

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

SERVICE EMPLOYEES INTERNATIONAL )  
UNION, LOCAL 1199 and THE )  
NORTHEAST OHIO COALITION FOR THE )  
HOMELESS, )

Plaintiffs, )

vs. )

Case No. 2:06-CV-896

J. KENNETH BLACKWELL, in his )  
official capacity as Secretary )  
of State of Ohio, )

Judge Frost

Defendants. )

- - -

DEPOSITION OF JILL B. KELLY

DATE: October 31, 2006 at 8:30 a.m.

PLACE: Board of Elections  
One Government Center, Room 300  
Toledo, Ohio.

REPORTER: Robert W. Scheid, Jr., RPR  
Notary Public

- - -

1 APPEARANCES:  
2 On behalf of the Plaintiff:  
3 PORTER, WRIGHT, MORRIS & ARTHUR:  
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10 On behalf of the Defendant Secretary of State  
11 Blackwell:  
12 OHIO OFFICE OF THE ATTORNEY GENERAL:  
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14 30 East Broad Street, 17th Floor  
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22 On behalf of Intervening Defendant State of  
23 Ohio:  
24 OHIO OFFICE OF THE ATTORNEY GENERAL:  
25 Frank Strigari (Via Telephone)  
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On behalf of the Board of Elections:  
LUCAS COUNTY PROSECUTORS OFFICE:  
John A. Borell  
Lucas County Annex Building  
711 Adams, Second Floor  
Toledo, Ohio 43604  
(419) 213-2001  
Also Present: Dan Pilrose

1 identify yourselves, too, for the record.  
2 THE WITNESS: I'm Jill Kelly.  
3 I'm director of the Lucas County Board of  
4 Elections. For the record, I'm  
5 acquainted with Lindsay Sestile.  
6 Lindsay, do you remember me?  
7 I'm Joe McNamara's mom.  
8 MS. SESTILE: I do. Actually,  
9 when I heard your name yesterday, I said  
10 I think that's my friend's mom.  
11 (Discussion had off the record.)  
12 MR. PILROSE: My name's Dan  
13 Pilrose. I'm deputy director of the  
14 Board of Elections. That's P-i-l-r-o-s-e.  
15 MR. STRIGARI: My name is Frank  
16 Strigari. I represent the intervening  
17 Defendant State of Ohio. My last name is  
18 spelled S-t-r-i-g-a-r-i.  
19 I'm assistant attorney general  
20 for the Attorney General's Office.  
21 (Discussion had off the record.)  
22 THE WITNESS: I'd like to say,  
23 for the record, brevity is king. We have  
24 an election to get prepared for, so,  
25 please, if we can keep this as brief as

1 MS. SESTILE: My name is Lindsay  
2 Sestile, L-i-n-d-s-a-y S-e-s-t-i-l-e.  
3 I'm an attorney with Porter, Wright,  
4 Morris, & Arthur on behalf of the  
5 plaintiffs.  
6 Also here, but not in the room  
7 right this second, on behalf of the  
8 plaintiffs is Caroline Gentry,  
9 G-e-n-t-r-y.  
10 MR. COGLIANESE: Hey, John.  
11 Rich Coglianese. How are you doing?  
12 MR. BORELL: Hi, Rich, how are  
13 you doing?  
14 (Discussion had off the record.)  
15 MS. SESTILE: My name is spelled  
16 C-o-g-l-i-a-n-e-s-e. I'm assistant  
17 attorney general, and I represent  
18 Secretary of State Blackwell.  
19 MS. CORL: Christina Corl,  
20 C-h-r-i-s-t-i-n-a. Last name is Corl,  
21 C-o-r-l, at the law firm of Crabbe,  
22 C-r-a-b-b-e, Brown, and James.  
23 I'm special counsel for  
24 Defendant Secretary of State Blackwell.  
25 MR. BORELL: Why don't you guys

1 possible, we would be really  
2 appreciative.  
3 MS. SESTILE: We have another  
4 depo at 9:30, so we've got to be done by  
5 then.  
6 ---  
7 JILL B. KELLY,  
8 a Witness herein, called by the Defendants as if upon  
9 Examination, was by me first duly sworn, as  
10 hereinafter certified, deposed and said as follows:  
11 ---  
12 MS. SESTILE: I first just want  
13 to say on the record that this  
14 deposition, we're planning on using this  
15 at the preliminary injunction hearing in  
16 lieu of the witness's appearance at the  
17 preliminary injunction hearing tomorrow.  
18 Are there any objections?  
19 MR. COGLIANESE: This is Rich  
20 Coglianese. We do not object to you  
21 using this testimony for the purposes of  
22 the PI hearing tomorrow.  
23 We do reserve the right,  
24 however, to either supplement, if need  
25 be, through the witness in this case or

1 call this witness live tomorrow if need  
2 be, based on information that comes out  
3 either in this deposition or in others.

4 We do not, at this point, intend  
5 to do that. We do not see that at all as  
6 a possibility, but I just don't want to  
7 waive that right.

8 EXAMINATION

9 BY MS. SESTILE:

10 Q. Could you state your name for the record,  
11 please?

12 A. I'm sorry? What did you say? Could you  
13 repeat it?

14 Q. Sure. Could you state your name for the  
15 record, please?

16 A. Yes. Jill Kelly.

17 Q. Have you ever been deposed before, Ms.  
18 Kelly?

19 A. Yes.

20 Q. All right. I'll just briefly go over the  
21 ground rules, then. If I say anything that you don't  
22 understand or don't hear -- we've been having some  
23 trouble with these phones lately -- please, by all  
24 means, ask me, and I'll repeat myself.

25 If you feel the need to supplement any

1 that are assigned to director and deputy director of  
2 the Board of Elections pursuant to the statute.

3 Q. And I know you said you've been there  
4 about 2-1/2 years. So am I correct in stating that  
5 you were there for the 2004 general election?

6 A. Yes, that's correct.

7 Q. Thanks.

8 A. But not --

9 Q. One of the issues in this lawsuit, Ms.  
10 Kelly, is the interpretation of the word "current" in  
11 current utility bills, bank statements, government  
12 checks, paychecks, or other governmental documents.

13 Are you familiar with that issue?

14 A. Well, now I am. We have not seen it as  
15 an issue prior to this deposition. It has not been an  
16 issue in our county.

17 Q. All right. How have you guys been  
18 interpreting the word "current"?

19 A. We have not had to interpret it up to  
20 this date, because voters that have come to vote here  
21 at the Board of Elections or who have mailed things in  
22 have given us things that were absolutely recent. For  
23 example, this month's utility bill. So we haven't  
24 received anything that wasn't right out of the chute  
25 and new.

1 answers that you give, please let me or your attorney  
2 know. I'd rather do that on the record than off the  
3 record later.

