Q. Okay. Could it be that the combination form that's used at the election has a place for voters to initial on the actual form when they have a substantially-similar name, as opposed to -- as opposed to the same match?

A. Well, we don't use combination forms in Jefferson County because we use EA tablets, so our voters sign electronically. So we don't use combination forms.

Q. Okay.

A. So I'm not familiar -- it may be on some combination forms, but we don't use that form here in Jefferson County.

Q. You would know better than I. Do you have an example in the documents you brought today of the type of form that would be used when a name is substantially similar but not an exact match?

A. Sir, I'm afraid I did not, but I -- I cannot log on. I'm sorry.

Q. Okay. That's fine. That's one thing, if we could after the deposition, if we could try.

A. I will definitely get it in these documents.

Q. Okay. Did anybody come to you after the 2013 election and tell you that they were unable to vote because of the requirements of S.B. 14?
A. No, sir.

Q. Okay. Did anyone report to you from your office that anyone came to them and said, "Hey, I was not able to vote because of the requirements of S.B. 14"?

A. No, sir.

Q. Okay. Now, the next election then was the March primary; correct, of 2014?

A. March 4th, that's correct.

Q. Now, how many provisional ballots was cast in the March primary?

A. Total, or to do with voter ID?

Q. Total provisional ballots.

A. I think total we had nine, but I think there were only three to do with photo ID.

Q. Okay. So provisional ballots are cast for a lot of reasons, other than -- other than the requirements of S.B. 14; correct?

A. That's correct.

Q. Okay. So you think with respect to the March primary of 2014, you think there were three provisional ballots cast because of S.B. 14?

A. Uh-huh.

Q. And do you know what the basis of each of those were? Was it because the person didn't have any
ID, or didn't have a correct ID, or do you know?

A. No ID.

Q. No ID at all?

A. Well, I can tell you in a minute. Well, this one says, "failed to present acceptable ID," on the first one. The second one says, "failed to present acceptable ID." On the third one, it says, "expired ID." And on the fourth one, it was "expired ID."

Q. Okay. So --

A. So I had two expired, and two failed to present.

Q. Okay.

A. So it was four for the March 4th primary.

Q. Okay. And were any of those provisional ballots cured?

A. No, sir.

Q. Okay. Do you know whether or not any of those persons made any effort to cure the provisional ballot?

A. No, sir, it doesn't appear.

Q. Do you know if they came into the office, or called and tried to cure it, but for whatever reason could not?

A. According to the notes from the voter registrar office, they did not come in.

Q. Okay. So as we sit here today, we don't know
if those people could have cured it or --

A. They did not come in within the six days.

that's all we know.

Q. Okay. Now, you had mentioned a lady --

A. Addie, Addie Allen.

Q. Is she -- was her provisional ballot during

the March primary?

A. Hers was during the runoff election.

Q. All right. We'll come back to that. Okay.

All right. So we had four provisional ballots cast in

the 2014 primary. And to your knowledge, those people

did not come in to cure?

A. They did not come in.

Q. All right. How many -- do you know how many

votes total were cast in Jefferson County in the 2014

primary?

A. I can't get to that information, I'm sorry.

Q. How about -- I didn't ask you about the 2013.

A. I do know, but I can't -- sorry, I can't. No

wifi.

MS. KENNEDY: It doesn't come back here,

though.

Q. (By Mr. Keister) That's fine. The 2013

election, was it average, or more, or less?

A. For the constitutional amendment, it's always
very, very low. I can make sure I have those numbers for you, no problem.

Q. Okay. Was there anyone expressing after the elections the numbers in the 2013 election were less because of the requirements of S.B. 14?

A. No, sir.

Q. What about with respect to the 2014 primary, did anyone factually make the argument that the votes were less in 2014 because of S.B. 14 requirements?

A. No.

Q. Okay. Now, you mentioned earlier that the similar name requirement became more of an issue, or at least was raised more in the primary -- the March primary of 2014; correct?

A. Right.

Q. Now, do you recall how many similar names -- and you think it was a similar name form they had to fill out; correct?

A. Yes. Voter registrar has those. Is that something y'all want to see if we can secure from them?

They should have copies of them.

Q. Okay. And we might do that.

MS. SIMSON: We might do that. We can talk after.

