your name and spell           |
| 11 | your name for the record, please?                |
| 12 | A. <b>Melissa Madill, M-E-L-I-S-S-A</b>          |
| 13 | <b>M-A-D-I-L-L.</b>                              |
| 14 | Q. And, Melissa, why are you here today?         |
| 15 | A. <b>I am here on behalf of folks with</b>      |
| 16 | <b>disabilities to talk about their right to</b> |
| 17 | <b>vote.</b>                                     |
| 18 | Q. And specifically, are you a                   |
| 19 | representative of the Indianapolis Resource      |
| 20 | Center for Independent Living?                   |
| 21 | A. <b>I am.</b>                                  |
| 22 | Q. Do you have a position there?                 |
| 23 | A. <b>I am the executive director there.</b>     |
| 24 | Q. How long have you been with that              |
| 25 | organization?                                    |

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1 A. Well, off and on since '87, but  
 2 consistently since '92.  
 3 Q. '92. Could you describe for us just  
 4 generally what your organization does?  
 5 A. It is a self-help advocacy  
 6 organization with and for people with  
 7 disabilities. And I say "with and for,"  
 8 because the majority of people that work  
 9 there as well as the board of directors are  
 10 required to have disabilities.  
 11 Q. Okay. How long has the organization  
 12 been in existence? Do you know that?  
 13 A. Since 1987.  
 14 Q. So you've been around it almost  
 15 through the entire time of its existence?  
 16 A. Pretty much.  
 17 Q. Okay. Just some basic informat --  
 18 well, first of all, have you ever done a  
 19 deposition before?  
 20 A. No, I have not.  
 21 Q. Okay. I'll -- I'll try to -- what  
 22 we're going to do, everybody here represents  
 23 a particular party in this lawsuit. Mr.  
 24 Webber represents the Attorney General's  
 25 Office, which is defending the

1 reporter here, we want to make sure that you  
 2 speak out clearly.  
 3 If somebody makes an objection, then  
 4 you should stop talking. Let the objection  
 5 be made by whatever attorney is making an  
 6 objection, and then wait for your counsel to  
 7 instruct you on what you are to do next.  
 8 Generally speaking, they'll probably tell you  
 9 to answer the question that was asked. But  
 10 in any event, do not go forward until you  
 11 get instructions from your attorney.  
 12 Do you have any questions about this  
 13 at all?  
 14 A. I don't think so.  
 15 Q. Okay. How old are you?  
 16 A. Forty-six. Trick question.  
 17 Q. Well, it's interesting how people  
 18 react to that. And -- and your date of  
 19 birth?  
 20 A. 12/3/58.  
 21 Q. Wow. Okay. I was born 12/6/58, so  
 22 we're Sagittarius.  
 23 A. Yes, we are.  
 24 Q. Okay. Very important stuff here.  
 25 Your place of birth?

1 constitutionality of the statute in question.  
 2 I represent the Marion County Election Board,  
 3 which is the defendant that's been sued by  
 4 your organization and other organizations.  
 5 Mr. Lohman represents the Indiana Democratic  
 6 Party and the Marion County Democratic  
 7 Central Committee in the com -- consolidated  
 8 lawsuit. There are two lawsuits actually  
 9 that -- that are taking place. And, of  
 10 course, you know Mr. Falk and his associate.  
 11 So, we're going to ask you questions.  
 12 I'll start. Mr. Webber will ask some  
 13 questions after I'm finished, and then both  
 14 Mr. Lohman and Mr. Falk will get an  
 15 opportunity to ask you questions as well.  
 16 We just ask you to tell the truth. If you  
 17 don't understand a question that I ask or  
 18 any of the other lawyers ask, feel free to  
 19 tell us that it's incomprehensible, and we'll  
 20 do something to correct that --  
 21 A. All right.  
 22 Q. -- hopefully. And you need to  
 23 respond verbally with yeses and noes or with  
 24 full answers. Nods and shakes of the head  
 25 don't get recorded, so to help the court

1 A. Is Muncie, Indiana.  
 2 Q. And are you a resident of  
 3 Indianapolis now?  
 4 A. Yes, I am.  
 5 Q. Where -- where do you live?  
 6 A. I live on 264 South Chester Avenue.  
 7 Q. Okay. How long have you lived in  
 8 Indianapolis?  
 9 A. Since 1980 -- '80, I think.  
 10 Q. Okay. Could you describe for us  
 11 briefly your educational background?  
 12 A. I attended Ball State University for  
 13 Associate's in Criminal -- like I have -  
 14 going so far back -- Criminal Justice and  
 15 Corrections, and then attended IUPUI for a  
 16 degree in sociology.  
 17 Q. Okay. Bachelor's degree?  
 18 MR. WEBBER: I'm sorry. I have a  
 19 little trouble with hearing. My --  
 20 THE WITNESS: Oh, I'm sorry.  
 21 MR. WEBBER: My right ear is not too  
 22 good anymore, so.  
 23 THE WITNESS: I attended -- where --  
 24 where do you want me to start at?  
 25 MR. WEBBER: Just -- just if you -- I

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1 -- I got that you went to Ball State in  
2 Criminal Justice, and then you went  
3 somewhere.  
4 THE WITNESS: And then I went to  
5 IUPUI to pursue a degree in sociology, a  
6 bachelor's.  
7 MR. WEBBER: Okay. Thank you.  
8 Q. Prior to your employment with the  
9 resource center, did you have previous  
10 employment?  
11 A. Yes.  
12 Q. You don't have to go through all of  
13 it. I -- I just --  
14 A. Thank God.  
15 Q. And, in fact, I shouldn't. I'll  
16 withdraw that question. We can worry about  
17 it later. Let's talk a little bit about the  
18 complaint.  
19 I'm going to show you what's been  
20 marked as Exhibit A. Do you recognize that?  
21 A. Yes.  
22 Q. And what is that document?  
23 A. That's actually the complaint.  
24 Q. It's the subject of this lawsuit?  
25 A. Right.

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1 Q. Okay. I'm going to refer you to page  
2 9, I believe. Actually, it kind of starts  
3 at the bottom of page 8, but the -- the  
4 content is starting at page 9. It indicates  
5 -- well, first of all, before we go -- go  
6 down that road, tell me how you became  
7 involved in this lawsuit.  
8 A. I actually testified on the bill --  
9 against the bill being passed.  
10 Q. At the legislature?  
11 A. At the legislature, and the impact  
12 that it would have on people with  
13 disabilities. And so when it was passed, I  
14 had great concern and with -- actually heard  
15 through the grapevine that there was a  
16 lawsuit, and -- and called -- I think it was  
17 the Senior Action Coalition.  
18 Q. Okay.  
19 A. We -- we connected, and they got me  
20 connected with Ken.  
21 Q. And you got hooked up in the -- into  
22 the lawsuit?  
23 A. Right.  
24 Q. When you testified, do you recall  
25 which particular committee that you testified

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1 in front of?  
2 A. I can tell you the room it was in,  
3 but I can't remember the -- the committee.  
4 Q. Okay. Do you remember what stage the  
5 legislation was in at the time you were  
6 testifying?  
7 A. No.  
8 Q. Okay.  
9 A. I actually don't.  
10 Q. Okay. Well, before we get into the  
11 details of this, why don't you tell me  
12 generally what your objections to Senate  
13 Enrolled Act 483 are?  
14 A. I'm -- I have great concerns that  
15 people with disabilities are going to face  
16 yet another barrier to be able to vote.  
17 And --  
18 Q. Give me a second. I'm -- I'm slow  
19 sometimes. I have to think through things.  
20 When you say, "I have great concerns," are  
21 they -- are those concerns based on any  
22 particular facts or information of which you  
23 are aware?  
24 A. Yes.  
25 Q. Okay. Can you describe those for me?

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1 A. Sure. Transportation is a -- is a  
2 huge issue for folks with disabilities both  
3 in Marion County and in the rural areas. In  
4 Marion County people rely heavily on the  
5 paratransit system called Open Door, and the  
6 cost for that is \$6 round-trip.  
7 If a person would not have an ID,  
8 which is real common among folks with  
9 disabilities, because lots of folks don't  
10 drive and -- and don't have state ID's, and  
11 actually people with disabilities are the  
12 most impoverished group, with a 70 percent  
13 unemployment rate. So those folks, even the  
14 \$6 round-trip is a little cost prohibitive.  
15 But once they make that trip, if they  
16 don't have the ID, then the other trips that  
17 are going to be involved, in order for them  
18 to get proper identification, could be about  
19 a third of their allowance for the entire  
20 month.  
21 Q. Okay. Let's go over a number of the  
22 things that you talked about in your  
23 response. First of all, the -- the  
24 paratransit system, is that --  
25 A. Uh-huh.

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1 Q. -- what -- and that's provided by  
 2 IndyGo?  
 3 A. **(Witness nodded head.)**  
 4 Q. Could you explain for me what, if  
 5 any, limitations there are with regard to  
 6 that system? I mean, does it serve the  
 7 entire Marion County area, or do you have to  
 8 stay on specific routes within Marion County?  
 9 A. **It serves Marion -- the entire Marion**  
 10 **County area. There's a limited service right**  
 11 **outside Marion County right into Johnson**  
 12 **County, but very limited. I mean, it's a**  
 13 **curb-to-curb transportation service, so it**  
 14 **actually picks someone up at their door and**  
 15 **will take them to where they want to go.**  
 16 Q. Okay. Well -- okay. I was going to  
 17 characterize it as more of a taxi system as  
 18 opposed to a bus system, just in terms of  
 19 how it works not -- well, just by meaning --  
 20 you -- you clarified it enough. I think  
 21 that it goes --  
 22 A. Okay.  
 23 Q. -- from -- from the point where they  
 24 are to the point where they want to go?  
 25 A. Correct.

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1 Q. And -- and you don't -- are they  
 2 subject to -- having to go to other  
 3 destinations as part of that trip?  
 4 A. Yes.  
 5 Q. Okay.  
 6 A. **They are -- sometimes they can be on**  
 7 **this trip -- they -- it can actually take**  
 8 **them two hours. I mean, I -- I know of**  
 9 **people who have ridden two hours to get to a**  
 10 **meeting. They -- you have to schedule it**  
 11 **three to five days in advance. It's first**  
 12 **come, first serve. And so even though you**  
 13 **might need a ride, that doesn't necessarily**  
 14 **mean that you're going to get the ride that**  
 15 **you need.**  
 16 Q. I suspect, and could you tell me if  
 17 you know, whether there is a huge demand for  
 18 this service?  
 19 A. **There is a huge demand for this**  
 20 **service, a much bigger demand than there is**  
 21 **the capacity to use it.**  
 22 Q. And I was going to ask if IndyGo has  
 23 a problem with meeting that demand, which you  
 24 kind of --  
 25 A. Yes.