4 Finally, as I told you before, I don't  
5 think this is going to go very long, but if for any  
6 reason you do need to take a break, please let me  
7 know. The only thing that I ask is if there's a  
8 question pending, you go ahead and answer that before  
9 the break.

10 A. Understood.

11 Q. You're currently employed at the Board of  
12 Elections; is that correct?

13 A. That's correct.

14 Q. How long have you been there?

15 A. About 2-1/2 years.

16 Q. And what's your official title?

17 A. Director of the Lucas County Board of  
18 Elections.

19 Q. As a director, what are your  
20 responsibilities?

21 A. To administer elections from inception to  
22 the official canvas, to administer the local option  
23 functions of the Board of Elections, the campaign  
24 functions, campaign finance functions of the Board of  
25 Elections, and otherwise any other statutory duties

1 Q. Okay.

2 A. So it has not been an issue for this  
3 county.

4 We, also, once we received Directive  
5 2006-78 from the Secretary of State's office, passed  
6 that out to our employees. It does define "current"  
7 and indicates -- for the record, I'll note that it  
8 indicates "current" should be defined as a document  
9 which is dated not more than six months from the date  
10 that it is presented to the election official.

11 But, as I said, to date, we haven't had a  
12 problem, because most folks have either brought in a  
13 driver's license that was current or, if they had some  
14 kind of utility bill, it was this month's.

15 Q. So before you received Directive 2006-78,  
16 you didn't have any reason to come up with your own  
17 Board definition of the word "current"?

18 A. That's not exactly correct. We told our  
19 staff that we wanted them, when examining the  
20 documentation provided by potential voters, that it be  
21 something recent, in that it be, oh, maybe a month  
22 old.

23 Q. Okay. So you were actually defining a  
24 definition of "current" that is more strict than the  
25 definition in Directive 78?

1 MR. COGLIANESE: This is  
 2 Coglianese. Objection.  
 3 Go ahead and answer.  
 4 THE WITNESS: No, I don't think  
 5 I'd want to characterize it as more  
 6 stringent. What I'm trying to say is  
 7 that this didn't happen very often. As I  
 8 said, it really didn't even come up.  
 9 We wanted to have some kind of  
 10 ground rules for our employees, so we  
 11 figured if you look in a dictionary, you  
 12 can't go wrong if you say it's a bill  
 13 from this month.  
 14 So that's about a month old.  
 15 That's what we were using. But it has  
 16 not come up, but we wanted to give our  
 17 employees something to go by.  
 18 BY MS. SESTILE:  
 19 Q. Basically, you told your staff you wanted  
 20 any bills to be about a month old.  
 21 Were there any written materials issued  
 22 about that?  
 23 A. No.  
 24 Q. What standard is your Board planning on  
 25 following on election day?

1 examine it and see if it appears to be appropriate.  
 2 Our intention was, if we had any  
 3 questions, to immediately call Mr. Borell. We have  
 4 his cell phone number and, God bless him, he answers  
 5 questions 24/7.  
 6 Q. That's good. So you haven't had occasion  
 7 to call Mr. Borell yet?  
 8 A. Not on other government documents. We  
 9 haven't had any other government documents.  
 10 Q. All right. I think we can move on to the  
 11 third issue, Ms. Kelly. You're making it too easy for  
 12 us. The third issue I wanted to talk about today is  
 13 how your Board has been applying the rules if people  
 14 put down the photograph number on their driver's  
 15 license.  
 16 First let me ask you, when I say  
 17 "photograph number" with respect to a driver's  
 18 license, do you understand what I mean?  
 19 A. Yes. But I would think that the average  
 20 person may not.  
 21 Q. What do you mean by that?  
 22 A. Well, I look at my driver's license and  
 23 it says on the face of it "license number."  
 24 And as I read the statute and I read the  
 25 directives that we receive from the Secretary of

1 A. We'll follow the statute to the letter.  
 2 Q. Does that mean you're planning on  
 3 applying the six-month rule in Directive 78?  
 4 A. If that's what the statute says and  
 5 that's what the directive says, then that's what we're  
 6 going to do unless different is issued prior to the  
 7 election.  
 8 Q. All right. On the second issue, Ms.  
 9 Kelly, another one of the issues in this lawsuit is  
 10 the interpretation of the phrase "other government  
 11 document."  
 12 Are you familiar with that issue?  
 13 A. I'm familiar with the term "other  
 14 government document" as it's found in the statute and  
 15 directives, yes.  
 16 Q. How has your Board been applying the term  
 17 "other government document"?  
 18 A. We were going to examine it on a  
 19 case-by-case basis. And to date, again, we haven't  
 20 had anybody bring anything in other than a utility  
 21 bill or their driver's license or a State ID. It has  
 22 not come up.  
 23 But we have instructed staff to let us  
 24 know if something other than a government paycheck or  
 25 a tax bill or something like that came in, so we can

1 State, it's very clear to me that "license number"  
 2 means just that, license number. But I think until  
 3 this identification stuff came up, I don't think most  
 4 people even knew there were two numbers on a driver's  
 5 license.  
 6 Q. So for purposes of this deposition, if I  
 7 say, "photograph number," do you understand that  
 8 number to be the number that's actually above someone?  
 9 A. Yes, ma'am, I do.  
 10 Q. All right. In Lucas County, have you had  
 11 any instances of anyone using their photograph number  
 12 rather than their driver's license number either on an  
 13 application for an absentee ballot or an absentee  
 14 ballot itself?  
 15 A. We had a few people who came to the Board  
 16 of Elections to vote absentee ballots who attempted to  
 17 use the wrong number. Our staff's been directed.  
 18 We've shown them an actual driver's license and shown  
 19 them the difference between the two numbers.  
 20 We've given them the directives. We've  
 21 given them the statute. And our staff understands  
 22 that it has to be the license number. So anybody that  
 23 did that, our staff politely said, oops, wrong number,  
 24 we need the license number itself.  
 25 On applications that have come in --

1 there haven't been many. But on applications that  
 2 have come in that have used that photo number instead  
 3 of the actual license number, we sent them back a  
 4 letter saying wrong number, please give us the license  
 5 number.  
 6 Q. How many applications would you estimate  
 7 that that has happened with?  
 8 A. Very few.  
 9 Q. Less than ten?  
 10 A. Yes.  
 11 Q. Have you -- has Lucas County opened any  
 12 absentee ballots themselves yet?  
 13 A. Please define "opened."  
 14 Q. My understanding is that there's two  
 15 levels of envelope when somebody sends in an absentee  
 16 ballot; is that correct?  
 17 A. Yes. There's an exterior envelope, which  
 18 is the mailing envelope, and then there's the  
 19 statutorily-required identification envelope.  
 20 Q. Have you opened either one of those  
 21 envelopes yet?  
 22 A. We have opened the exterior delivery  
 23 envelope. We have not opened the identification  
 24 envelope. That would be against the law.  
 25 Q. When do you plan on opening the