Q. (By Mr. Keister) Do you know, off of the top
of your head, approximately how many of those forms were filled out?

Q. Okay. But those persons were allowed to vote; correct?

A. No, it was a lot.

Q. It wasn't a provisional ballot, they were allowed to cast their vote?

A. They were allowed to vote.

Q. All right. Now, did you hear any complaints from anyone that they were not allowed to vote in the March 2014 primary because of a similar name issue?

A. No, sir.

Q. And I guess it would be more a dissimilar name.

A. Right.

Q. Did anyone complain to you, "Hey, I was not allowed to vote because my name did not match my ID"?

A. No, no.

Q. Okay. Did anyone complain to anyone in your office that they were not allowed to vote in the March 2014 primary because the name on the voter roll did not match exactly the name on their -- the ID that they presented?

A. No.
Q. Okay. Did anyone complain to you after the 2014 March primary that for any reason S.B. 14 prevented them from being able to vote?
A. No, sir.

Q. Okay. Now, was the 2014 March primary the issue where the gentleman complained that he was not asked for an ID? Remember, we spoke that earlier?
A. Let me see if I have that e-mail.

Q. Do you recall the letter I’m talking about?
A. Yes, I do.

Q. Okay. But I believe it was a poll worker who wrote the letter the complaint had been made to her; correct?
A. Yeah, it was for the March 4th primary, because she sent it March 5th.

Q. So that particular letter, who sent it, before you put it back in the stack.
A. It was Sherry Boudreaux.

Q. That’s a letter that she wrote to you?
A. Yes, she’s one of the election judges.

Q. Did she relate the individual’s name who made the complaint?
A. No, she did not.

Q. Okay. So that letter is the only complaint you’re aware of in March for the 2014 primary related to
S.B. 14; correct?
A. Yes.

Q. And the gentleman who made that complaint was not complaining that he was not allowed to vote because of the photographic requirement; correct?
A. No, he was allowed to vote. He was complaining why was he not asked for his photo ID.

Q. Okay. So he felt like he should have been asked for photo ID; correct?
A. Right.

Q. And he was not?
A. Yeah.

Q. Okay. Did he indicate that he would have been more comfortable if he had asked -- if he had been asked to show his photo ID?
A. I guess he was trying to figure out why the same rules didn't apply to him, if everybody else was being asked.

Q. And to him, it was important anyone show the photo ID; correct?
A. I can assume that was his reason.

Q. Okay. And that's the only complaint that you recall from the 2014 primary?
A. Yes, that's correct.

Q. And there was none with respect to the 2013
1. election; correct?
2. A. No, sir.
3. Q. All right. Then the next election was the runoff election?
4. A. Yes.
5. Q. Was that in May?
6. A. Well, it actually wasn't the next one.
7. Q. What was the next election after the -- after the March 2014 primary?
8. A. We had the Senate District, May 5th.
9. Q. Okay.
10. A. That was Senate District -- Senate District 4, we had the May 5th election, and then we had the runoff on May 27.
11. Q. That was a special election?
12. A. Yeah.
13. Q. Who had been the previous senator, or who vacated their position?
14. A. Tommy Williams.
15. Q. All right. Were there any provisional ballots cast during that particular election?
16. A. No, there were none.
17. Q. Okay. Were there any -- any similar names afterwards filled out during that election?
18. A. There were none.
Q. Did you receive any complaints that anyone complained that they were not allowed to vote during that election because of any of the -- any of the photo ID requirements?

A. Not that I'm aware of.

Q. Okay. Did anyone from your office report to you they had heard complaints that someone had not been allowed to vote because of the requirements of S.B. 14 or photo ID?

A. No, sir.

Q. Who were the candidates in that election, do you recall?

A. Creighton, Todd, Galloway, and there was one more. Do you know?

Q. That's fine.

A. One more. I can't remember.

Q. Okay. So with respect to -- well, let's just go on. The next election then would have been the runoff; correct?

A. The runoff, May 27th.

Q. All right. And with respect to the May 27th runoff, were provisional ballots cast?

A. Yes.

Q. Okay. How many were cast?

A. I think there was seven, but three pertaining
Q. How many total provisional ballots, if you have it?
A. Total, 11 total.