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1 Q. Are there points where IndyGo might  
 2 actually say, no, we can't take care of this  
 3 for you?  
 4 A. **Oh, absolutely.**  
 5 Q. Okay. And when you say "absolutely,"  
 6 does that happen often?  
 7 A. Yes.  
 8 Q. Okay. You also said in your answer  
 9 that -- earlier answers that the disabled  
 10 population has a 70 percent unemployment  
 11 rate; is that correct?  
 12 A. **Around 70 percent.**  
 13 Q. Okay. Where are you getting that  
 14 information?  
 15 A. **From Federal statistics.**  
 16 Q. Okay. Federal census statistics  
 17 or --  
 18 A. **Census statistics, and additionally,**  
 19 **there's a lot of organizations that**  
 20 **concentrate on people with disabilities that**  
 21 **will put those statistics out, such as TASH**  
 22 **and --**  
 23 MR. WEBBER: TAG?  
 24 A. **TASH, which stands for nothing other**  
 25 **than TASH, T-A-S-H. It used to, but it**

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1 **doesn't anymore.**  
 2 Q. Is it -- is it a federal agency or a  
 3 subagency?  
 4 A. **It's -- it is not a federal agency.**  
 5 Q. Okay.  
 6 A. **It's a private not-for-profit, but**  
 7 **it's a international organization.**  
 8 Q. Okay. In paragraph 42 of the  
 9 complaint, which is Exhibit A that's in front  
 10 of you, it indicates that the Indianapolis  
 11 Resource Center for Independent Living is a  
 12 private, nonprofit, consumer-controlled,  
 13 community-based organization, which provides  
 14 services and advocacy by and for persons in  
 15 the Indianapolis area who have disabilities,  
 16 which is what you testified to earlier as  
 17 well.  
 18 As part of the services that are  
 19 provided, do you become involved with that  
 20 community's ability to vote at all?  
 21 A. Yes.  
 22 Q. How -- how?  
 23 A. **One of the things that we were very**  
 24 **involved in was doing a -- the polling site**  
 25 **surveys in terms of accessibility of the**

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1 polling sites. Additionally, we register  
2 people to vote, and just educate people of  
3 the power that they have when they vote.  
4 Q. With regard to the -- the polling  
5 site issues, do you work with anybody  
6 official in trying to make sure that those  
7 polling sites are -- are accessible?  
8 A. We were working with the Governor's  
9 Planning Council for People with  
10 Disabilities.  
11 Q. Anybody within Marion County?  
12 A. They are within Marion County.  
13 Q. Oh, I -- I thought you said the  
14 Governor's Planning Council. I'm sorry.  
15 A. Well, you mean --  
16 Q. But it's -- does it focus primarily  
17 on Marion County or --  
18 A. We -- initially, the first survey was  
19 done within Marion Counties. Then we did  
20 other surveys of the surrounding contiguous  
21 counties.  
22 Q. Okay.  
23 A. But it has been a statewide issue. I  
24 mean, it's statewide.  
25 Q. Do you -- does your organization do

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1 anything to get your membership or -- or the  
2 people with whom you're concerned to the  
3 polls, transportation, anything like that?  
4 A. We don't have the capacity to provide  
5 transportation.  
6 Q. How -- how big is your organization?  
7 A. In terms of how many people are  
8 employed there?  
9 Q. Uh-huh.  
10 A. I think currently ten.  
11 Q. And is there a membership aspect to  
12 the organization?  
13 A. There is a membership aspect, and  
14 it's a dual membership. The board of  
15 directors are the member -- are members of  
16 the organization, as well as anyone that we  
17 serve within that fiscal year is considered a  
18 member that fiscal year and has the ability  
19 to vote on officers.  
20 Q. How do you become a member of the  
21 Indianapolis Resource Center for Independent  
22 Living?  
23 A. You ask for services.  
24 Q. You just ask for services?  
25 A. Yes. The requirements is that you're

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1 a person with a disability and that you  
2 request services.  
3 Q. Do you keep a database of your  
4 membership?  
5 A. Yes, we do.  
6 Q. Okay. How many members do you have,  
7 do you think?  
8 A. Currently? If you asked me next  
9 month, I'd know, because this is the end of  
10 our fiscal year. So I don't have the --  
11 Q. No, no. We're not going to hold you  
12 to it.  
13 A. Probably, around -- between, I'd say,  
14 100 and 150 members right now.  
15 Q. And those people are primarily within  
16 the Marion County area?  
17 A. Yes.  
18 Q. How do you communicate with your  
19 membership?  
20 A. Several ways. We communicate through  
21 our Web site, through phone calls, through  
22 mailings, and most of the it would be  
23 face-to-face visits.  
24 Q. Is it fair to say that -- that given  
25 the -- the number of people who are members

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1 and the number of people who work on your  
2 staff or who are involved in the organization  
3 that -- well, it seems to me like you  
4 probably know most, if not all, of your  
5 membership; is that fair?  
6 A. No.  
7 Q. Okay. How -- how often do you have  
8 communication with the 100 to 150 members?  
9 A. My staff has regular communication  
10 with them.  
11 Q. Okay.  
12 A. I don't typically communicate with  
13 the majority of the membership, because I'm  
14 doing the administrative piece.  
15 Q. And I guess the point of my question  
16 generally is that -- that given you have as  
17 many people as you do within your  
18 organization that you should be able to  
19 identify or communicate with your membership  
20 and find out what is of concern to them; is  
21 that --  
22 A. Sure.  
23 Q. -- a fair statement?  
24 A. Absolutely.  
25 Q. Did any -- to your knowledge, did any

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1 of your members indicate to you at any point  
 2 during the course of this legislation that  
 3 they had a problem with the legislation?  
 4 **A. Yes.**  
 5 Q. How many people do you think  
 6 communicated with the organization on that  
 7 point?  
 8 **A. Just members or people with**  
 9 **disabilities within our service area?**  
 10 Q. Let's start with just members first.  
 11 **A. I would say may -- probably about 10**  
 12 **percent, I'd say, so it may be --**  
 13 Q. Somewhere between ten and 15?  
 14 **A. Ten to 15 people, yeah.**  
 15 Q. Did you keep a list of the people who  
 16 contacted you about this?  
 17 **A. No.**  
 18 Q. Okay. Do you -- could you -- if you  
 19 were to go back and look at your membership  
 20 list, could you identify who the people are  
 21 who may have connected you about their  
 22 concern with regard to Senate Enrolled Act  
 23 483?  
 24 **A. Probably not. We have a general**  
 25 **category with which we mark advocacy issues**

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1 your own to go to the legislature?  
 2 **A. Yes.**  
 3 Q. Signed up as part of the committee  
 4 process, and said I want to testify in this  
 5 issue?  
 6 **A. Yes.**  
 7 Q. Okay. Is there any or was there any  
 8 discussion or effort within the organization  
 9 prior to your doing that to say this is an  
 10 issue that we need to talk about?  
 11 **A. Yes.**  
 12 Q. Okay. How did that play out?  
 13 **A. We talked about it at a team meeting.**  
 14 **And again, the majority of people on the**  
 15 **staff or the team are people with**  
 16 **disabilities. And so we talked about how**  
 17 **this legislation would impact the folks, not**  
 18 **only that we directly serve, not only our**  
 19 **membership, but we also, basically, are**  
 20 **charged with representing people with**  
 21 **disabilities in general in terms of advocacy**  
 22 **issues and how that would impact them.**  
 23 Q. And I haven't forgotten that piece.  
 24 I'm going to come back and ask you in a  
 25 second. I may forget it between now and

Page 23

1 **but not specific to what those advocacy**  
 2 **issues were.**  
 3 Q. Uh-huh. Did any of -- the estimated  
 4 ten to 15 people that -- that you talked  
 5 with, did any of them indicate that the  
 6 provisions of Senate Enrolled Act 483 would  
 7 prevent them from voting?  
 8 **A. They were concerned about their --**  
 9 **the barriers that it would create for them**  
 10 **to vote.**  
 11 Q. So it was more of a general concern?  
 12 **A. Yes.**  
 13 Q. And I take it by your answer that --  
 14 that nobody specifically communicated to you  
 15 that they were not going to be able to vote  
 16 because of this legislation?  
 17 **A. No, no.**  
 18 Q. Okay. How did it come about that --  
 19 that you went to testify to the legislature  
 20 on Senate Enrolled Act 483 on the subject  
 21 matter of it? Did -- I mean, how did your  
 22 organization -- or how were you identified as  
 23 a person who should testify?  
 24 **A. I self-identified.**  
 25 Q. Okay. So you did -- you chose on

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1 then, but --  
 2 **A. I'll try not to let you.**  
 3 Q. Good, good. Well, let's -- let's  
 4 just go ahead and talk about that right now  
 5 then. You indicated that not only people  
 6 within your membership contacted you about  
 7 this, but that there were people who you  
 8 would provide service to, who also contacted  
 9 you; is that correct?  
 10 **A. People with disabilities did also,**  
 11 **yes --**  
 12 Q. Okay.  
 13 **A. -- contacted us, and parents of**  
 14 **people with disabilities that contacted us.**  
 15 Q. How many people do you think fell  
 16 into that category, not -- not actual  
 17 members, but people beyond that who could be  
 18 members that -- or parents?  
 19 **A. I'd probably say about another ten to**  
 20 **15 people.**  
 21 Q. Okay. Did any of those individuals  
 22 tell you that the effect of Senate Enrolled  
 23 Act 483 would be that they would not be able  
 24 to vote?  
 25 **A. No. It was -- they think**

1 Q. Just more to the general concern  
2 again about the barriers?  
3 A. Correct. That it would prohibit  
4 people in general with disabilities from  
5 being able to vote.  
6 Q. In paragraph 45, you indicate that  
7 many of your members do not drive and may  
8 not have valid photo identification required  
9 by Senate Enrolled Act 483. I want to  
10 address first the -- the issue about the  
11 members who do not drive.  
12 Do you have an estimate of how many  
13 of your members do not drive?  
14 A. That's not statistics that we keep.  
15 Q. Okay. Okay. Do you have any idea  
16 about how many of your members would not  
17 have valid photo identification?  
18 A. Again, that's not -- those aren't  
19 statistics --  
20 Q. I'm sorry?  
21 A. Those aren't statistics that we keep.  
22 Q. Do you know specifically of anybody  
23 who indicated to you that they would not  
24 have the valid photo identification to vote?  
25 A. No. I've experienced trying to hire

1 require it as part of providing the services?  
2 A. You know, it's an issue that we're  
3 working on, and I don't know why that is.  
4 It's -- I think it's still the -- the  
5 paternalistic attitude of a lot of people;  
6 they need to take care of people with  
7 disabilities.  
8 Q. Could you identify what organizations  
9 or -- would keep the identification of an  
10 individual?  
11 A. It would -- several of the -- the  
12 support service agencies.  
13 Q. Like?  
14 A. ResCare, golly, off the top -- I'm  
15 trying to think, go down the list. I -- I  
16 -- that's the only when I can think of off  
17 the top of my head.  
18 Q. Okay. Social service agencies,  
19 private?  
20 A. Private, not-for-profit.  
21 Q. Any public social service agencies  
22 that would require?  
23 A. Not -- I -- I'm not aware of any  
24 government agencies that are providing those  
25 kind of transport services.

