

**STATE'S  
EXHIBIT NO. 59**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

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. )

COPY

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The deposition upon oral examination of LOIS HOLLAND, a witness produced and sworn before me, Brandy E. Bradley, Notary Public in and for the County of Hamilton, State of Indiana, taken on behalf of the State of Indiana at the Office of the Attorney General, 302 West Washington Street, Indiana Government Center South, 5th Floor, Indianapolis, Indiana on the 18th day of November, 2005, at the hour of 9:39 a.m., pursuant to the applicable rules of procedure with written notice as to time and place thereof.

PENNAMPED ROBERTS FRANZEN REPORTING, INC.  
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1  
2 A P P E A R A N C E S  
3  
4 COUNSEL FOR THE STATE OF INDIANA:  
5 Mr. Doug Webber  
6 OFFICE OF THE ATTORNEY GENERAL  
7 302 West Washington Street, 5th Floor  
8 Indianapolis, Indiana 46204  
9  
9 COUNSEL FOR THE INDIANA DEMOCRATIC PARTY:  
10 Mr. William R. Groth  
11 FILLENWARTH DENNERLINE GROTH & TOWE  
12 1213 N. Arlington Avenue, Suite 204  
13 Indianapolis, Indiana 46219  
14  
14 Mr. Barry A. Macey  
15 MACEY SWANSON & ALLMAN  
16 445 N. Pennsylvania Street, Suite 401  
17 Indianapolis, Indiana 46204  
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16 COUNSEL FOR THE MARION COUNTY ELECTION BOARD:  
17 Mr. James B. Osborn  
18 OFFICE OF CORPORATION COUNSEL  
19 200 East Washington Street, Suite 1601  
20 Indianapolis, Indiana 46204  
21  
22  
23  
24  
25

1 9:39 a.m.  
2 November 18, 2005  
3  
4 LOIS HOLLAND,  
5 having been first duly sworn to tell the  
6 truth, the whole truth and nothing but the truth  
7 relating to said matter was examined and testified  
8 as follows:  
9  
10 DIRECT EXAMINATION  
11 QUESTIONS BY MR. WEBBER:  
12  
13 Q. Will you state your name, please.  
14 A. Lois Holland.  
15 Q. And, Ms. Holland, how are you spelling your  
16 last name?  
17 A. H-O-L-L-A-N-D.  
18 Q. And should I say Mrs., Ms. or Miss?  
19 A. Mrs.  
20 Q. Mrs., okay.  
21 A. Almost 50 years.  
22 Q. You have to be careful these days, so --  
23 A. Uh-huh, I know.  
24 Q. Mrs. Holland, where do you live?  
25 A. 1147 South Bradley.

1 I N D E X O F E X A M I N A T I O N  
2  
3 Direct Examination ..... 4  
4 Questions by Mr. Webber  
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1 Q. And is that here in Indianapolis?  
2 A. Uh-huh.  
3 Q. And what is your age?  
4 A. Sixty-nine.  
5 Q. And are you currently working or are you  
6 retired?  
7 A. I just stay at home.  
8 Q. You stay at home?  
9 A. Uh-huh.  
10 Q. Okay. And what activities do you have or  
11 hobbies do you have?  
12 MR. GROTH: Objection to relevance.  
13 A. I go to church and I sew and I cook and --  
14 Q. What church do you go to?  
15 MR. GROTH: Objection to the relevance,  
16 Doug.  
17 A. Landmark Baptist.  
18 MR. GROTH: Doug, let's not go into all  
19 her personal biography. I don't think that's  
20 important in this case.  
21 Q. Where is it?  
22 A. Landmark Baptist.  
23 Q. Okay. And where is that located from your  
24 home?  
25 A. Five Points and Thompson Road.

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1 Q. And approximately how many miles is it?  
 2 A. Oh, probably about -- from town or to church?  
 3 Q. From your house to church.  
 4 A. About five.  
 5 Q. And, Mrs. Holland, we have an explanation --  
 6 well, maybe we should have done this sooner.  
 7 My name is Doug Webber. I'm here to represent  
 8 the State of Indiana in a lawsuit that was  
 9 filed regarding this new statute that the  
 10 Indiana General Assembly passed that says when  
 11 you vote, you will now have to show a photo  
 12 identification at the polling place. That's  
 13 kind of a summary of it or a short summary of  
 14 it.  
 15 The Indiana Democrat State Party and  
 16 Marion County Central Committee, Democrat  
 17 Central Committee, filed a lawsuit regarding  
 18 constitutionality as to whether that law is a  
 19 valid law. That was joined by another lawsuit  
 20 with a large group of different groups for the  
 21 NAACP, for example, was involved in it,  
 22 associations for the homeless and the disabled  
 23 and I believe senior citizens.  
 24 So in this lawsuit and where you come in  
 25 to play -- I know you say, "How does that