1 identification envelopes?  
 2 A. At this point, our Board has made the  
 3 determination that we will begin on election morning,  
 4 possibly at around 4:00 in the morning on the actual  
 5 morning of election.  
 6 Q. Sounds like an early morning. So is  
 7 there any way of knowing if anyone has actually used  
 8 the photograph number on their absentee ballot itself  
 9 for identification purposes?  
 10 A. Do you mean on the identification  
 11 envelope?  
 12 Q. Yes, ma'am. I'm sorry.  
 13 A. You know what? Give me a minute, let me  
 14 get one, because just now, I'm blanking on this. One  
 15 second, please.  
 16 (Brief recess was had.)  
 17 THE WITNESS: Okay. I'm looking  
 18 at our identification envelope, which is  
 19 -- looks like Form 12-A, prescribed by  
 20 the Secretary of State.  
 21 And it does, in fact, include a  
 22 space and a box where you can put your  
 23 Ohio driver's license number.  
 24 So in answer to your question,  
 25 if somebody used the photo number,

1 theoretically, yes, we would see that on  
 2 there.  
 3 BY MS. SESTILE:  
 4 Q. And to your knowledge, has anyone used  
 5 this photo -- the photograph number rather than their  
 6 driver's license number on their identification  
 7 envelope?  
 8 A. I don't have any personal knowledge of  
 9 that right this very moment, but I will tell you that  
 10 we are verifying signatures on these envelopes.  
 11 I think if one of the staff caught that  
 12 and saw that, boom, that it stuck out, at that point,  
 13 this particular envelope would be put in a different  
 14 pile.  
 15 Q. Okay. And would you notify the voter at  
 16 all that they've used the wrong number on their  
 17 driver's license?  
 18 A. Could you hold for a moment please?  
 19 MR. COGLIANESE: Just for the  
 20 record, objection.  
 21 THE WITNESS: We're just going  
 22 to put you on hold for a moment.  
 23 MS. SESTILE: Sure.  
 24 (Discussion had off the record.)  
 25 THE WITNESS: Okay, we're back.

1 Our phone system is not the greatest  
 2 either.  
 3 It's our understanding from Mr.  
 4 Borell that we don't have any type of  
 5 statutory obligation to notify, and we  
 6 have not done so at this time.  
 7 BY MS. SESTILE:  
 8 Q. Okay. So if someone does send in an  
 9 envelope -- or a ballot, rather, that they put down  
 10 the wrong number from their driver's license, what  
 11 will you do with that ballot?  
 12 MR. COGLIANESE: Objection.  
 13 Go ahead.  
 14 THE WITNESS: We separate that  
 15 out because it hasn't met the statutory  
 16 requirements. So we put it in a separate  
 17 bucket.  
 18 BY MS. SESTILE:  
 19 Q. And will you count that ballot?  
 20 MR. COGLIANESE: Objection.  
 21 Go ahead.  
 22 THE WITNESS: That depends on  
 23 the type of direction we receive from the  
 24 Secretary of State's office. I'm sure  
 25 we'll make inquiry about that, what do we

1 do if someone uses the photo number  
2 instead.

3 We'll get a response from both  
4 the Secretary of State and the  
5 prosecutor's office. That's how this  
6 Board conducts business.

7 First we check with our  
8 prosecutor's office -- actually, we  
9 usually do it simultaneously. So we get  
10 a legal opinion from the prosecutor's  
11 office and we also always attempt to get  
12 an opinion in writing from the Secretary  
13 of State's office to clarify.

14 BY MS. SESTILE:

15 Q. For this election, to date, have you  
16 sought any guidance from either the Secretary of State  
17 or from your prosecutor with regard to any election  
18 issue? Not just the photograph ID number.

19 A. That's a pretty broad question. Can you  
20 narrow that down somehow?

21 Q. Sure. With respect to handling the voter  
22 ID issues that we've talked about today, the  
23 photograph number, the meaning of "other government  
24 document," the meaning of "current," have you sought  
25 any guidance from either the Secretary of State or

1 military IDs don't have addresses on them. None of  
2 them. We know that. But it's up to the legislature  
3 to correct and clarify that portion of the statute.

4 So because it says accept them, we're  
5 accepting them. Now, I can't tell you how many we've  
6 had.

7 Q. So are you accepting military ID cards  
8 without a current address and are you also, then, not  
9 requiring another form of identification?

10 A. Could we please have a moment to confer?

11 MS. SESTILE: Sure.

12 (Discussion had off the record.)

13 THE WITNESS: Can you hear us  
14 okay?

15 BY MS. SESTILE:

16 Q. Sure can.

17 A. Yes. When that incident occurs, we're  
18 just accepting it with the military ID as received. I  
19 will say -- you asked me before did we have any  
20 correspondence or talk with the Secretary of State  
21 about these issues. We did ask for clarification on  
22 the military ID.

23 Q. Did you receive any clarification from  
24 the Secretary of State?

25 A. We talked. It was just telephonic. And

1 your prosecutor?

2 A. The answer is yes. And additionally, we  
3 have received directives from the Secretary of State  
4 to give guidance for just those very issues.  
5 Particularly, we received Directive 2006-78.

6 Q. Thank you. It's my understanding  
7 Directive 2006-78 went out to all these various county  
8 Boards of Elections.

9 Have you guys received any individual  
10 correspondence from the Secretary of State with  
11 respect to any questions or concerns you had about the  
12 photo ID issues we've been talking about?

13 A. Not that I can recall.

14 Q. I think we can move on to the next issue,  
15 Ms. Kelly, which is the issue of military ID cards for  
16 voter identification.

17 Are you currently accepting military ID  
18 cards that do not show a current address?

19 A. Yes. Pursuant to the statute, we are.

20 Q. What do you mean by that?

21 A. I know where you're going with this  
22 question, so I can't help thinking like a lawyer, and  
23 I shouldn't be. I should just be being deposed.

24 The statute says that you may accept the  
25 military ID. And clearly, military -- we all know

1 we were told, you know, accept them.

2 I mean, I kept writing them saying, look,  
3 they don't have ID on them -- I mean they don't have  
4 the current address, they do not include that. What  
5 do we do about this? And the response was follow the  
6 statute.

7 Q. Just to clarify, Ms. Kelly, you said the  
8 response was to follow the statute. Did the Secretary  
9 of State specifically tell you to accept military IDs  
10 without a current address or did he tell you to follow  
11 the statute and you interpreted that to mean to accept  
12 military IDs without a current address?

13 A. First of all, I'd like to clarify and say  
14 that the Secretary of State himself didn't tell me  
15 anything. I talked to a representative from the  
16 office.