1 people who did not have the valid  
2 identification to vote because of their  
3 situation around their disability, but not --  
4 Q. Okay. And when you say, "experienced  
5 trying to hire people," are you talking about  
6 helping somebody get a job, or are you  
7 talking about people actually applying to  
8 work at your organization?  
9 A. Yes.  
10 Q. And would not have had the ID that's  
11 required by God and everybody to -- to get a  
12 job in the United States?  
13 A. Actually, they had the ID, but it was  
14 not in their possession. It was in the  
15 possession of the organization that provides  
16 caregiving to them. And that was held in a  
17 different county, and so, yeah.  
18 Q. Can you explain that, please?  
19 Because I -- how does that work?  
20 A. There -- a lot of people are living  
21 independently, but need general support in  
22 order to do so. And the people that support  
23 them often have possession of their  
24 identification and --  
25 Q. Why is that? I mean, do they just

1 Q. Okay.  
2 A. They contract people to, but they  
3 don't do it themselves.  
4 Q. Okay. When you say you addressed or  
5 tried to address that issue with some of  
6 these servi -- social service agencies, what  
7 -- what has been your progress on -- on  
8 trying to get these people their  
9 identification?  
10 A. We've had some success on a case-by-  
11 case issue, but not on a systemic level.  
12 Q. What reasons do they give for -- I  
13 mean, you said it was paternalistic. I  
14 mean, are they specific in --  
15 A. It's in their best interest that we  
16 keep those identifications for them.  
17 Q. Okay. Now, the people that you're  
18 talking about aside from being disabled are  
19 otherwise mentally competent?  
20 A. They could have cognitive  
21 disabilities, but they certainly still have  
22 the right to vote.  
23 Q. I don't dispute that, and I am not --  
24 I'm not trying to suggest that. I'm just --  
25 I'm -- I'm just trying to determine if there

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1 was some other reason. When you say the --  
 2 the agencies are -- are acting in a  
 3 paternalistic fashion, and it sounds from the  
 4 way you're describing it that that's what  
 5 they're doing, what other possible reasons  
 6 they might have for doing that or do they --  
 7 **A. It could be their own procedure. I**  
 8 **don't know. I don't know. I don't -- I**  
 9 **don't know. You'd have to ask them.**  
 10 Q. Okay. From your perspective, is  
 11 there any reason why they should be doing  
 12 this?  
 13 **A. No, no.**  
 14 Q. Okay. Oh, that's the other thing I  
 15 didn't tell you at the beginning. If you  
 16 need to take a break or consult with your  
 17 counsel at any time, feel free to -- to do  
 18 that.  
 19 With regard to paragraph 48 of  
 20 Exhibit A, it says that, "Many of the  
 21 members at the Indianapolis Resource Center  
 22 for Independent Living will be discouraged  
 23 from voting or from voting in person by  
 24 Senate Enrolled Act No. 483."  
 25 Aside from the -- the general

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1 **about it.**  
 2 Q. Okay. Well, it may be about the  
 3 people who don't know about it, but, at  
 4 least, in this assertion in paragraph 48,  
 5 you're talking about your membership.  
 6 Are -- are you saying the members  
 7 don't know about this at this point?  
 8 **A. Which are people with disabilities.**  
 9 **Some of the members, I'm certain don't know**  
 10 **about this.**  
 11 Q. What -- what have you done in terms  
 12 of communicating the provisions of Senate  
 13 Enrolled Act 483 to your membership?  
 14 **A. It went out in our last newsletter.**  
 15 Q. Okay. And when was that?  
 16 **A. The newsletter I -- I received the**  
 17 **newsletters on Friday.**  
 18 Q. Uh-huh. So Friday the 2nd of  
 19 September?  
 20 **A. Uh-huh.**  
 21 Q. And how often do you send out  
 22 newsletters?  
 23 **A. Every other month. There was also**  
 24 **information in a previous newsletter --**  
 25 **newsletter, just about different legislation,**

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1 concerns about barriers -- again, I -- I  
 2 guess, this is repeating the question I've  
 3 already asked, but are there specific members  
 4 who have told you that they are going to be  
 5 discouraged from voting because of Senate  
 6 Enrolled Act 483 becoming law?  
 7 **A. Discouraged -- you know, it would**  
 8 **kind of depend on how you define**  
 9 **"discouraged." It's basic --**  
 10 Q. And you -- you're free to define it  
 11 how you want.  
 12 **A. It's -- it's basically been stated**  
 13 **that it's yet another barrier we face in**  
 14 **order to be able to vote.**  
 15 Q. Again, well, discouraged does not in  
 16 this context -- or would you agree that  
 17 discouraged does not mean prevention? I  
 18 mean, has anybody said to you that they're  
 19 going to be prevented from voting?  
 20 **A. No. Because we make sure if they**  
 21 **said that, that we'd somehow fix the**  
 22 **situation and get them to the polls. I**  
 23 **mean, this is not really about the people**  
 24 **who know about the legislation; this is going**  
 25 **to impact all the people that don't know**

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1 **and how it would impact people with**  
 2 **disabilities in general. But this was the**  
 3 **newsletter that had the article about the**  
 4 **voter ID bill.**  
 5 Q. Do your newsletters -- when -- when  
 6 there are topics of interest to your  
 7 membership, do your newsletters generate  
 8 calls or e-mails or letters from your  
 9 membership asking about a particular topic?  
 10 **A. They -- at times, yes.**  
 11 Q. Since then -- I know this is a short  
 12 period of time that we're talking about.  
 13 But since the issue that came out that you  
 14 received last Friday on the 2nd, have you  
 15 received any kind of communications from your  
 16 membership with regard to Senate Enrolled Act  
 17 483?  
 18 **A. Actually, I've been on vacation, and,**  
 19 **no, I haven't --**  
 20 Q. Okay.  
 21 **A. I haven't received anything yet.**  
 22 Q. Okay. Have you had a chance to --  
 23 like, I mean, do you get e-mails from your  
 24 membership?  
 25 **A. I don't know so much as the other**

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1 staff do, and I've not been a part of the  
2 team meeting since I got back from vacation.  
3 Q. So they may have communicated; you  
4 just haven't had a chance to talk to people  
5 and become aware of it?  
6 A. Correct.  
7 Q. Have you or anybody in your  
8 organization, of which you're aware, taken  
9 any other actions in addition to this lawsuit  
10 to address the -- the problems that you see  
11 with Senate Enrolled Act 483?  
12 A. No, not other than testifying in the  
13 first place.  
14 Q. Okay. You haven't contacted any  
15 elected officials to express displeasure or  
16 concerns?  
17 A. Not since the passing of the --  
18 Q. Okay. Have you --  
19 A. -- legislation.  
20 Q. -- contacted any legal entities like  
21 the United States Attorney's Office to  
22 question whether or not this is --  
23 A. That's why we're pursuing this.  
24 Q. So this is -- this is your -- your  
25 sole effort -- other than your testimony at

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1 the legislature, this is your primary effort  
2 at addressing the problems that you see with  
3 this legislation; is that correct?  
4 A. That and again educating our  
5 membership and other people with disabilities  
6 about the legislation in general, yes.  
7 Q. Okay. Is there anything else that  
8 you're doing?  
9 A. No.  
10 Q. As executive director, you're also a  
11 member of the organization?  
12 A. I don't think so.  
13 Q. Okay. So you don't -- you don't fall  
14 in the category of having a disability or --  
15 A. I do fall in the category --  
16 Q. You do?  
17 A. -- of having a disability, but I -- I  
18 think the way our bylaws read, it would  
19 preclude me as a member, because I don't use  
20 the organization's services.  
21 (Whereupon, Exhibit E was marked for  
22 identification.)  
23 Q. Okay. Okay. And I'm just going to  
24 hand you a couple more exhibits. This is --  
25 I think we're at E, Defendants' Exhibit E,

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1 and ask if you recognize that.  
2 (Witness reviewing.)  
3 A. Yes.  
4 Q. What is -- what is Defendants'  
5 Exhibit E?  
6 A. It's the interrogatory.  
7 Q. The interrogatories from the Attorney  
8 General's Office to your organization?  
9 A. The questions I answered.  
10 Q. Okay. And it also -- does it not  
11 also include your answers in the  
12 interrogatories?  
13 A. Yes.  
14 (Whereupon, Exhibit F was marked for  
15 identification).  
16 Q. Okay. I'm going to hand you what's  
17 been marked as Defendants' Exhibit F --  
18 UNKNOWN SPEAKER: I just set these  
19 separate because I didn't -- after you came  
20 back from vacation.  
21 THE WITNESS: Oh, okay.  
22 Q. Do you recognize Defendants' Exhibit  
23 F?  
24 A. Yeah. Yes.  
25 Q. And what -- what is Defendants'