1 involve me?" Apparently, at one time you  
 2 answered a survey and I believe it was from the  
 3 Democratic Marion County Central Committee was  
 4 sent to your house and you filled out a survey  
 5 card and from that card they listed you as  
 6 being someone who was potentially hurt by that  
 7 law.  
 8 A. I didn't even remember signing it.  
 9 Q. Okay. So what happens today then is since your  
 10 name was on that list, the other side, which is  
 11 the side I represent, -- the Attorney General  
 12 defends the laws of the State of Indiana --  
 13 gets to ask you questions, depose you and find  
 14 out what you do know about the law or how it  
 15 will affect you, so that's why we're here.  
 16 This is a deposition. As I'm talking, you  
 17 can see the reporter transcribes things. You  
 18 can see the attorneys. Mr. Osborn is here for  
 19 the Marion County Election Board. Mr. Groth  
 20 and Mr. Macey are here for the Marion County  
 21 Democratic Central Committee and for the State  
 22 Democratic Party. So we all have an  
 23 opportunity to ask you questions. I get to go  
 24 first.  
 25 You said you do not recall filling out a

1 card similar to this?  
 2 A. I don't remember it, but I probably did.  
 3 (At this time State's Deposition  
 4 Exhibit A was marked for identification.)  
 5 Q. It's been marked State's Deposition Exhibit A  
 6 and it basically appears to be two sides  
 7 photocopied on a sheet of paper. This is not  
 8 your name. It is Bettie Weiss, but I'm just  
 9 submitting it to see if you recall that card  
 10 and you said you can't recall filling it out?  
 11 A. Uh-uh. Of course, I'm getting to that age.  
 12 Alzheimer's kind of hits.  
 13 Q. I am too as far as that goes. Have you worked  
 14 at precinct polling places before?  
 15 A. I've worked at Holy Cross twice and I worked  
 16 at lll a few years on Stamm Avenue.  
 17 Q. So you think maybe four elections that you've  
 18 worked at?  
 19 A. I think a little more than that. I worked  
 20 since about '95, I think. I don't remember,  
 21 but I know I've been working a few years there.  
 22 Q. What job do you usually hold when you work at  
 23 the precinct?  
 24 A. Clerk.  
 25 Q. You're the clerk?

1 A. Uh-huh.  
 2 Q. Are you usually the Democrat clerk or the  
 3 Republican clerk?  
 4 A. Well, I'm usually both of them sometimes. We  
 5 get one lady about 86 years old that comes in  
 6 there for half a day sometimes. She's been  
 7 there for several years. Most of the workers  
 8 that I work with has been there for several  
 9 years. It's in my neighborhood really.  
 10 Q. And are you asked then to work by the Democrat  
 11 precinct committee person?  
 12 A. Uh-huh.  
 13 Q. Okay. Who is that?  
 14 A. Mrs. Myrick, Virginia.  
 15 Q. Do you know how to spell her name?  
 16 A. M-Y-R-I-C-K.  
 17 Q. Prior to this deposition have you talked to Mr.  
 18 Groth or Mr. Macey or anyone on behalf of the  
 19 Democrat party?  
 20 A. No.  
 21 Q. Did you talk to anyone in the Democrat Marion  
 22 County Central Committee about it?  
 23 A. I talked to Mr. Myrick. I didn't understand  
 24 what it was about.  
 25 Q. Okay. And that would have been Virginia's

1 husband?  
 2 A. Yes.  
 3 Q. And did he explain to you what --  
 4 A. Yeah.  
 5 Q. -- the case was about?  
 6 A. He's the one that gave me my registration card  
 7 in 1988 and I didn't know him then, but they  
 8 called me to work and then I found out who they  
 9 were.  
 10 Q. And what did Mr. Myrick explain to you?  
 11 A. He said that Republicans was for it and the  
 12 Democrats was against it because of people in  
 13 the nursing homes.  
 14 Q. Okay. What I explained to you about the law  
 15 before about showing a photo identification at  
 16 a polling place, that was his understanding  
 17 also, though?  
 18 A. Uh-huh.  
 19 Q. Have you ever voted for a candidate who was not  
 20 a Democrat?  
 21 MR. GROTH: Objection. I think she has a  
 22 right not to disclose the candidates' political  
 23 parties. I think you can ask her whether she's  
 24 voted in a Democratic or a Republican primary,  
 25 but I object to any question --