17 And there really wasn't a definitive  
18 answer on this issue. There was acknowledgment that  
19 perhaps the statute needs to be clarified. And when I  
20 received the -- you know, the directive, I guess you'd  
21 say, to follow the statute, we are just accepting the  
22 military ID. We are not asking for anything  
23 additional.

24 However, I would like to note for the  
25 record that a lot of servicemen and women have

1 provided additional information themselves without  
 2 being asked.  
 3 Q. Do you know approximately when you asked  
 4 for clarification from the Secretary of State's  
 5 office?  
 6 A. It was a long time ago. I'm sorry, I  
 7 can't tell you when.  
 8 Q. Okay.  
 9 A. I'm assuming it was shortly after we  
 10 received the Legislative Service Commission's bill  
 11 analysis on House Bill 3. I spoke with our staff that  
 12 handled ABB specifically and I said I'd like to see  
 13 what a military ID card looks like, because I don't  
 14 think it has an address on it.  
 15 And, you know, we were able to get a few  
 16 and look at them, and yes indeed, there was no  
 17 address. And that's what prompted my inquiry.  
 18 Q. Do you have any plans going forward to  
 19 continue to accept military IDs without another form  
 20 of identification?  
 21 A. I guess after this deposition, I'm going  
 22 to call the Secretary of State's office again and say,  
 23 Yoo-hoo, we were deposed today on this issue, I think  
 24 you need to clarify again.  
 25 Because otherwise, I'm just stuck with

1 MR. PILROSE: Last year.  
 2 THE WITNESS: I want to say  
 3 during the summer conference.  
 4 BY MS. SESTILE:  
 5 Q. Do you have any written materials that  
 6 discuss the standard to apply with respect to driver's  
 7 licenses with former addresses?  
 8 A. Yes. We have directives from the  
 9 Secretary of State.  
 10 Q. Within your Board, do you have any  
 11 written materials that you've issued that discuss the  
 12 standard?  
 13 A. Could you repeat that, please?  
 14 Q. Sure. Within the Lucas County Board of  
 15 Elections, do you have any written materials you've  
 16 issued as a Board to discuss that standard?  
 17 A. Yes. Our poll worker manual and our poll  
 18 worker training film.  
 19 Q. The standard that you discussed earlier  
 20 requiring staff to get the last four digits of a  
 21 driver's license number on a license that has a former  
 22 address, is that the standard that you plan to apply  
 23 on election day?  
 24 A. Unless I'm instructed otherwise, yes.  
 25 Q. Moving on to the next issue, is your

1 the statute the way it's written. And I would note  
 2 for the record that the Secretary of State didn't  
 3 draft the statute. He's stuck with it just like I am.  
 4 But I will call for additional clarification.  
 5 Q. Moving on to the next issue, Ms. Kelly,  
 6 is your Board accepting driver's licenses that have  
 7 former addresses?  
 8 A. Can you clarify that? Do you mean a  
 9 driver's license that somebody's moved and it doesn't  
 10 have their new address on it? Is that what you mean?  
 11 Q. Yes, that's what I mean.  
 12 A. Okay. We are accepting them pursuant to  
 13 directives and statutes, but we are requiring our  
 14 staff and we are training our poll workers that in  
 15 that instance, the last four digits of that driver's  
 16 license number has to be recorded in the poll books  
 17 and also recorded on the logbook that we have here in  
 18 the Board Elections if it's somebody voting here.  
 19 Q. All right. And how did you arrive at  
 20 that conclusion that that's what you were going to do?  
 21 A. Directive and statute. And, also,  
 22 seminar that we attended with the Secretary of State's  
 23 office.  
 24 Q. When was that seminar?  
 25 THE WITNESS: When did we go?

1 Board requiring early in-person voters to provide  
 2 identification?  
 3 A. Yes.  
 4 Q. What kind of identification are you  
 5 requiring?  
 6 A. Well, first of all, we're requiring that  
 7 the full driver's license number be placed on the  
 8 application itself.  
 9 Whatever requirements there are for the  
 10 absentee voter application, period, we're asking them  
 11 to do that. And then we are also asking for the  
 12 statutory ID requirements, that those be fulfilled, as  
 13 well.  
 14 Q. Can I clarify something? I'm sorry. Did  
 15 you say you're asking for the full driver's license  
 16 number?  
 17 A. Whatever the application requires. I'm  
 18 so sorry, I don't have it sitting in front of me.  
 19 Whatever the Secretary of State's prescribed  
 20 application requires, we're asking that those  
 21 requirements be fulfilled.  
 22 And in addition to that, we're asking  
 23 that the regular ID requirements be fulfilled, as  
 24 well. In other words, you fill out your application,  
 25 we're also asking for the driver's license, State ID,

1 et cetera.

2 Q. To make sure I understand, are you asking  
3 to see a photo ID for early in-person voters?

4 A. Yes.

5 MR. COGLIANESE: Objection.

6 THE WITNESS: If that's one of  
7 the requirements, yes, we are.

8 BY MS. SESTILE:

9 Q. But sitting here today, you don't know if  
10 your staff workers are actually requesting to see a  
11 photo ID from early in-person voters?

12 A. I will tell you that after we received  
13 directive 2006-78, we are following that directive.  
14 Specifically on Page 2 of that directive, it explains  
15 that pursuant to statute, a voter who's voting by  
16 absentee ballot -- and I'm talking about someone who  
17 comes into the Board of Elections, which you're  
18 referred to as an early voter.

19 In addition to providing the full  
20 driver's license number rather than the last four  
21 digits, in addition to that, the directive says we are  
22 also supposed to have the person who's casting their  
23 ballot in person or delivering it to us in person  
24 follow the ID requirements, which, again, is a current  
25 valid photo ID or copy of military identification,

1 A. Okay. Actually, we were doing just what  
2 the directive said to do and then stopped doing it for  
3 one day as a result of Judge Marbly's (phonetic) -- I  
4 hope I'm not mispronouncing his name -- his ruling.

5 And then we went right back as soon as  
6 that ruling was overturned. We went right back to  
7 doing it this way, the way the directive states again.

8 Q. Okay. Do you know if during the period  
9 you were not following the law as set forth in  
10 Directive 78, did you have any early in-person voters  
11 coming who were required to show identification?

12 MR. COGLIANESE: Objection.

13 THE WITNESS: We had a few  
14 people that came in and they were not  
15 asked to show the photo ID. They just  
16 filled out the application and put all  
17 the information that was required, and  
18 they were permitted to vote for that one  
19 day.

20 BY MS. SESTILE:

21 Q. And do you know what Lucas County Board  
22 of Elections' plan is with respect to those voters, if  
23 you're going to count those votes or not?