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1 Exhibit F?  
2 A. They are the bylaws of our  
3 organization  
4 MR. OSBORN: I don't think I have any  
5 further questions. Doug?  
6 MR. WEBBER: Thank you.  
7 MR. OSBORN: Thank you, Melissa.  
8 THE WITNESS: Uh-huh.  
9  
10 CROSS-EXAMINATION,  
11 QUESTIONS BY MR. WEBBER:  
12 Q. Director Madill -- is it Madill,  
13 right?  
14 A. Madill, correct.  
15 Q. Madill. My name is Doug Webber. As  
16 Mr. Osborn related, I represent the  
17 intervenor defendant in this lawsuit, the  
18 State of Indiana, who has the task of  
19 defending the constitutionality of the  
20 statutes in Indiana. And also, at least,  
21 named initially in the lawsuit, still on the  
22 caption, are Defendants Rokita, King and  
23 Robertson, who are in inactive status, placed  
24 there by Judge Sarah Evans Barker. So I'm  
25 also here on their behalf to -- to what

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1 extent they are involved in the lawsuit or  
 2 -- or re-placed in the lawsuit.  
 3 I had a little trouble with the idea  
 4 of the two classes of membership. The  
 5 participating members -- are all of the  
 6 participating members board of directors?  
 7 **A. Yes.**  
 8 Q. Okay. And how many of those are  
 9 there?  
 10 **A. I believe there are nine.**  
 11 Q. There are nine?  
 12 **A. I believe so.**  
 13 Q. Okay. And you as the executive  
 14 director do not serve on that board?  
 15 **A. I don't serve on the board. I'm**  
 16 **accountable to the board, and I attend all**  
 17 **the board meetings.**  
 18 Q. In essence, they -- they would become  
 19 your boss?  
 20 **A. Correct.**  
 21 Q. Okay. And do you -- for the record,  
 22 can you name the board members that you  
 23 recall, can you name them for us?  
 24 **A. Yes. Ron Brown, Tim Kwitney. Do you**  
 25 **want me to spell that -- these?**

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1 Q. I think the reporter would like that.  
 2 THE COURT REPORTER: That would be  
 3 great.  
 4 **A. Tim Kwitney, K-W-I-T-N-E-Y. Jean**  
 5 **Brown --**  
 6 THE COURT REPORTER: Male or female?  
 7 **A. Female, J-E-A-N; Melody Conoway,**  
 8 **C-O-N-O-W-A-Y, I believe; Keith Swedo,**  
 9 **S-W-E-D-O; Scott Mork, he lives in Lockerbie,**  
 10 **that why I'm pointing --**  
 11 MR. FALK: Lockerbie or Irvington?  
 12 **A. That's --**  
 13 Q. It's -- it's not critical.  
 14 **A. Okay. Great.**  
 15 Q. We can supplement it.  
 16 **A. Thank you. So help me, I cannot**  
 17 **remember.**  
 18 Q. Okay. The -- the second class, the  
 19 supporting members --  
 20 **A. Uh-huh.**  
 21 Q. -- I think the bylaws and your  
 22 testimony indicate that any person who has  
 23 received services from the organization; is  
 24 that correct?  
 25 **A. Within that fiscal year.**

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1 Q. What -- what do they mean -- mean by  
 2 that, if you could amplify it a little bit?  
 3 What are the services that they would have  
 4 received from the organization?  
 5 **A. In this context it means the direct**  
 6 **services. And those would either be skills**  
 7 **training, which would be learning how to ride**  
 8 **a bus or cook or budget or do all those**  
 9 **things that you need to do to live more**  
 10 **independently, or peer support, which is --**  
 11 **since the majority of our staff are people**  
 12 **with disabilities, it's people with**  
 13 **disabilities supporting other folks with**  
 14 **disabilities, around disability-related**  
 15 **issues.**  
 16 Q. In the skill training, they actually  
 17 -- do you set up seminars or classes or  
 18 training sessions?  
 19 **A. It's one-to-one.**  
 20 Q. Oh, one-to-one?  
 21 **A. Correct.**  
 22 Q. And on the peer counseling,  
 23 one-to-one?  
 24 **A. Uh-huh. Correct. We do have some**  
 25 **support groups, however.**

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1 Q. That you use to supplement your --  
 2 your staff?  
 3 **A. We have support groups that our staff**  
 4 **run for people with disabilities,**  
 5 **specifically a spinal cord injury support**  
 6 **group, MS, a few support groups for people**  
 7 **who are old or blind or visually impaired.**  
 8 Q. You said that, I think, earlier that  
 9 you determine -- you -- you said something  
 10 about potentially members can lose up to  
 11 one-third of their allowance if -- if they  
 12 use the -- the Open Door -- what was the  
 13 name of the system?  
 14 **A. Open Door.**  
 15 Q. Open Door system. And what did you  
 16 mean by "allowance," first of all?  
 17 **A. A lot of the people -- excuse me --**  
 18 **with disabilities that are living in the**  
 19 **community are doing so on support waivers**  
 20 **and they only get allowance, I believe, of**  
 21 **60 to \$70 a month. And so \$6 round-trip**  
 22 **three or four times and --**  
 23 Q. Okay.  
 24 **A. -- you've got a big old chunk of your**  
 25 **monthly allowance.**

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1 Q. Okay. So --  
2 MR. FALK: Just for the record, these  
3 are people who are on Medicaid. The waiver  
4 is through Medicaid, so Medicaid -- under the  
5 Medicaid law, you're allowed to have a  
6 certain amount held back for your own  
7 personal expenditures each month.  
8 MR. WEBBER: Right.  
9 THE WITNESS: Thank you.  
10 Q. And they -- most of the people that  
11 you're referring to then are people that live  
12 in some kind of group home? I don't know if  
13 they still call them group homes, but group  
14 home situation.  
15 A. Most of the people, in general, that  
16 I'm referring to?  
17 Q. That you're talking about having this  
18 allowance that --  
19 A. Yes.  
20 Q. -- that is eaten up.  
21 A. But it's not -- it's supported  
22 living.  
23 Q. Supported living?  
24 A. Some of them are group homes, but a  
25 lot of them are people living individually on

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1 their own or with a roommate.  
2 Q. Okay. And it -- it includes those  
3 people also, you're saying?  
4 A. Correct.  
5 Q. And that has been the whole movement  
6 of state government for the past several  
7 years is to help kind of break down the  
8 Muscatatucks of the world and --  
9 A. Deinstitutionalize.  
10 Q. Deinstitutionalize.  
11 A. Correct.  
12 Q. And put -- give disabled people the  
13 opportunity to live in the community; isn't  
14 that correct?  
15 A. Correct.  
16 Q. Okay. So -- but on that little  
17 equation that you did, you counted three or  
18 four trips. Is that how you got to the  
19 one-third?  
20 A. Correct.  
21 Q. Okay. In -- in the community  
22 situation, aren't there alternative methods  
23 of transportation in many of the situations,  
24 for example, provided by the care provider?  
25 A. They have become very limited,

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1 because it's become cost prohibitive for the  
2 providers to provide transportation because  
3 of insurance costs. So the majority of  
4 individual providers right now are not  
5 providing transportation. Transportation is  
6 dependent on a system out there, whether it's  
7 Open Door or --  
8 Q. Are there levels of -- of assistance?  
9 Like I know groups of disabled people who  
10 get on a bus and go to work in the morning  
11 in my neighborhood. And it's just not a big  
12 bus, but a bus where they take them to their  
13 places and pick them up. But that's not an  
14 IndyGo bus.  
15 A. Chances are that's a bus provided by  
16 the work setting.  
17 Q. The work setting itself would have  
18 provided that bus?  
19 A. That could very well be possible,  
20 yeah.  
21 Q. And I take it the idea of independent  
22 living is also that you get to be closer to  
23 your family and friends and support in that  
24 manner; isn't that correct?  
25 A. Yes. But you'd just be able to

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1 choose wherever it is that you want to live  
2 and how you want to live.  
3 Q. Right. And so that brings you --  
4 instead of being stuck down in Muscatatuck,  
5 that brings you back in the situation that  
6 sometimes parents, friends and other support  
7 people help you with transportation; is that  
8 correct?  
9 A. It could be.  
10 Q. You know, in the -- is your  
11 organization planning any steps to help your  
12 members -- to identify your members that  
13 don't have either a driver's license or a  
14 photo identification that would qualify under  
15 SEA 483, identify those people and then to  
16 help them accomplish getting that?  
17 A. If that's something that they choose,  
18 we will absolutely assist them in doing that.  
19 Q. And you do not yourself condone this  
20 paternalistic attitude. The decision is  
21 theirs to make whether they want to vote or  
22 not; isn't that correct?  
23 A. Correct.  
24 Q. And if they do want to vote, they  
25 would have about seven months till the next

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1 primary in May, but I think you have to kind  
2 of push that back to April, because you have  
3 -- I'm not sure on this. But I think you  
4 have to be registered something like 30 days  
5 ahead. They have a cutoff period.

6 But in that -- in that seven months,  
7 wouldn't you agree with me that the disabled  
8 are going to have a reasonable time to  
9 accomp -- achieve -- accomplish or achieve  
10 getting the necessary identification if they  
11 don't have it, and if they do want to vote,  
12 not unlike other people who perhaps are in  
13 the same situation?

14 **A. I would say the people who are aware  
15 of this would have that opportunity if they  
16 get the support to do so. However, I would  
17 say the majority of people with disabilities  
18 are not aware of it, and so would not have  
19 the opportunity to get that.**

20 Q. So you see an education problem that  
21 this word needs -- needs to get out?

22 **A. I -- I do see it as an education  
23 problem, and I also -- I think it's  
24 important to recognize that a lot of people  
25 that vote are people with cognitive**

1 **they find out they have an expired ID.**

2 Q. So, again, that's an education  
3 problem, though, isn't it?

4 **A. I -- I -- I'm thinking it's a visual  
5 impairment problem.**

6 Q. Well, what I'm saying is somebody has  
7 to get the word out to people that are  
8 visually impaired. How do you -- we're not  
9 going to not communicate with visually  
10 impaired people, are we, for the next seven  
11 months?

12 **A. I would hope not.**

13 Q. I would hope not either. And  
14 whatever method that works effectively, which  
15 I would think a group like yours would know  
16 much better than the average layperson is on  
17 how to communicate, that needs to be done so  
18 that this person is not caught unaware; isn't  
19 that true?