Q. Okay. And do you know what -- why -- what the provisional ballots were, other than the ones that were cast because of S.B. 14? What type of issues?
A. Yeah, they were like -- they would show up and they already had a ballot by mail, and they would show up at the polling location to vote when they already had a mail ballot that we had, or --

Q. In that situation, they would be allowed to vote?
A. No, because we had their ballot by mail already.

Q. They weren't allowed to vote?
A. They weren't allowed to vote, we already had their ballot by mail.

Q. Okay. Do you keep records of that, when somebody shows up to vote in person, and they have never voted by mail?
A. Yeah. Because it's in the system, in the EA tablet that we already have a mail ballot for them, and we will pull it and we say we have a ballot by mail right here, it's already been processed.
Q. Does that happen with regularity?
A. No, we have not, but we've had so many elections this year, people got confused what elections they were voting in because we have had so many back to back.

Q. Is it your understanding that it would be illegal if somebody voted by mail and then showed up and voted in person and actually cast two votes?
A. Yeah, but because our system is real-time voting, it would be very hard for us not to catch it.

Q. Right. But if you didn't catch it and somebody did that, that would be an illegal act; correct?
A. It would be.

Q. Would that be an in-person illegal act?
A. But, I mean, I don't think anybody would intentionally. I think sometimes they don't realize it.

Like I said, we have had so many elections this year, the voters really got confused.

Q. I understand. And isn't it fair to say that the purpose of -- well, not the purpose, but that the -- that it's your effort to encourage as many people to vote; correct?
A. Yeah.

Q. And you don't want to discourage, I don't mean
you, but your position as county clerk --

A. Right.

Q. You don’t want to discourage people from voting; correct?

A. No.

Q. You may -- in your effort to encourage people to vote, you may overlook minor errors that occur, such as someone voting twice, or attempting to vote twice.

A. Who would overlook it?

Q. Well, as you were talking about somebody who sent -- who mailed in a ballot, and then appeared at the voting place to vote in person, if you caught it, you would tell that person, "No, you've already voted by mail, you can't vote today"; correct?

A. Oh, absolutely.

Q. As opposed to contacting the district attorney's office and saying, "So-and-so voted by mail, and they're here trying to vote in person"?

A. Yeah. Well, I just wouldn't let them vote twice. As long as they don't vote twice, it's not a crime because we are going to catch them before they do it.

Q. As long as you stop them.

A. Yeah, so it's not a crime.

Q. If you don't catch them and they vote, it's a
crime; correct?

A. Well, yeah. If we don't catch them and they vote, it's a crime.

Q. Okay.

A. Other things they did, they registered too late, they showed up late, so they get to vote a provisional, but their vote is not going to count because they registered a day late to vote. So that's some of the other provisional ballots that we had.

Q. Wouldn't it also be fair to say that the voter identification requirement prevents people, or helps prevent people from committing in-person voter fraud simply because it's easier for the person looking at that photo ID to determine whether or not the person that's about to vote is, in reality, the person who is on the -- who has the voter registration card?


Q. (By Mr. Keister) Let me ask it again. Wouldn't you agree, just like you're talking about, you're able to catch -- not catch, but you're able to determine when somebody shows up to vote in person and they voted by mail already, you're able to catch that because it's in the system; correct?

A. Right.
Q. Okay. But if there's no photo identification requirement, when somebody shows up to vote, unless you personally know that person, there is no way to know for sure whether or not that person is the person whose name actually appears on the voters' roll; correct?

MR. GEAR: Objection; vague, form. Calls for speculation.

A. That's true.

Q. (By Mr. Keister) Okay. And if they are required, as they are, to show their photo ID, when they show up, then you have that person standing there in front of you with their photo on their state-issued or federal-issued ID that either does or does not match what's on the photo -- on the voters' roll; correct?

A. That would be correct.

Q. Okay. And if, for whatever reason, they show up and that ID does not match, or you don't think that person matches, you can allow them to do a provisional ballot; correct?

A. That would be correct.

Q. Okay. And when you allow them to do a provisional ballot, does the poll worker explain to them, "Well, you have to do a provisional ballot, sir, because this photo ID doesn't appear to match"?

Would that be something that would be