24 MR. COGLIANESE: Objection.

25 THE WITNESS: That will be

1 current utility bill, bank statement, government  
2 check, et cetera.

3 MS. SESTILE: All right. Since  
4 we're talking about it, why don't we go  
5 ahead and mark Directive 78.

6 (Court Reporter marked Kelly  
7 Exhibit 1.)

8 MR. BORELL: All right.  
9 Directive 2006-78 has been marked Kelly  
10 Exhibit 1.

11 BY MS. SESTILE:

12 Q. Ms. Kelly, we have just been discussing  
13 this directive. I take it you're familiar with it?

14 A. Yes.

15 Q. When did you receive this document?

16 A. The 26th.

17 Q. Before you received it, what was Lucas  
18 County Board of Elections doing with respect to early  
19 in-person voters and showing identification?

20 A. Could you hold for a moment, please?

21 MS. SESTILE: Yes.  
22 (Discussion had off the record.)

23 THE WITNESS: Can you hear us?

24 BY MS. SESTILE:

25 Q. We can.

1 something that we'll discuss with Mr.  
2 Borell, with our Board, and Secretary of  
3 State.

4 I think my opinion on it, what I  
5 will be telling the Board, is fundamental  
6 fairness demands that they be counted.  
7 And that is what I will encourage our  
8 Board to vote on and adopt.

9 I don't think voters need to be  
10 punished or disenfranchised because of a  
11 court ruling at any time.

12 BY MS. SESTILE:

13 Q. And you mentioned, Ms. Kelly, that even  
14 before you received Directive 78, you were requiring  
15 identification from early in-person voters.

16 Were there discussions about that within  
17 the Lucas County Board of Elections, either internally  
18 or externally?

19 A. Yes. Internally, our administrative  
20 staff believed that, as this is a polling location and  
21 these are early voters, that we needed to apply the  
22 statute the way we were applying it.

23 Q. Did you issue any written directives on  
24 that?

25 A. No, we did not. However, we do meet with



1 our staff and provide that direction to all of them.  
 2 And, of course, we apprise our Board by means of phone  
 3 calls, e-mails, and our weekly report.

4 And I can't tell you which of those  
 5 methods we used to explain that's how we were doing  
 6 this. I think we probably told them by phone.

7 Q. Are you planning on applying the same  
 8 standard on election day?

9 A. Which standard are you referring to?

10 Q. Requiring identification for -- I'm  
 11 sorry. Never mind.

12 Moving on to our last issue, Ms. Kelly,  
 13 how will your Board determine whether a provisional  
 14 ballot is eligible to be counted?

15 A. Okay. As always, we will turn to statute  
 16 and we will turn to directives issued by the Secretary  
 17 of State.

18 We checked on this question, because we,  
 19 like everyone else, want to know what we're supposed  
 20 to be doing. We called our field representative this  
 21 morning and were advised that there will be a  
 22 directive as to how provisional ballots will be  
 23 examined and counted by Boards of Elections for this  
 24 upcoming election.

25 I told them the only guidance we have

1 interpret the statutes as they exist, and  
 2 we would follow whatever his legal  
 3 opinion would be.

4 But that would only be if we  
 5 receive no guidance from the Secretary of  
 6 State.

7 MR. COGLIANESE: Off the record  
 8 a second.

9 (Discussion had off the record.)

10 BY MS. SESTILE:

11 Q. At this time, Ms. Kelly, do you have any  
 12 plans to examine other information to determine if  
 13 provisional ballots are eligible to be counted,  
 14 including, but not limited to, either BMV records or a  
 15 Social Security number database?

16 MR. COGLIANESE: Objection.

17 THE WITNESS: Again, at this  
 18 point, with all due respect, my mind is a  
 19 clean slate.

20 I have to have direction from  
 21 those -- from my betters. I have to have  
 22 direction from the Secretary of State.  
 23 In the absence of that, I have to have  
 24 direction from our County prosecutor  
 25 pursuant to statute.

1 would be Advisory No. 2006-01, which was issued March  
 2 13th of 2006. There was also a memorandum issued in  
 3 2004, October 26th, 2004, regarding provisional  
 4 voting, and a Directive 2004-42 that was issued  
 5 October 25th of 2004.

6 Now, obviously we won't apply that older  
 7 dated material unless we're not given anything new  
 8 that applies to this election. But I assure you we  
 9 will be.

10 Q. Okay. Assuming that you're not given  
 11 anything new, what records would you examine to  
 12 determine whether provisional balances are eligible to  
 13 be counted?

14 A. With all due respect, I'm not doing  
 15 anything until I receive a directive. Nothing. And I  
 16 need it in writing.

17 Q. Okay. So if the Secretary of State's  
 18 office doesn't issue a directive or other guidance in  
 19 writing, what will your Board do with respect to  
 20 provisional ballots?

21 MR. COGLIANESE: Objection.

22 THE WITNESS: At that point,  
 23 should there be no directive issued, we  
 24 will turn to our prosecutor, who is a  
 25 great legal sage, and ask him to

1 And whatever the statute, as  
 2 interpreted by the prosecutor, suggests  
 3 that we do that, that is what we will do.  
 4 We have every intention of following the  
 5 law to the letter.

6 BY MS. SESTILE:

7 Q. I know you're waiting for direction from  
 8 your Secretary of State's office or your prosecutor,  
 9 but does Lucas County Board of Elections have the  
 10 ability to check driver's license numbers submitted on  
 11 provisional ballots against BMV records?

12 A. We would have to call a contact through  
 13 the BMV in order to do that. We don't have the  
 14 capability of doing that directly ourselves.

15 Is that the question?

16 Q. Same question with regard to Social  
 17 Security numbers. If people put their last four  
 18 digits of their Social on their provisional ballots,  
 19 do you have the ability to check those against some  
 20 sort of database?

21 A. Not directly, no, ma'am, we do not.

22 Q. Okay. I have one more exhibit I want to  
 23 talk about with you, Mr. Kelly, and then we'll let Mr.  
 24 Coglianese take a stab at it.

25 Does the court reporter have an e-mail

1 that's dated October 26, 2006 at the top? It says,  
 2 "Damschroder, Matthew M"  
 3 (Court Reporter marked Kelly  
 4 Exhibit 2.)  
 5 THE WITNESS: May we have a  
 6 moment to look at this?  
 7 (Discussion had off the record.)  
 8 BY MS. SESTILE:  
 9 Q. I know you just took a moment to look at  
 10 Kelly Exhibit 2, but before just now, have you ever  
 11 seen this before?  
 12 A. Yes. I believe I did in passing.  
 13 Q. Did you receive a copy of this e-mail?  
 14 A. I believe that we did.  
 15 Q. Okay. If you would take a moment to go  
 16 ahead and read the only paragraph of Page 1 that says,  
 17 "You have got to be kidding."  
 18 A. Uh-huh.  
 19 Q. Do you have any opinion on that  
 20 paragraph?  
 21 MR. COGLIANESE: Objection.  
 22 THE WITNESS: At this point in  
 23 time at this juncture of the election, I  
 24 don't have an opinion about anything.  
 25 I'm just tired.