20 **A. Yes.**

21 Q. Okay. Do you know how -- you said  
22 that you were -- you voluntarily showed up  
23 to testify at a -- some type of legislative  
24 committee.

25 **A. Uh-huh.**

1 **disabilities that are not going to be able  
2 to read newsprint or our newsletter to help  
3 them learn of what they need to do in order  
4 to vote.**

5 **I think additionally, too --**

6 Q. I'm sorry. There's no question in  
7 front of you.

8 **A. Okay. All right.**

9 Q. So if you could just -- I'll try and  
10 ask questions. What happens is after you  
11 answer them -- is everybody gets a chance.  
12 So Mr. Falk can kind of clean those things  
13 up, and if things occur to you that you say  
14 I wanted to say more, you can say it, if you  
15 got anything else to say.

16 But go ahead. We're here -- we're  
17 just here to find out what -- what your  
18 thoughts are. I guess that would be silly.  
19 You had a thought. Give it to us.

20 **A. Well, additionally, people who are  
21 blind and visually impaired -- and we have a  
22 program for people who are old or blind or  
23 visually impaired, frequently don't even know  
24 that their ID's have expired, until presented  
25 with a situation like they go to vote, and**

1 Q. And it was in a room in the state  
2 capitol, I bet?

3 **A. Right. It was in the --**

4 Q. First floor?

5 **A. Basement.**

6 Q. Oh, basement. Okay. And what do you  
7 remember about that experience?

8 **A. I remember that I testified along  
9 with Julia Vaughn. A member of -- one of my  
10 staff testified, who is a wheelchair user,  
11 and also a board member of IndyGo, about the  
12 barriers that it would present. And I  
13 remember one of the legislators remarking in  
14 terms of the identification issue, where  
15 providers hold identification, asking if it  
16 would be helpful if legislators wrote a  
17 letter to providers to have them get the  
18 ID's to the people with disabilities.**

19 Q. Oh, that -- that actually came up?

20 **A. Yes.**

21 Q. Do you recall if that testimony was  
22 taped at your committee?

23 **A. I don't.**

24 Q. Do you know who actually ran the  
25 committee, who was the chairman of the

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1 committee?  
2 **A. Oh, man, I wish I could remember all**  
3 **this, but, no, I don't. I'm new to the**  
4 **whole statehouse scene, so.**  
5 **Q. Again, did anyone -- apparently from**  
6 **the beginning, I take it that you had made**  
7 **-- you made a decision that you were going**  
8 **to be opposed to that law personally. Are**  
9 **you opposed to the law personally? I guess,**  
10 **I should ask that.**  
11 **A. Am I opposed? Yes.**  
12 **Q. And somewhere along the line, the**  
13 **organization adopted that point of view also;**  
14 **is that correct?**  
15 **A. Yes.**  
16 **Q. Your organization?**  
17 **Did they -- when you testified, were**  
18 **you testifying on behalf of yourself**  
19 **personally, or were you testifying on behalf**  
20 **of the organization?**  
21 **A. I was testifying on behalf of the**  
22 **organization.**  
23 **Q. And I guess my next question is did**  
24 **someone solicit you or the organization to**  
25 **send someone to that conference?**

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1 **A. I ran into Julia Vaughn in the hall.**  
2 **She told me about the bill, and I said, oh,**  
3 **I'll be there. And I went back to the**  
4 **office and specifically asked David Scott,**  
5 **one of the people I work with, to be there**  
6 **as well.**  
7 **Q. And Julia Vaughn is one of your staff**  
8 **members?**  
9 **A. Julia Vaughn is just an associate**  
10 **that I worked on the accessibility of polling**  
11 **sites with.**  
12 **Q. Do you know what job she holds?**  
13 **A. I think currently she's with Citizens**  
14 **Action Coalition. At the time -- at that**  
15 **time, I think, she was still working with**  
16 **the project under the Governor's Planning**  
17 **Council for access to vote.**  
18 **Q. Do you know if this decision by your**  
19 **organization was supported by any kind of**  
20 **referendum of -- of your members?**  
21 **A. I know that I gave the information in**  
22 **my executive director report at a board**  
23 **meeting and had board support, but there was**  
24 **no vote.**  
25 **Q. Okay. There was no vote by the**

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1 board?  
2 **A. Correct.**  
3 **Q. There was no vote by the members?**  
4 **A. The members only vote on -- that the**  
5 **members at large in terms of people with**  
6 **disabilities only vote on board members.**  
7 **Q. On -- on board members?**  
8 **A. Correct.**  
9 **Q. But, I mean, occa -- occasionally you**  
10 **solicit. At 100 to 150 members, don't you**  
11 **ever solicit like a referendum to them on**  
12 **whether they support something or not?**  
13 **A. The reason a majority of people at**  
14 **the organization are people with disabilities**  
15 **is to ensure that we do what is best -- in**  
16 **the best interest of people with**  
17 **disabilities, because we are people with**  
18 **disabilities. So when I go to get**  
19 **information to see how things will impact, I**  
20 **go to my staff who are -- who represent a**  
21 **variety of disabilities.**  
22 **Q. And did you go to your staff on this**  
23 **particular issue?**  
24 **A. Yes.**  
25 **Q. Okay. And how many -- you said you**

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1 had about ten on your staff?  
2 **A. Correct.**  
3 **Q. Do any of them not have photo ID's?**  
4 **A. They have to in order to be employed**  
5 **in my organization.**  
6 **Q. Oh, they do. And why is that?**  
7 **A. It's just a requirement of law that**  
8 **they have to have proof of ID and -- or**  
9 **proof of citizenship to work there. So,**  
10 **yes, they all do. But, again --**  
11 **Q. That is by statute?**  
12 **A. Yes.**  
13 **Q. The position that you've taken on**  
14 **this new law, is it supported -- it's**  
15 **certainly supported by your own experience**  
16 **and by talking to your staff members. I**  
17 **think you said you -- you had some contact**  
18 **with ten to 15 members, and I understand**  
19 **that.**  
20 **Is it supported at all by any kind of**  
21 **survey or study that you or your organization**  
22 **has done?**  
23 **A. No.**  
24 **Q. Do you know if you or your counsel**  
25 **intend to do such a survey?**

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1 **A. We haven't discussed it.**  
 2 Q. Is there -- I said counsel. Also  
 3 have you discussed the same with your board?  
 4 **A. It hasn't been discussed, but it's a**  
 5 **great idea.**  
 6 Q. I agree. And it wouldn't be very  
 7 paternalistic either, would it? Let's see  
 8 what you got.  
 9 In Interrogatory No. 7 -- and I think  
 10 we've handed you this as Exhibit E, one of  
 11 the comments that you made -- let's find it  
 12 first, I guess. Do you see on page 5?  
 13 **A. Yes.**  
 14 Q. You imply in the last sentence -- not  
 15 imply. You say in the last sentence, "The  
 16 issues raised by this case are perfect  
 17 example of a situation where IRCIL needs to  
 18 raise claims for person who" -- "persons who  
 19 are unable to raise them themselves."  
 20 **A. Correct.**  
 21 Q. Do you find that a bit paternalistic?  
 22 **A. No, I don't.**  
 23 Q. Why not?  
 24 **A. Because, again, we are comprised of**  
 25 **people with disabilities and represent people**

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1 **with disabilities. So when we speak to**  
 2 **issues, we are speaking on behalf of**  
 3 **ourselves, which are the group of people with**  
 4 **disabilities.**  
 5 Q. Do you think people with disabilities  
 6 should be able to sue in their own name?  
 7 **A. Absolutely.**  
 8 Q. Do you think that your organization  
 9 -- IRCIL, if I can use that -- is that what  
 10 you refer to it as?  
 11 **A. IRCIL.**  
 12 Q. IRCIL. Do you think that IRCIL is  
 13 providing any funds to pay for this  
 14 litigation?  
 15 **A. No.**  
 16 Q. So if an individual disabled voter  
 17 was being -- being -- bringing this lawsuit,  
 18 he would be in the same position as your  
 19 organization as far as funding goes; isn't  
 20 that correct?  
 21 **A. Could you just restate what you just**  
 22 **said? I think I followed you and I think**  
 23 **the answer is yes, but I want to make sure.**  
 24 Q. Funding is not a criteria that was  
 25 needed for IRCIL to jump into this suit

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1 **A. Correct.**  
 2 Q. -- as opposed to an individual  
 3 member?  
 4 **A. Correct.**  
 5 Q. In No. 9 -- in answer No. 9, it's  
 6 right at the end of page 5, and your answer  
 7 is actually on page 6. I'm sorry. Well, I  
 8 think it was the -- the question was re --  
 9 referring to your position on whether voter  
 10 security was inconsistent with any of your  
 11 tenants or principles. Your answer says  
 12 that, "However, the statute is both  
 13 unnecessary and unreasonable and is not  
 14 appropriate response to voter security  
 15 issues."  
 16 What is the extent of your  
 17 organization's understanding or interaction  
 18 with voter security issues?  
 19 **A. The organization's understanding of**  
 20 **voter security would be -- the only issues**  
 21 **that we are aware of, have been in the**  
 22 **absentee ballot voting, not in --**  
 23 Q. Well, what are those in absentee  
 24 ballot --  
 25 **A. Those are -- and the only reason I**

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1 **know of that is that's what was testified to**  
 2 **in the committee in which I was there.**  
 3 Q. And I guess what I'm trying to get at  
 4 -- and I'm not trying to be too tricky here,  
 5 but IRCIL doesn't spend much time studying  
 6 voter fraud, does it?  
 7 **A. Absolutely not.**  
 8 Q. Okay. So you heard that at that  
 9 committee meeting, but you don't have any  
 10 kind of organizational statistics on the  
 11 security problem or -- or -- in -- in any  
 12 certain poll?  
 13 **A. Correct.**  
 14 Q. Not like you do on accessibility  
 15 problem at any certain poll; is that correct?  
 16 **A. Correct.**  
 17 Q. How is Marion County doing on  
 18 accessibility problems?  
 19 **A. Not well. It was almost 100 percent**  
 20 **of their sites have some access flaw.**  
 21 Q. Okay. That's distressing to hear  
 22 that, because I was the attorney for Marion  
 23 County Election Board, and we started working  
 24 on that several -- several years ago as part  
 25 of the initial survey, where we tried to --