1 MR. GROTH: Well, just for the record, I  
 2 don't know that we have -- obviously, these  
 3 names came out in response to discovery that  
 4 you served upon us. It's your conclusion that  
 5 they have been damaged by the law. We're not  
 6 making that assertion at this time. We just  
 7 provided you with the names in response to your  
 8 discovery and your discovery requests. Whether  
 9 she's been damaged or not, I don't know what  
 10 that means. She's obviously going to be  
 11 affected by this law as are all voters.  
 12 MR. WEBBER: I guess "damage" is the wrong  
 13 word. Perhaps injured is what you answered.  
 14 In Interrogatory No. 8, we ask you please  
 15 identify by name and address those, quote,  
 16 "associated with the Democrat party", end of  
 17 quote, that the Marion County Democrat Central  
 18 Committee was able to determine would be  
 19 injured by the implementations of the statute  
 20 at issue." And then you listed nine people in  
 21 answer and Mrs. Holland is No. 7, one of the  
 22 names that appeared on the list.  
 23 All right. That having been said,  
 24 certainly everyone's got the right to make  
 25 their objections and make their record and in

1 THE WITNESS: I vote --  
 2 MR. GROTH: Ma'am, wait until I -- I've  
 3 got the right to make objections and then I  
 4 could perhaps instruct you not to answer.  
 5 MR. WEBBER: I don't think that's true.  
 6 MR. GROTH: Well, she can make up her own  
 7 mind on that.  
 8 MR. WEBBER: Right, she's not --  
 9 MR. GROTH: But you have the right to cast  
 10 a secret ballot in this country and he has no  
 11 right to ask you who you voted for. He can ask  
 12 you which primary you voted for or which  
 13 primary you voted in, you know, whether you  
 14 vote in the Democratic primary or the  
 15 Republican primary and I wouldn't have any  
 16 objection to that. But if he asks you which  
 17 candidates you voted for, then I'm going to  
 18 object and as far as I'm concerned, you don't  
 19 have to answer that.  
 20 MR. WEBBER: Let me explain this to you.  
 21 I ask a question. You are a witness that has  
 22 not been called by either side as far as a  
 23 witness goes in a trial, but your name appeared  
 24 as someone who had been damaged. So there is  
 25 somewhat of a --

1 this case, you are not a party to the  
 2 proceedings so maybe you make up your own mind.  
 3 Q. I'm not trying to identify who you voted for  
 4 other than the question that was asked was:  
 5 Have you ever voted for candidates that were  
 6 not Democrats?  
 7 A. Not that I recall. I usually vote in the  
 8 primary and the election both, but I usually  
 9 vote Democrat.  
 10 Q. Do you give money to the Democrat party?  
 11 A. No.  
 12 Q. Do you give money to any Democrat candidates?  
 13 A. No.  
 14 Q. Do you attend any Democrat meetings?  
 15 A. I have attended a few, yeah.  
 16 Q. Do you recall what kind of meetings those would  
 17 have been?  
 18 MR. GROTH: Again, I object. I think she  
 19 has the First Amendment right not to disclose  
 20 her partisan political activity or her  
 21 ideology. So as far as I'm concerned, Mrs.  
 22 Holland, you don't have to answer that  
 23 question, but if you want to, you can. This  
 24 isn't the 1950s I don't think. Have you ever  
 25 been a member of the Democratic party?

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1 MR. WEBBER: Mr. Groth, I have my problems  
 2 with the Democratic party, but I've never  
 3 thought it was a --  
 4 MR. GROTH: Are you now or have you  
 5 been --  
 6 MR. WEBBER: I've never thought it was a  
 7 criminal offense to go to their meetings.  
 8 MR. GROTH: Well, I think it's a criminal  
 9 offense to inquire as to whether she attends  
 10 meetings of the Democratic party set.  
 11 MR. WEBBER: The discovery answers and  
 12 your complaint allege that people that  
 13 associated with the Democratic party were  
 14 injured by this statute. You named her as one  
 15 of those injured parties. I certainly can  
 16 inquire as to whether or not she, in fact, is  
 17 associated with the Democratic party. That's  
 18 what these questions --  
 19 MR. GROTH: She's already answered that.  
 20 MR. WEBBER: Not in my mind.  
 21 MR. GROTH: She said she votes in the  
 22 Democratic party primary and she votes for  
 23 Democratic party candidates.  
 24 Q. Do you go to any Democrat meetings?  
 25 MR. GROTH: Again, you don't have to