1 Exhibit 2?  
 2 MR. COGLIANESE: Objection.  
 3 THE WITNESS: Let me have a  
 4 second to reread.  
 5 I think my response to your  
 6 question, counselor, is everyone's  
 7 entitled to their opinion. This is  
 8 America.  
 9 BY MS. SESTILE:  
 10 Q. Do you agree with that opinion, ma'am?  
 11 MR. COGLIANESE: Objection.  
 12 MS. CORL: Objection. Asked  
 13 and answered.  
 14 BY MS. SESTILE:  
 15 Q. You may answer.  
 16 A. Would you restate your question?  
 17 Q. Do you disagree with the opinions set  
 18 forth in Kelly Exhibit 2?  
 19 MR. BORELL: Yes or no.  
 20 MR. COGLIANESE: Objection.  
 21 MR. BORELL: The witness is  
 22 reading it again.  
 23 THE WITNESS: You know, I don't  
 24 think that this question can be answered  
 25 in a yes or no.

1 BY MS. SESTILE:  
 2 Q. All right, Ms. Kelly, to your knowledge,  
 3 has anyone requested guidance from your office from  
 4 the Secretary of State's office as to how to apply  
 5 Directive 78?  
 6 MR. COGLIANESE: Objection.  
 7 Are we asking her office? Are we asking  
 8 if she knows of anyone who contacted the  
 9 Secretary of State's office? Might want  
 10 to clarify that question.  
 11 BY MS. SESTILE:  
 12 Q. Has anyone from the Lucas County Board of  
 13 Elections contacted the Secretary of State's office  
 14 with respect to how to apply Directive 78?  
 15 A. At this point, we have not. We read  
 16 through it. We thought it was fairly clear and it  
 17 provided good guidance.  
 18 Q. But is it fair to say that you disagree  
 19 with the e-mail that is Kelly Exhibit 2?  
 20 MR. COGLIANESE: Objection.  
 21 THE WITNESS: Would you repeat  
 22 that question?  
 23 BY MS. SESTILE:  
 24 Q. Is it fair to say that you disagree with  
 25 the opinions expressed in this e-mail that is Kelly

1 I don't know the status of poll  
 2 worker training. I don't have any  
 3 personal knowledge as to how the Franklin  
 4 County Board of Elections operates.  
 5 I don't know, you know, how they  
 6 examine directives. I don't know how  
 7 they teach their staff. So not having  
 8 any personal knowledge about their Board  
 9 of Elections, I don't know how I can say.  
 10 BY MS. SESTILE:  
 11 Q. Sure. Let me be just a little more  
 12 specific. You disagree with the opinion in the e-mail  
 13 that is Kelly Exhibit 2 that Directive 78 is  
 14 confusing?  
 15 MR. COGLIANESE: Objection.  
 16 MS. CORL: Objection.  
 17 MR. COGLIANESE: Asked and  
 18 answered.  
 19 MS. CORL: Asked and answered.  
 20 THE WITNESS: It's not confusing  
 21 to me. Let me say that, as a former  
 22 teacher with a master's degree, I always  
 23 feel that everything can be explained  
 24 better.  
 25 There's always a better way to

1 do everything. There's always a better  
 2 mousetrap out there. However, we found  
 3 the directive helpful in our county, and  
 4 that's the only county I can speak for.

5 BY MS. SESTILE:  
 6 Q. Thank you. Final question from me, Ms.  
 7 Kelly, at least on direct.  
 8 After reading Directive 78, are there any  
 9 questions or concerns that you have about application  
 10 of the new voter ID laws?  
 11 A. The only question I have -- and it will  
 12 remain until the legislature does its duty -- is that  
 13 the military identification provision should be  
 14 clarified. Other than that, you know, we're bopping  
 15 along as best we can.

16 MS. SESTILE: Thank you. I'm  
 17 done on direct. I'll go ahead and turn  
 18 you over to Mr. Coglianese.  
 19 MR. COGLIANESE: Thanks.  
 20 ---  
 21 EXAMINATION  
 22 BY MR. COGLIANESE:  
 23 Q. Good morning.  
 24 A. Good morning.  
 25 Q. This is going to be very brief, Ms.

1 I would say a significant number. And I want to  
 2 qualify that answer by telling you, we also have an  
 3 extremely large stack of rejection letters.  
 4 And when I say, "rejection letters," I  
 5 mean the letter that the Board of Elections generates  
 6 to tell people that critical information is missing.  
 7 And we can't even send these letters, because we have  
 8 no addresses for these people.  
 9 Q. Okay. So the problem has not been lack  
 10 of identification. The problem has been wrong or  
 11 missing addresses; is that right?  
 12 A. I'm saying both. We have had missing  
 13 information, identification information. But we were  
 14 able to send a letter to those individuals pursuant to  
 15 the statute saying, Yoo-hoo, you're missing this or  
 16 that and we need it so that we can get your ballot to  
 17 you.  
 18 However, for the record, I want it to be  
 19 known that we received a whole lot of applications  
 20 from these registration drives with so-called voter  
 21 protection groups who sent us either duplicative cards  
 22 or cards people didn't sign or cards where there was  
 23 no address. And we can't even help these voters  
 24 because we can't find them.  
 25 Q. Can you estimate for me how many of those

1 Kelly. I've just got a couple of questions for you.  
 2 Just for purposes to clarify the record,  
 3 it is your testimony that you have not had an issue  
 4 with the definition of "current" as it relates to  
 5 current ID; is that correct?  
 6 A. That's correct.  
 7 Q. And you have not had an issue with other  
 8 government documents; is that correct?  
 9 A. That's correct.  
 10 Q. You have not rejected any application for  
 11 absentee ballots based on either of those two  
 12 provisions; is that right?  
 13 A. To my knowledge, we have not.  
 14 Q. You have not rejected any absentee  
 15 ballots themselves for either of those two issues; is  
 16 that right?  
 17 A. To my knowledge, we have not.  
 18 Q. For the 2006 general election, how many  
 19 applications for absentee ballots has the Lucas County  
 20 Board of Elections received?  
 21 A. In excess of 20,000.  
 22 Q. Of those 20,000, do you know how many  
 23 have had insufficient information that you've had to  
 24 return to the potential voter?  
 25 A. I don't have the exact numbers for you.