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1 actually went to every polling site at the  
2 time to help with, I think -- I don't know  
3 about your member, but someone to try to say  
4 here's what we got, here's what needs to be  
5 done.  
6 **A. And some are minor, but some are**  
7 **completely inaccessible.**  
8 Q. For example, your organization would  
9 be very involved in a subject like that?  
10 **A. Yes.**  
11 Q. But you wouldn't be involved in,  
12 necessarily, voting fraud issues?  
13 **A. Correct.**  
14 Q. Does your organization help members  
15 get copies of birth certificates?  
16 **A. If -- if need be, yes, absolutely.**  
17 MR. FALK: And just for  
18 clarification, what do you mean by "help"?  
19 Do you mean financial or advocacy or what?  
20 MR. WEBBER: Oh --  
21 THE WITNESS: We, basically, would  
22 just assist them in the how to; we certainly  
23 can't provide financial assistance.  
24 MR. WEBBER: Thank you, Mr. Falk.  
25 That makes that answer clearer, the question

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1 better.  
2 Q. How many -- how many of those do you  
3 do a year?  
4 **A. I have no idea.**  
5 Q. Best guess?  
6 **A. I have no idea.**  
7 Q. In Interrogatory No. 10, you  
8 answered, "I'm also aware of the  
9 identification requirements for obtaining a  
10 birth certificate."  
11 And can you just give me a thumbnail  
12 sketch of those requirements?  
13 **A. You need a photo -- state photo ID to**  
14 **get those. And what I usually do, too, is**  
15 **refer to the list that's attached to this,**  
16 **because I -- I don't have them memorized in**  
17 **terms of things that folks need to get a**  
18 **birth certificate as well as things that**  
19 **folks need to get a state issued ID.**  
20 MR. FALK: And just for the record,  
21 she said, "attached to this," I don't know  
22 what --  
23 MR. WEBBER: It's attached to the --  
24 MR. FALK: Is it, okay.  
25 MR. WEBBER: -- Defendants' Exhibit

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1 No. E, is the B -- BMV documents.  
2 Q. That's what you're referring to?  
3 **A. Right.**  
4 MR. FALK: And also the requirements  
5 of the Marion County Indiana Department of  
6 Health are attached as well.  
7 THE WITNESS: I just kind of have  
8 them hanging next to my desk and pop them  
9 out when I need them.  
10 Q. Do -- does your -- how do -- if you  
11 know, how do disabled people currently get  
12 transported to the polls on election day?  
13 **A. Various ways. Some actually, you**  
14 **know, get themselves there using their own**  
15 **power in terms of physically walking there or**  
16 **wheeling themselves there. People will drive**  
17 **or be driven, use public transportation,**  
18 **just --**  
19 Q. Do the parties get involved in that?  
20 Once a disabled voter like any other voter  
21 identifies themselves to be a Democrat or  
22 Republican, do sometimes the parties get  
23 involved in transporting voters to the polls,  
24 if you know?  
25 **A. I don't know.**

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1 Q. If someone is severely disabled to  
2 the point that a trip is going to be painful  
3 for him or her, is -- are there alternative  
4 methods of voting that you're familiar with  
5 rather than going to the polls themselves?  
6 **A. In terms of physically painful for**  
7 **them to -- to get there? Yes, there would**  
8 **be, I mean.**  
9 Q. What -- what forms are you familiar  
10 with --  
11 **A. You could vote absent --**  
12 Q. -- that a disabled person could avail  
13 themselves of?  
14 **A. You could vote absentee.**  
15 Q. Okay. Are you also familiar with,  
16 what are called, traveling absentee boards or  
17 traveling boards that actually come to you to  
18 vote -- come to the voter to vote?  
19 **A. Huh-uh.**  
20 Q. Does your organization --  
21 **A. No. I'm sorry. I said huh-uh, and**  
22 **then -- then I thought --**  
23 Q. Oh.  
24 **A. -- I better say "no."**  
25 Q. Kathy will make you look good,

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1 though. There will be a big no -  
 2 Does your organization get involved  
 3 in providing any support for people to apply  
 4 for absentee ballots?  
 5 **A. Again, if they request it, we would**  
 6 **certainly assist them in doing that.**  
 7 Q. I notice at the end of your answer on  
 8 page 9, which is Interrogatory No. 12, starts  
 9 on page 8. I was a little bit disturbed by  
 10 ans -- your answer to the question. The  
 11 question had to do with supporting your  
 12 allegation that Senate Enrolled Act 483 will  
 13 impede the voting person to vote.  
 14 What bothered me is that in the last  
 15 sentence you said most people and certainly  
 16 many people with disabilities will just not  
 17 bother to vote. And one of the -- one of  
 18 the things you say in support of that is  
 19 that their vote won't be counted for two  
 20 weeks.  
 21 **A. It could be possible that their**  
 22 **vote's not counted for two weeks.**  
 23 Q. And when I vote, isn't it possible  
 24 that my vote won't be counted for two weeks?  
 25 **A. If you don't have proper**

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1 **identification, I guess, it would be.**  
 2 Q. Regardless if you were disabled or  
 3 not; isn't that true?  
 4 **A. I -- not that I'm aware of.**  
 5 Q. Well, let me put it this way. If  
 6 someone has to vote a provisional ballot,  
 7 isn't it a fact that it might not be counted  
 8 for some period of time?  
 9 **A. If they had to vote on a provisional**  
 10 **ballot, that could be true.**  
 11 Q. And if as -- unfortunately, I've  
 12 experienced, is there's a computer snafu or  
 13 breakdown on election night, there's no  
 14 guarantee that somehow a person is going to  
 15 know the outcome of the election the next  
 16 night -- or that same night, I guess they do  
 17 now?  
 18 **A. A typical person would go to the**  
 19 **polls with the assumption that their vote**  
 20 **would be counted when they vote.**  
 21 Q. Do they become, like, more important?  
 22 Does their vote become more important if at  
 23 the end of the first go-through, you know  
 24 how they just do a survey and say here it  
 25 is, and they flash up on the screen

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1 candidacy for governor -- let's imagine this,  
 2 if you will, and it's 50-50. Now is their  
 3 vote so unimportant as to whether they're  
 4 going to count it 13 days down the road or  
 5 14 days down the road?  
 6 **A. Well, on a personal level, no, I**  
 7 **think it would become more important. But**  
 8 **I'm not sure if knowing up front that your**  
 9 **vote not -- might not be counted until later**  
 10 **if -- if you would actually think in terms**  
 11 **of, well, it's probably going to be a 50-50**  
 12 **split, so I better go ahead and vote.**  
 13 Q. Right. And I guess what I'm saying  
 14 is I can kind of see -- I'm trying to figure  
 15 out your answer in the fact that you say,  
 16 well, that two weeks is really going to  
 17 affect people.  
 18 If -- I guess if they come out and  
 19 they say, you know, Mitch Daniels just won  
 20 by, you know, 25 percent, I -- I guess I'm  
 21 subscribing to your theory that the person  
 22 may never go down and follow up his vote.  
 23 But if, on the other hand, it's 50-50, are  
 24 they more prone to go down and make sure  
 25 their vote is counted? Wouldn't you -- I

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1 mean, wouldn't you think that would be the  
 2 situation?  
 3 THE WITNESS: I -- could I have a  
 4 minute with you, because I'm not certain at  
 5 all.  
 6 MR. WEBBER: Sure. And if that's --  
 7 sure, take a minute.  
 8 MR. FALK: Yeah.  
 9 MR. WEBBER: I know it's confusing.  
 10 MR. FALK: Yeah. Rather than -- I --  
 11 I think what the question is, is if the  
 12 election is tied --  
 13 THE WITNESS: Uh-huh.  
 14 MR. FALK: -- or appears to be very  
 15 close, the mere fact that you have to wait  
 16 two weeks may not affect the person the same  
 17 way if the election is a landslide.  
 18 And I will stipulate to that for the  
 19 parties here that obviously that's the case.  
 20 But I would also for the record, since  
 21 you're asking, wonder how many elections that  
 22 in my experience are -- fall into the not to  
 23 be decided the night of the election night.  
 24 But ba -- basically, that's what he's  
 25 asking.

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1 **A. Okay. Yeah, then yes.**  
2 Q. Are you familiar that in certain  
3 states they don't even have to count the  
4 absentee ballots if, in fact, the -- the  
5 number of absentee ballots cannot overcome  
6 the margin that's registered by the poll  
7 voters? Are you aware of that?  
8 **A. No, I was not aware of that.**  
9 Q. And -- and I guess what I'm after is  
10 have we -- have we gotten to the nut of your  
11 answer when you said "most people, certainly  
12 many people with disabilities will just not  
13 bother to vote," do you mean that they won't  
14 bother to vote at the polls that day, or  
15 will they not bother to come down and ensure  
16 that their provisional is counted?  
17 **A. They will not come down and -- and --**  
18 **and make sure. I mean, they won't incur the**  
19 **cost and/or the hassle of the additional**  
20 **trips in order to ensure that their vote is**  
21 **counted.**  
22 Q. Okay. That -- that -- it may be a  
23 commentary by me, but that would be what I  
24 would have thought you meant.  
25 **A. Okay.**

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1 Q. But with the word "to vote" in there,  
2 I think of the actual voting. And -- and I  
3 couldn't see why the reason would be why  
4 they wouldn't go in to vote.  
5 In your answer to 14, you talk about,  
6 "The challenge statute does nothing to  
7 address absentee voters." Isn't -- do you  
8 see that in the middle of the sentence?  
9 **A. Uh-huh.**  
10 Q. You had the cha -- and -- and given  
11 that as part of your rationale to your  
12 answer that it's -- why it is unreasonable  
13 and irrational, how would a voter  
14 identification ever be effective as a  
15 security measure for an absentee ballot?  
16 **A. I guess I'm not saying that it would**  
17 **be effective. I'm just saying nothing**  
18 **happened to address that, and that seemed to**  
19 **be where the issue was.**  
20 Q. You're saying if they address the  
21 poll, they should address the absentees also?  
22 **A. They should address where the fraud's**  
23 **been --**  
24 Q. Okay.  
25 **A. -- that's get -- correct.**