1 Q. Okay. Have you ever had a driver's license?  
 2 A. I had a permit a couple of times, but I never  
 3 got my license.  
 4 Q. And I don't remember, does a permit have a  
 5 photo?  
 6 A. No, that was a long time ago. I had credit  
 7 cards with my picture on them, but I don't have  
 8 them anymore.  
 9 Q. Do you ever go any place where you need a photo  
 10 ID? Does the bank ever ask for a photo ID?  
 11 A. Well, I've banked at that bank so many years  
 12 that most of them know me.  
 13 Q. So in your life now, you really don't have any  
 14 need for one?  
 15 A. I've lived in my neighborhood for it will be  
 16 45 years in February.  
 17 Q. Did you vote in the last election?  
 18 A. Yeah.  
 19 Q. Did you vote at a polling place or did you vote  
 20 absentee?  
 21 A. I vote where I work.  
 22 Q. Oh, at the polling place where you work?  
 23 A. Uh-huh.  
 24 Q. So it's right in your neighborhood then?  
 25 A. Uh-huh, it's about approximately a mile from

1 answer that if you don't want to.  
 2 A. Not real often, no.  
 3 Q. Do you always vote a straight party ticket?  
 4 MR. GROTH: Again, same objection. You  
 5 don't have to answer that if you don't want to.  
 6 A. Sometimes. Not always.  
 7 Q. What is the main reason why you tend to vote  
 8 for more Democrat candidates?  
 9 MR. GROTH: Objection. You don't have to  
 10 answer that either. He has no right to inquire  
 11 into your political ideology or why you vote a  
 12 certain way.  
 13 A. Well, I usually like to vote for the person I  
 14 think will do the best job.  
 15 Q. You like to what?  
 16 A. Vote for the person I think will do the best  
 17 job. That don't always happen.  
 18 Q. If there were two candidates then and one of  
 19 them you thought did a better job who was not a  
 20 Democrat, you would be willing to vote for  
 21 them?  
 22 A. I don't know.  
 23 Q. Do you currently have any identification with  
 24 your photograph on it?  
 25 A. No.

1 my house.  
 2 Q. Have you ever voted absentee in your life?  
 3 A. Yeah, when I worked at Holy Cross I voted  
 4 absentee.  
 5 Q. Okay. Because Holy Cross was out of your  
 6 precinct?  
 7 A. Uh-huh. That's the first time I worked with  
 8 Holy Cross, two times, and then I worked at 111  
 9 for a few years.  
 10 Q. And so if you're going to work out of your  
 11 precinct on election day, then that's one of  
 12 the reasons you would give for voting absentee?  
 13 A. Uh-huh.  
 14 Q. Now, do you intend to vote in the May primary?  
 15 A. I hope so, if I live that long.  
 16 Q. Okay. Now, would it be your intention to get  
 17 some kind of -- there's a State ID that you can  
 18 get at the Bureau of Motor Vehicles with your  
 19 photo on it. Do you intend to do that before  
 20 the primary?  
 21 A. If it's required, I can do it, but I don't  
 22 know.  
 23 Q. Do you still drive yourself?  
 24 A. No.  
 25 Q. How would you get to the BMV to get a --

1 A. My husband would take me. He takes me to  
 2 work.  
 3 Q. Pardon?  
 4 A. He takes me to work.  
 5 Q. And where is that?  
 6 A. When I go to the polls.  
 7 Q. Oh, to the polls. I see. Does he also drive  
 8 you to church then?  
 9 A. Oh, yeah.  
 10 Q. So you are able to get out of the house with  
 11 your husband as the chauffeur?  
 12 A. As a matter of fact, he's the one that pushes  
 13 me out the door to go to church. I probably  
 14 wouldn't get there.  
 15 MR. WEBBER: Well, thank you, Mrs.  
 16 Holland. I have no further questions at this  
 17 time. Bill might want to ask you a few  
 18 questions.  
 19  
 20 CROSS EXAMINATION  
 21 QUESTIONS BY MR. GROTH:  
 22  
 23 Q. I just have a couple of questions for you.  
 24 Where were you born?  
 25 A. Livingston, Tennessee.