1 types of situations you've got where you're talking  
 2 about the problem that you just identified from these  
 3 voter registration drives?  
 4 A. I don't have that number for you. We  
 5 could get it and provide it subsequent to the  
 6 deposition but I don't know it offhand.  
 7 Q. That would be great.  
 8 A. Okay.  
 9 Q. How many absentee ballots has the Lucas  
 10 County Board of Elections received today?  
 11 A. Do you mean returned ballots today or are  
 12 you saying to date?  
 13 Q. Returned voter ballots up to this point.  
 14 A. Could you hold, please?  
 15 MR. COGLIANESE: Yes.  
 16 (Discussion had off the record.)  
 17 THE WITNESS: Hello? We're  
 18 running a report. They'll bring that in  
 19 in a moment.  
 20 BY MR. COGLIANESE:  
 21 Q. Okay. Thank you. How many poll workers  
 22 does Lucas County have?  
 23 A. Can you define what you mean by "have"?  
 24 Do you mean how many do we have to have for an  
 25 election? How many do we have for this election

1 signed up? What do you mean?  
2 Q. How many do you have for the 2006 general  
3 election signed up?

4 A. We have 1,980 signed up, which is the  
5 number we need for our 495 precincts. Plus we have  
6 what we're trying to call, or what we are calling,  
7 sort of a pool of people that are on standby.

8 Q. Okay. How many are in the standby pool?

9 A. I don't know how big the standby pool is  
10 right now. I don't know if you're aware of this, but  
11 the history of poll workers for an election is that  
12 right up until the day of election, you have people  
13 dropping out because of flu, illness, accident, et  
14 cetera, et cetera, so the number keeps fluctuating.

15 I'm not sure how many people we have in  
16 the pool right now because they're used to replace  
17 people as they drop out.

18 Q. Okay. And what percentage, or do you  
19 know how many folks have gone through poll worker  
20 training for the 2006 general election?

21 A. I think there are probably 50 people that  
22 still have to be trained, and their going to be  
23 trained this Thursday. We have two remaining pole  
24 worker sessions.

25 Q. Just briefly, I'd like to talk to you a

1 Q. Okay. If you can supplement it, could  
2 you let us know how many provisionals were cast in  
3 2004 and what the acceptance rate was of those?

4 A. Hang on. Let me write this down. Thank  
5 you. So you want the number of provisionals.

6 Q. And the acceptance rate from the 2004  
7 general election.

8 A. Okay.

9 Q. And have the absentee rules been in  
10 effect in Lucas -- the absentee rules for ballots were  
11 in effect in Lucas County for the 2006 primary  
12 election; is that correct? Where folks had to put a  
13 driver's license or Social Security number on their  
14 ballot when they returned it; is that right?

15 A. We need a moment, please.

(Discussion had off the record.)

17 THE WITNESS: Hello?

18 BY MR. COGLIANESE:

19 Q. Yes.

20 A. I thought I cut us off and I almost had a  
21 heart attack. And remember that I'm fried and my  
22 brain is not what it should be at this very moment.

23 My understanding was that the ID  
24 requirements didn't come into effect until June and  
25 were not in place for the May primary.

1 little bit about the 2004 general election, as well.

2 Do you know how many provisional ballots  
3 were cast in Lucas County in the 2004 general  
4 election?

5 A. No. And I would like to clarify the  
6 record and say that I was not director at that time  
7 and I was kept out of the loop about almost  
8 everything, so I'm going to be very sketchy in  
9 information I can give you.

10 Q. Okay. What was your position in 2004  
11 during the general election?

12 A. I was the deputy director.

13 MR. COGLIANESE: Okay. Can we  
14 just confer for a brief second?

15 MR. BORELL: Sure.

(Discussion had off the record.)

17 BY MR. COGLIANESE:

18 Q. Okay. Just a quick question. Have --

19 A. You know, if we can go back to your  
20 question, you asked how many --

21 MS. CORL: Provisional.

22 THE WITNESS: Oh, provisional.

23 I can get that information for you. We  
24 can look at it.

25 BY MR. COGLIANESE:

1 The first election I remember employing  
2 the ID requirements was our August special, 2006.

3 Q. That's correct for purposes of the ID at  
4 the polling place.

5 Were you aware of any issues that came up  
6 in the August special election in Lucas County as it  
7 relates to voters who have to produce ID in polling  
8 places?

9 A. No. In fact, we were thrilled. It went  
10 swimmingly. We spent a lot of time trying to get the  
11 poll workers to understand what it was all about and  
12 we also tried to educate our voters the best we could.

13 As I said, it was a special election.  
14 And almost to the man and woman, people just marched  
15 in with their driver's license and it had the current  
16 address and everything went well.

17 Q. How many precincts did Lucas County have  
18 at this special election in 2006 in August?

19 A. I want to say it was, like, 33.

20 Q. Okay.

21 A. 31 or 33, something like that. Again,  
22 I'd have to look it up for you.

23 Q. That's fine.

24 A. I guess I didn't study enough for this

25 test.

1 Q. I do want to, though, go back to the  
2 issue on absentee ballots as it relates to the primary  
3 election because, in fact, the legal requirement that  
4 folks put their Social Security number or driver's  
5 license was part of House Bill 234, which became  
6 effective in January of 2006.

7 A. Yes.

8 Q. So that actually would have been part of  
9 the May primary election.

10 A. Okay, yes.

11 Q. Are you aware of any issues with folks  
12 making mistakes, putting wrong numbers down? Was that  
13 an issue that seemed was problematic for the May  
14 primary?

15 A. You know what? I don't remember it being  
16 so, so I'm sure it wasn't. When things don't go well  
17 and voters don't get to vote, everybody in this office  
18 is just heartbroken. So I'm sure if it had been a  
19 problem, it would still be ringing in my memory. So I  
20 don't remember it being a problem.

21 Q. Thank you so much, Ms. Kelly. I think  
22 I'm done.

23 A. Thank you.

24 ---  
25 EXAMINATION

1 to explain the identification requirements and, again,  
2 to teach people who don't have misgivings about the  
3 touch screen, how to use it. I feel that we've done  
4 everything humanly possible, and I have my 81-year-old  
5 parents praying that this election goes well.

6 MS. CORL: Thank you. I don't  
7 have any more questions.

8 ---  
9 RE-EXAMINATION

10 BY MS. SESTILE:

11 Q. Ms. Kelly, I just had a couple of  
12 questions on redirect and then we'll let you guys get  
13 back to the business of elections. I just want to  
14 clarify a couple of things.

15 You were talking about a rejection letter  
16 that your office tries to send out. You send it out  
17 for absentee ballot applications and not absentee  
18 ballots; is that right?

19 A. That's correct, ma'am.

20 Q. And you also mentioned that you've  
21 trained all but 50 of your poll workers and that  
22 they'll be trained on Thursday; is that right?