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1 Q. Okay. When you -- that is correct,  
2 by the way I stated that is --  
3 **A. Yes.**  
4 Q. -- instead they didn't address one,  
5 they address the other, not what -- not that  
6 the voter ID or photo ID would address any  
7 fraud -- absentee ballot fraud issue; is that  
8 correct?  
9 **A. Yes.**  
10 Q. I don't want to put words in your  
11 mouth here. Okay.  
12 And finally, you had a problem,  
13 surprisingly -- well, that's an editorial  
14 comment -- with the nursing home exception,  
15 right at the end of there -- your answers  
16 there, "Persons who live in nursing homes  
17 and" -- "and vote in polling places located  
18 in the nursing homes are exempt" -- "are  
19 exempted from the statute presumably, because  
20 they can be identified. This highlights the  
21 fact that the identification requirement for  
22 those voting in other places, even if at the  
23 polls know them, is unreasonable and  
24 irrational."  
25 First of all, do you -- do you have

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1 any doubt that a person that is confined in  
2 a nursing home that it is a polling place  
3 where they live that people are going to  
4 know who they are?  
5 **A. People at the polling sites, yeah.**  
6 Q. Okay.  
7 **A. I would question whether the people**  
8 **who are working the polling sites would know**  
9 **who those people were.**  
10 Q. Okay. You would question whether the  
11 people that are working in the polling site  
12 would know who they are?  
13 **A. Correct.**  
14 Q. Okay. And if there is a problem with  
15 their identity, where would they be able to  
16 find that person?  
17 **A. I don't understand the question.**  
18 Q. Where do you think they would be able  
19 to find that person? If there's a question  
20 about whether a voter had -- was actually a  
21 resident or lived in the precinct, whatever  
22 reasons there are for challenges, wouldn't --  
23 it's not a trick question. The person that  
24 lives in the nursing home, he is locatable,  
25 isn't he

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1 A. He is --  
 2 Q. -- or she?  
 3 A. -- locatable.  
 4 Q. Okay.  
 5 A. However, people know me at my polling  
 6 site, and I would be locatable, because I  
 7 live next door to the judge. However, I  
 8 would still have to show photo ID.  
 9 Q. But you have the ability to get a new  
 10 job in Seymour next year. Okay? Seymour,  
 11 Indiana.  
 12 A. Uh-huh.  
 13 Q. And don't tell me you got family in  
 14 Seymour. But -- but at some place where  
 15 you're not known --  
 16 A. Okay.  
 17 Q. -- and the first time that you show  
 18 up there, people not only do not know you,  
 19 but they -- they're not even sure whether  
 20 the person that you -- you say you are --  
 21 you come in and you sign the poll book and  
 22 you say I am Mad -- Melissa Madill --  
 23 Madill --  
 24 A. That is what I'd say, yeah.  
 25 Q. Okay. And -- and they go, you know,

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1 we don't even know this lady. Do you think  
 2 -- then, you think for those voters that a  
 3 photo ID as prescribed by Senate Enrolled Act  
 4 483 is a rational method of -- of  
 5 determining that that person is who they say  
 6 they are?  
 7 A. I still think it's prohibitive. I  
 8 don't necessarily think a photo ID is, but a  
 9 state issued photo ID becomes a barrier for  
 10 too many folks to be able to vote.  
 11 Q. Okay. So you're saying that perhaps  
 12 one of the problems that you have with the  
 13 law is the restrictions on to what kind of  
 14 photo ID it has to be?  
 15 A. Correct.  
 16 MR. WEBBER: Okay. Let me just look  
 17 at my questions and make sure that I've got  
 18 them all.  
 19 And I do, so I have no further  
 20 questions. Thank you.  
 21 MR. LOHMAN: Do you want to go, Ken?  
 22 MR. FALK: No, you go first.  
 23 MR. LOHMAN: Okay.  
 24  
 25

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1 CROSS-EXAMINATION,  
 2 QUESTIONS BY MR. LOHMAN:  
 3 Q. There was one question about the  
 4 requirement that your employees have  
 5 photographic identification or some sort of  
 6 ID, and you made reference to a statute or a  
 7 law regarding that. Are you talking about  
 8 federal law that requires people to present  
 9 certain ID for immigration control purposes?  
 10 A. Yes, for proof of citizenship.  
 11 Q. Okay. Okay. And I think the  
 12 record's clear on this, but make -- make  
 13 certain. You don't have any personal  
 14 expertise in terms of voting fraud issues?  
 15 A. Correct.  
 16 Q. Okay.  
 17 MR. LOHMAN: Nothing further.  
 18 MR. FALK: Could we take a break?  
 19 (At this time, a break was taken.)  
 20  
 21 CROSS-EXAMINATION,  
 22 QUESTIONS BY MR. FALK:  
 23 Q. During your testimony, you indicated  
 24 that IRCIL is charged with representing  
 25 disabled people. Who charges you?

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1 A. Centers for Independent Living spawned  
 2 out of the civil rights movement for people  
 3 with dis --  
 4 THE COURT REPORTER: What -- what did  
 5 you say before that?  
 6 MR. FALK: Centers for Independent --  
 7 THE WITNESS: Centers for Independent  
 8 Living --  
 9 THE COURT REPORTER: Yeah. I got  
 10 that.  
 11 THE WITNESS: -- spawned --  
 12 THE COURT REPORTER: Spawned?  
 13 THE WITNESS: Spawned.  
 14 THE COURT REPORTER: I didn't hear.  
 15 I'm sorry.  
 16 A. -- from the civil rights movement of  
 17 people with disabilities and are federally  
 18 legislated to exist under Title 7 of the  
 19 Rehab Act.  
 20 Q. So you receive federal funding?  
 21 A. We do rece -- receive federal  
 22 funding.  
 23 Q. And you are required to serve not  
 24 only your members, but be available to the  
 25 disabled community as a whole?

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1 **A. One of the things we're charged with**  
2 **is systems advocacy.**  
3 Q. Is -- I'm sorry?  
4 **A. Systems advocacy.**  
5 Q. So with advocacy, you're providing  
6 services to the entire disabled community?  
7 **A. Correct.**  
8 Q. And you serve Marion County, Indiana?  
9 **A. We serve Marion and the seven**  
10 **contiguous counties.**  
11 Q. You talked a little bit about people  
12 receiving, what you called, waiver services,  
13 who are given an allowance. Do you remember  
14 that testimony?  
15 **A. Yes.**  
16 Q. And my understanding is the waiver is  
17 a shorthand for a waiver provided under the  
18 Medicaid law to allow people who are so  
19 disabled that they would otherwise be  
20 eligible for nursing home or institutional  
21 care to live in the community; is that  
22 correct?  
23 **A. Correct.**  
24 Q. And you were asked about where these  
25 people live, and you indicated they might

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1 live in group homes or other congregate  
2 settings?  
3 **A. Folks that are on the waiver would**  
4 **not live in group homes. They would live**  
5 **either individually or with roommates of**  
6 **their choice.**  
7 Q. So they may be living, quote,  
8 unquote, normally, but they are on Medicaid?  
9 **A. Correct, and receiving supports in**  
10 **their home.**  
11 Q. Through the waiver?  
12 **A. Through the waiver.**  
13 Q. And when you're on Medicaid, you are  
14 entitled to only keep a certain amount of  
15 personal income a month; is that correct?  
16 **A. Correct.**  
17 Q. Is it \$50?  
18 **A. You know, I can't re -- it was 30.**  
19 **They raised it to 50. And I can't remember**  
20 **if they raised it to 70. But at the most**  
21 **it's \$70 a month.**  
22 Q. You were also asked a question about  
23 absentee ballots. And I'll ask you. Why  
24 not tell your members and all disabled people  
25 they should just vote absentee and avoid what

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1 you have -- and your organization has  
2 identified as barriers to voting?  
3 **A. Because people with disabilities have**  
4 **the same rights as everyone else, which means**  
5 **the right to vote at the polling site. I**  
6 **mean, it's part of the whole normalization of**  
7 **folks with disabilities into all aspects of**  
8 **society.**  
9 Q. And do you see some advantage from  
10 just a personal experience of voting in the  
11 voting site itself?  
12 **A. Oh, absolutely.**  
13 Q. What is that?  
14 **A. It gives you the opportunity, again,**  
15 **to be integrated into a normalized setting,**  
16 **and to -- there's people handing out**  
17 **information at the polls that could sway your**  
18 **decision at the last minute in terms of who**  
19 **you want to vote for.**  
20 MR. FALK: I have no further  
21 questions.  
22 MR. OSBORN: I hope that's not true.  
23 I -- I have no questions.  
24 MR. LOHMAN: I -- I have no  
25 questions.

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1 MR. WEBBER: I have nothing further.  
2 MR. FALK: And we'll take signature.  
3 THE COURT REPORTER: Send it to you  
4 or --  
5 MR. FALK: Please send it to me.  
6  
7 AND FURTHER THE DEPONENT SAITH NOT.  
8  
9  
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1 STATE OF INDIANA  
 2 SS:  
 3 COUNTY OF MARION  
 4 I, KATHLEEN L. CAST, 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 Defendant Marion  
 12 County Election Board, that said deposition  
 13 was taken at the time and place heretofore  
 14 mentioned;  
 15 That said deposition was taken down  
 16 in Stenograph notes and afterwards reduced to  
 17 typewriting under my direction; and that the  
 18 typewritten transcript is a true and accurate  
 19 record of the testimony given by said  
 20 deponent to the best of my knowledge and  
 21 ability;  
 22 And that the deposition upon oral  
 23 examination was taken down in Stenograph  
 24 notes and afterwards reduced to typewriting  
 25 under my direction and thereafter presented

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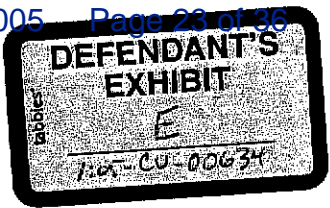
1 to counsel for the purpose of obtaining the  
 2 witness' signature;  
 3 I do further certify that I am a  
 4 disinterested person in this cause of action;  
 5 that I am not a relative or attorney of any  
 6 of the parties, or otherwise interested in  
 7 the event of this cause of action, and am  
 8 not in the employ of the attorneys for any  
 9 of the parties.  
 10 IN WITNESS WHEREFORE, I have hereunto  
 11 set my hand and affixed my notarial seal  
 12 this 13th day of September, 2005.  
 13  
 14  
 15  
 16  
 17 Kathleen L. Cast, Notary Public,  
 18 Residing in Marion County, Indiana  
 19 My Commission Expires:  
 20 February 9, 2007  
 21  
 22  
 23  
 24  
 25

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1 CAPTION  
 2 The Deposition of MELISSA MADILL,  
 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.  
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1 CERTIFICATE  
 2 MELISSA MADILL, states that the foregoing  
 3 transcript of his/her Deposition, taken in  
 4 the matter, on the date, and at the time and  
 5 place set out on the title page hereof,  
 6 constitutes a true and accurate transcript of  
 7 said deposition.  
 8  
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 12  
 13 MELISSA MADILL  
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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. )

**RESPONSE OF INDIANAPOLIS RESOURCE CENTER FOR INDEPENDENT  
LIVING TO INTERVENOR-DEFENDANT'S INTERROGATORIES AND  
REQUEST FOR PRODUCTION**

Comes now Melissa Madill, Executive Director of the Indianapolis Resource  
Center for Independent Living ("IRCIL"), being duly sworn upon her oath, and by her

counsel, and files responses to Intervenor-Defendant's Interrogatories and Request for Production of Documents.