1 the next election?  
 2 A. No.  
 3 Q. Does your husband work? Does he have a job?  
 4 A. He's retired.  
 5 Q. How far do you live from the closest BMV  
 6 branch?  
 7 A. Not very far.  
 8 Q. Is it walking distance or would you have to  
 9 drive?  
 10 A. We'd have to drive. I think there's one on  
 11 South Emerson.  
 12 Q. And about how many miles is that from where you  
 13 live?  
 14 A. Oh, it would probably be four or five, I don't  
 15 know. Not very far.  
 16 MR. GROTH: That's all I have.  
 17 MR. WEBBER: Mrs. Holland, you've got a  
 18 right to read this to make sure that it says  
 19 what you said, okay, and then to sign it to  
 20 say, okay, that's what I said to make sure that  
 21 Ms. Bradley here didn't make any mistakes in  
 22 your deposition or you can waive signature and  
 23 just say I'm fine with it, I trust her to write  
 24 it down. I will say to you that usually I do  
 25 advise clients to read them, but since you

1 Q. And were you born in a hospital?  
 2 A. No, I was born at home, but I have a birth  
 3 certificate.  
 4 Q. Is it a copy or an original?  
 5 A. It's copied. If you want to see it, it's  
 6 copied from my family Bible. I had to get it  
 7 in '56 or '55 when I went to work.  
 8 Q. Thank you.  
 9 A. And that's my registration.  
 10 Q. So you've retained your voter registration  
 11 card since you were last registered in 1988; is  
 12 that correct?  
 13 A. Yes.  
 14 Q. And you understand that if you take this to the  
 15 polls, they won't let you vote if you don't  
 16 have a photo ID under this new law? Did you  
 17 understand that?  
 18 A. Well, maybe I can get one.  
 19 Q. Yeah. And do you understand that even if you  
 20 took your birth certificate to the polls, they  
 21 still wouldn't let you vote?  
 22 A. No, I didn't know.  
 23 Q. Has anybody told you what steps you would have  
 24 to take in order to get the type of photo  
 25 identification that you would need to vote in

1 really don't have an attorney here, if you want  
 2 to take a look at it, we can do that for you.  
 3 THE WITNESS: I don't know if it would be  
 4 necessary.  
 5 MR. WEBBER: Then you're going to waive  
 6 your right to sign it?  
 7 THE WITNESS: Uh-huh.  
 8 (10:00 a.m.)  
 9 AND FURTHER DEPONENT SAITH NOT.  
 10 (SIGNATURE WAIVED.)  
 11 \_\_\_\_\_  
 12 LOIS HOLLAND  
 13 (Signature of witness subscribed  
 14 above is subject to any  
 15 notations on Errata sheet.)

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1 STATE OF INDIANA )  
                  ) SS:  
2 COUNTY OF HAMILTON )

3 I, Brandy L. Bradley, a Notary Public in and  
4 for the County of Hamilton, State of Indiana at  
5 large, do hereby certify that LOIS HOLLAND, the  
6 deponent herein, was by me first duly sworn to tell  
7 the truth, the whole truth, and nothing but the  
8 truth in the aforementioned matter;

9 That the foregoing deposition was taken on  
10 behalf of the State of Indiana at the Office of the  
11 Attorney General, 302 W. Washington Street, Indiana  
12 Government Center South, 5th Floor, Indianapolis,  
13 Indiana, on the 18th day of November, 2005,  
14 commencing at the hour of 9:39 a.m., pursuant to the  
15 applicable rules of trial procedure;

16 That said deposition was taken down in  
17 stenographic notes and afterwards reduced to  
18 typewriting under my direction, and that the  
19 typewritten transcript is a true record of the  
20 testimony given by said deponent; and thereafter  
21 presented to said deponent for his signature;

22 That the parties were represented by their  
23 aforementioned counsel.

24 I do further certify that I am a  
25 disinterested person in this cause of action; that I

1 am not a relative or attorney of either party, or  
2 otherwise interested in the event of this action,  
3 and am not in the employ of the attorneys for either  
4 party.

5 IN WITNESS WHEREOF, I have hereunto set my  
6 hand and affixed my notarial seal this 22nd day of  
7 November, 2005.

8  
9

\_\_\_\_\_  
Brandy L. Bradley  
Notary Public, Stenographic Reporter

10  
11  
12 My County of Residence is: Hamilton  
13 My Commission Expires: April 13, 2008

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