23 A. Yes, ma'am.

24 Q. Did you train any of those poll workers  
25 under Directive 78 or did you train them before you

1 BY MS. CORL:

2 Q. Ms. Kelly, my name is Christina Corl.  
3 I'm also counsel for Secretary Blackwell. Just let me  
4 ask you a couple of questions.

5 Are you ready for this election if the  
6 lawyers would stay out of it?

7 A. We're beyond ready. We've worked  
8 exceedingly hard and we feel that we are fully  
9 prepared. We are ready. We have broken our necks to  
10 educate our voters so that they understand what the ID  
11 requirements are.

12 We've gotten our little faces on any  
13 television or radio program that would have us. We've  
14 spent a considerable amount of HAVA money, which I  
15 want to clarify and say was used to explain how to use  
16 the touch-screen machine. But we were given  
17 permission to also, you know, add the addendum of what  
18 ID requirements are all about.

19 We disseminated the commercial that we  
20 shot -- it was professionally done -- to the NAACP and  
21 to other voters' rights organizations so that they  
22 could share that with the community in any way they  
23 wanted to in addition to running the commercial on  
24 television.

25 We conducted voter outreach county-wide

1 got Directive 78?

2 A. Well, because we have almost 2,000  
3 people, if we don't start early, they don't get  
4 trained. So obviously they were trained prior to this  
5 directive.

6 However, I believe that pretty much  
7 everything that's in here is contained in our poll  
8 worker manual. So I think the training probably  
9 contained the preponderance of information in here.

10 Our pole worker manual tracks all of the  
11 pertinent election statutes. We try to actually stick  
12 those statutes right in the poll worker manual so that  
13 if anyone has any questions, our poll workers are able  
14 to pipe up and say, oh, we're doing this because of  
15 ORC-35 whatever.

16 MS. SESTILE: Can I make a  
17 formal request on the record that you  
18 guys produce a copy of that manual to us?

19 And I'm sure Mr. Coglianese's  
20 office would like to have a copy, as  
21 well.

22 MR. COGLIANESE: Yes, if you  
23 don't mind.

24 THE WITNESS: The only question  
25 I have -- and perhaps Mr. Borell can help

1 us with this -- I do have, and so is Mr.  
2 Pilrose, we're concerned about security  
3 issues.

4 That manual talks about security  
5 procedures for our election and we're not  
6 real keen about that getting out.

7 BY MS. GENTRY:

8 Q. You can redact that. We don't really  
9 need to see those sections of the manual.

10 A. Okay.

11 Q. Do you know how many people voted in the  
12 August special election?

13 A. No, I don't remember right now. I can  
14 get that information for you, as well.

15 Q. Finally, I think you testified that you  
16 haven't rejected any absentee ballots yet; is that  
17 right?

18 A. Did I say that? No, I don't believe that  
19 was my testimony.

20 Q. Okay. I'm sorry. I just want to  
21 clarify. You guys haven't opened any absentee ballots  
22 yet, have you?

23 A. Again, you have to be more specific. If  
24 you're talking about opening -- we have not opened any  
25 identification envelopes. That would be illegal.

1 their license within the interior envelope of their  
2 absentee ballot and the information they included was  
3 insufficient, you won't know that until next Tuesday,  
4 right?

5 A. You're saying if the information on the  
6 exterior of the envelope that I can see now is  
7 insufficient -- I guess I don't have x-ray eyes, so I  
8 can't tell you what's on the inside with the ballot.

9 All I can say is when the time comes, I  
10 can look at the exterior of the envelope and I will  
11 know whether or not at least on the exterior they've  
12 provided the appropriate information.

13 What's on the inside, I wouldn't be able  
14 to say until it's time open the envelopes. I hope  
15 that answers the question that you're asking.

16 MS. SESTILE: I think it does.

17 Thank you very much, Ms. Kelly.

18 If anyone else has any  
19 questions.

20 MR. COGLIANESE: Can I just ask  
21 one quick question? It's not a true  
22 follow-up to what you've asked and it's  
23 only going to be one question.

24 ---  
25 RE-EXAMINATION

1 Q. So you don't know until you open them on  
2 election day whether there's insufficient  
3 identification within them to count them, will you?

4 MR. COGLIANESE: Objection.

5 THE WITNESS: No, that's not  
6 exactly true. Because we have -- the  
7 identification envelope that we have,  
8 actually it's called an identification  
9 document pursuant to 3509.04, and it is a  
10 prescribed form from the Secretary of  
11 State, Form 12-A.

12 That envelope requires the voter  
13 to place the identification information  
14 right on the face of the envelope. So  
15 that information is there and we can look  
16 at it.

17 But at this point in time, we're  
18 not doing that. We're verifying  
19 signatures and we're scanning in the  
20 identification number so that these  
21 voters are in our voter registration  
22 system.

23 BY MS. SESTILE:

24 Q. If, for example, someone included a  
25 utility bill or other government document or a copy of

1 BY MR. COGLIANESE:

2 Q. Ms. Kelly, I know you talked about seeing  
3 military IDs up to this point.

4 When you were looking at military IDs, is  
5 it a correct statement that that military ID does have  
6 that person's Social Security number on it?

7 A. I'm trying to remember, but I believe  
8 that it does.

9 Q. Thank you.

10 A. It has that, just not an address.

11 MR. COGLIANESE: Thank you.

12 MS. SESTILE: I think we're  
13 done.

14 (Deposition concluded and  
15 witness excused at 9:39 a.m.)

16 (Signature waived.)  
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CERTIFICATE

1  
2 I, Robert W. Scheid, Jr., a Notary Public in  
3 and for the State of Ohio, duly commissioned and  
4 qualified, do hereby certify that the within-named  
5 witness was by me first duly sworn to tell the truth,  
6 the whole truth, and nothing but the truth in the  
7 cause aforesaid; that the testimony then given was by  
8 me reduced to stenotype in the presence of said  
9 witness and afterwards transcribed; that the foregoing  
10 is a true and correct transcription of the testimony  
11 so given as aforesaid.

12 I do further certify that this deposition was  
13 taken at the time and place in the foregoing caption  
14 specified.

15 I do further certify that I am not a  
16 relative, employee of or attorney for any of the  
17 parties in this action; that I am not a relative or  
18 employee of an attorney of any of the parties in this  
19 action; that I am not financially interested in this  
20 action, nor am I or the court reporting firm with  
21 which I am affiliated under a contract as defined in  
22 the applicable civil rule.

23  
24  
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1 IN WITNESS WHEREOF, I have hereunto set  
2 my hand and affixed my seal of office at Toledo, Ohio  
3 on this 31st day of October, 2006.  
4

5 \_\_\_\_\_  
6 ROBERT W. SCHEID, JR., RPR  
7 Notary Public  
8 in and for the State of Ohio

9 My Commission expires May 29, 2008.  
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