**INTERROGATORIES**

**INTERROGATORY 1:**

Please state the name, address, and organizational position of the individual(s) answering these interrogatories on behalf of the Indianapolis Resource Center for Independent Living.

**ANSWER:**

Melissa Madill, Executive Director, Indianapolis Resource Center for Independent Living, 1426 W. 29<sup>th</sup> St., Suite 207, Indianapolis, Indiana, 46208.

**INTERROGATORY 2:**

Please define "members" as used by the Plaintiff in paragraph No. 45 of your Complaint.

**ANSWER:**

Under our current by-law, our members are the Board of Directors and the people with disabilities whom we serve.

**INTERROGATORY 3:**

Please identify any by-laws or written policies of the Indianapolis Resource Center for Independent Living that set forth the requirements for membership in your organization.

**ANSWER:**

The current by-laws are attached.

**INTERROGATORY 4:**

Please identify the particular process the Indianapolis Resource Center for Independent Living used to make the conclusion in paragraph No. 48 of its Complaint that many of its members "will be discouraged from voting or from voting in person by Senate Enrolled Act (SEA) No. 483".

**ANSWER:**

This is based on our in depth understanding and knowledge of the community that we serve.

**INTERROGATORY 5:**

Please identify by name and address your members that "will be discouraged from voting or voting in person by SEA No. 483".

**ANSWER:**

We do not have the names of specific persons with disabilities who will be discouraged.

**INTERROGATORY 6:**

What records, if any, are kept by the Indianapolis Resource Center for Independent Living that identify:

1. The financial status of the members of the Indianapolis Resource Center for Independent Living.
2. Members of the Indianapolis Resource Center for Independent Living who possess driver's licenses.
3. Members of the Indianapolis Resource Center for Independent Living who possess photo ID.
4. Aggregate voting records of members of the Indianapolis Resource Center for Independent Living.

**ANSWER:**

We do not have such records.

**INTERROGATORY 7:**

Is the Indianapolis Resource Center for Independent Living claiming associational standing for its members or anyone else? If so, please identify for what injuries the Indianapolis Resource Center for Independent Living claims associational standing.

**ANSWER:**

Yes. IRCIL is claiming associational standing. My attorney has informed me that under certain circumstances an organization can raise the injuries of its members.

We have members who will not be able to vote or who will have great difficulty in voting because of the challenged law. IRCIL is raising these injuries for its members.

Additionally, my attorney has informed me that a party in a lawsuit may raise the interests of others where the party has a close interest to the third party and there is some hindrance to the third party raising those claims. IRCIL represents many persons who do not have the means or abilities to raise issues for themselves. The issues raised by this case are a perfect example of a situation where IRCIL needs to raise claims for persons who are unable to raise them themselves.

**INTERROGATORY 8:**

Is the Indianapolis Resource Center for Independent Living claiming a direct injury to itself? If so, please state that injury with specificity.

**ANSWER:**

Yes. The effectiveness of our advocacy, and that of our members, is dependent on elected officials perceiving persons with disabilities as a voting block to be reckoned with. The statute we are challenging in this case threatens IRCIL's effectiveness because it will make it more difficult for disabled persons to vote. This, in turn, will hinder IRCIL's effectiveness.

**INTERROGATORY 9:**

Is voter security, as herein defined, inconsistent with any tenet or principle of the Indianapolis Resource Center for Independent Living?

**ANSWER:**

No, it is not. However, the challenged statute is unnecessary and unreasonable and is not an appropriate response to voter security issues.

**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:**

I am aware of the identification requirements for obtaining a license or identification card from the Bureau of Motor Vehicles. I am also aware of the identification requirements for obtaining a copy of a birth certificate from the Marion County Board of Health and the Indiana Department of Health. These requirements are all contained in documents.

It is clear that if an individual does not have a birth certificate he or she will have to purchase one that is an expense. However, inasmuch as one must have a license or similar identification to obtain a birth certificate and a birth certificate to get identification from the Bureau of Motor Vehicles, it could be extremely difficult to obtain the identification.

Moreover, persons with disabilities may live in some sort of congregate setting where they may not have the secondary documentation and proof of Indiana residency required by the Bureau of Motor Vehicle requirements.

Additionally, many disabled persons do not drive and depend, in the Indianapolis area, on public transportation, to get around. For those persons whose disabilities are significant enough that they utilize Open Door, I know that transportation is difficult, unreliable and time-consuming. Open Door is the public transportation system available to persons with disabilities who are unable or unwilling to use the public bus system. The Open Door system is not a fixed route system, but provides a system that picks the person up at or near their home and delivers the person to his or her destination. If a disabled person wishes to schedule a pick up by Open Door, Open Door reserves the right to require the person to make an appointment for a pick up three days in advance of the time the person wants to be transported. Moreover, I am aware that Open Door operates on a "first come, first serve" system. Therefore, there are times when a disabled person will not be able to obtain Open Door transportation at the desired time. Additionally, I am aware that there are times when a disabled individual is able to obtain Open Door transportation to get to a desired location, but is not able to obtain transportation to return. Open Door charges \$3.00 to transport persons. A round-trip will therefore cost \$6.00. This is not an insignificant expense.

Of course, if the person lives in an area which is not served by public transportation, as is the case for many of our members in the eight county area that we serve, transportation is virtually impossible.

Finally, I am aware how difficult it is for many persons with disabilities to move

around outside in general. I am aware from working with our members who have transportation problems that they are extremely reluctant to make trips away from their homes for both cost reasons and because of the physical difficulty some have in traveling. There is no mechanism available for a person to receive a driver's license or identification without personally appearing at a license branch.

**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:**

I am not aware of such fraud and I am not aware that any such fraud has been reported.

**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:**

For the reasons given in response to Interrogatory 10, I believe it will be difficult, if not impossible, for certain persons with disabilities to obtain the identification necessary to vote in person. Moreover, it is unrealistic to think that a person will take the extraordinary and difficult steps to do what is necessary to have his or her vote counted when the vote won't be counted until two weeks after the election. Most people, and certainly many persons with disabilities, will just not bother to vote.

**INTERROGATORY 13:**

Please identify all the 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:**

If the persons must obtain a birth certificate they must pay a fee. There is also the significant cost of transportation as specified above. Additionally, there is the cost of the significant effort that must be expended. This cost cannot be overlooked, particular for persons with disabilities.

**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:**

A law that is so onerous that it either forces a person with disabilities to not vote or to vote absentee mandates inaccessibility that is counter to everything IRCIL stands for and is unreasonable and irrational. This is particularly true given that there is no evidence that there is a problem with persons attempting to vote in person with fraudulent identities.

It would appear that voter fraud would be more of a concern with regard to absentee voters. Yet the challenged statute does nothing to address absentee voters. This highlights the fact that the identification requirement for those voting in person is irrational and unreasonable.

Persons who live in nursing homes and vote in polling places located in the nursing homes are exempted from the statute, presumably because they can be identified. This highlights the fact that the identification requirement for those voting in person in other places, even if persons at the polls know them, is unreasonable and irrational.

The law makes it more difficult to vote and will discourage persons from voting. This is irrational and unreasonable.

**REQUEST FOR PRODUCTION**

**REQUEST NO. 1:**

Please provide any and all documents identified in your answer to interrogatory No. 3.

**RESPONSE:**

Please see attached.

**REQUEST NO. 2:**

Please provide any and all documents identified in your answer to interrogatory No 3.

**RESPONSE:**

Please see attached.

**REQUEST NO. 3:**

Please provide any and all documents identified in your answer to interrogatory No. 6.

**RESPONSE:**

There are no such documents.

**REQUEST NO. 4:**

Please provide any and all documents identified in your answer to interrogatory No. 10.

**RESPONSE:**

Attached, please find the identification requirements imposed by the Bureau of Motor Vehicles, Indiana Department of Health, and the Marion County Board of Health.

**REQUEST NO. 5:**

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

**RESPONSE:**

IRCIL has no such documents.

**REQUEST NO. 6:**

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

**RESPONSE:**

Please see the documents produced in response to request number 4.

**REQUEST NO. 7:**

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.

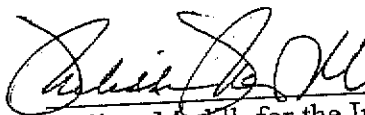
**RESPONSE:**

All such documents, with the exception of the challenged statute, have been produced in response to the above request for production of documents.

**VERIFICATION**

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

Executed on: Aug 31, 2005



Melissa Madill, for the Indianapolis  
Resource Center for Independent  
Living

---

Kenneth J. Falk  
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Indiana Civil Liberties Union  
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Indianapolis, IN 46202  
317/635-4059 ext. 229  
317/635-4105  
Ken.falk@ichu.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 ~~10th~~ day of September, 2005.

*in personal service*

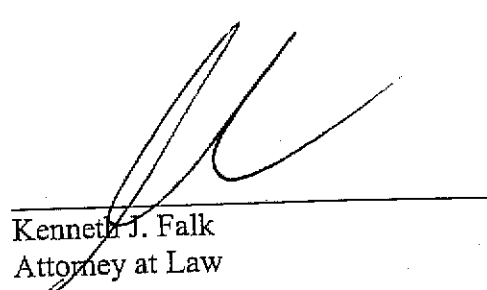
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Attorney at Law