

1 provided and sixty-three appeared to have an issue
2 with the photo number on the driver's license.

3 Q. Mr. Williams, do you know how many
4 ballots that have been returned failed to
5 include a signature of the voter?

6 A. I believe it is a larger number
7 than one thirty-three, but I don't know what
8 that is.

9 Q. And just so it's clear in the
10 record, even prior to the passage of House Bill
11 3, an absentee ballot would be rejected by a
12 county Board of Elections if that absentee
13 ballot did not have a signature from the
14 purported absentee voter; is that correct?

15 A. That's correct, and that was one
16 of the larger reasons for rejection in 2004.

17 Q. I apologize for jumping around
18 with you, but something that kind of intrigues
19 me a little bit. You said there were a hundred
20 and twenty-five thousand out of your five
21 hundred and sixty thousand registered voters
22 whose mail came back, sixty day notice came
23 back as not deliverable to that address?

24 A. Yes.

25 Q. Have you guys done anything to try

1 A. Yes, I have it in my hand.

2 Q. What is it?

3 A. Directive 2006-78, October 26,
4 '06, a directive from the Secretary of State
5 indicates important election issues.

6 Q. Thank you. Turning first to the
7 issue of the eighteen thousand ballots, you
8 said seventy don't have ID and sixty-three have
9 a photograph number; is that right?

10 A. Right.

11 Q. Is that a comprehensive analysis
12 or is that just based on whatever information
13 you have been able to glean from the outside of
14 the ballots?

15 A. That would be what's on the
16 outside of the ballot.

17 Q. And is it true that you haven't
18 opened the ID envelope or opened the ballot to
19 see what people put inside?

20 A. Correct.

21 Q. So you don't know as you sit here
22 the total ID problems with the eighteen
23 thousand ballots?

24 A. It would be -- the ID would be --
25 numbers would be less than I mentioned.

1 and track those folks down?

2 A. No.

3 Q. Are these -- in your experience
4 that hundred and twenty-five thousand, are
5 those folks who generally move county to
6 county, precinct to precinct so they would be
7 in the absentee -- or I'm sorry, in the
8 provisional ballot group?

9 MS. GENTRY: Objection. Calls for
10 speculation. Go ahead.

11 THE WITNESS: Yeah, I would say a lot
12 of those people have certainly moved so, you know,
13 I guess that would put them in a provisional
14 class.

15 MR. COGLIANESE: Can we take just a
16 second?

17 (Pause in proceedings.)

18 MR. COGLIANESE: Mr. Williams, I
19 don't have anything further. Thank you very much
20 for your time.

21 FURTHER CROSS-EXAMINATION
22 BY MS. GENTRY:

23 Q. Mr. Williams, before I begin my
24 questioning, could you please identify Williams
25 Exhibit I for the record?

1 Q. But it would be in addition to
2 what you mentioned, correct?

3 A. It would be less.

4 Q. How do you know that it would be
5 less?

6 A. Well, if there's something in the
7 ID envelope that would be an ID, that would
8 only cause a reduction in the number.

9 Q. No, putting aside the one
10 thirty-three that you have identified as
11 potentially problematic, I want to look at the
12 remaining seventeen thousand eight hundred and
13 sixty-seven.

14 A. Okay. Those have all been
15 appropriate and good ID's.

16 Q. Have you opened the ID envelopes?

17 A. No, but they have all either put
18 Social Security numbers on them, last four
19 digits, or appropriate identifying information
20 that would cause them to be good ID's.

21 Q. What do you mean by appropriate
22 identifying information? What else could they
23 provide besides a driver's license number?

24 A. Any one of the other documents.

25 Q. Are they attached -- when you say

1 copy of the utility bills, is that attached to
 2 the outside of the ID envelope?
 3 A. It could be, yes.
 4 Q. And have you seen that happen?
 5 A. Sure.
 6 Q. And how many utility bills have
 7 you gotten so far in the seventeen thousand or
 8 so?
 9 A. I have no idea.
 10 Q. Do you know you have gotten any?
 11 A. We have gotten documents in other
 12 forms, absolutely. I don't have numbers on a
 13 specific breakdown of how those documents would
 14 play out.
 15 Q. Has somebody reviewed those and
 16 said yes, these are all good?
 17 A. Yes.
 18 Q. So somebody has gone through and
 19 determined after Directive 78 that they are all
 20 dated within the past six months?
 21 MR. COGLIANESE: Objection. Go
 22 ahead.
 23 THE WITNESS: I would have to look at
 24 that, but as I've indicated earlier, we have not
 25 seen an old dated document problem in Hamilton

1 checked to see how many people have provided
 2 either utility statements, bank statement,
 3 paychecks or other government documents?
 4 A. I haven't specifically checked.
 5 We have -- when it comes in, they are checked,
 6 and like I said, I am not aware that we're
 7 having an old document problem in Cincinnati.
 8 Q. How would you be aware?
 9 A. Well, I think that if there was an
 10 issue as to some aged documents, that as I
 11 indicated, the staff, we communicate daily and
 12 I believe something like this would come to my
 13 attention.
 14 Q. Before Directive 78 it's true, is
 15 it not, that there was no six month standard in
 16 play?
 17 A. Right.
 18 Q. Why are you certain somebody would
 19 have brought to your attention a seven month
 20 old bill before Directive 78 was issued?
 21 A. I guess what I'm saying is I don't
 22 think that the documents are out there -- first
 23 of all, I think that the vast majority of
 24 people give their Social Security number.
 25 Those that do give other documentation, it's a

1 County that I'm aware of.
 2 Q. And by old, you mean older than
 3 six months?
 4 A. Yes.
 5 Q. And as you sit here today, are you
 6 positive that someone has gone through there
 7 and verified there are no utility bills, bank
 8 statements, paychecks that are older than six
 9 months in any of the eighteen thousand?
 10 MR. COGLIANESE: Objection.
 11 THE WITNESS: I haven't done that,
 12 but as I said, I'm fairly confident the number is
 13 fairly low in Hamilton County.
 14 Q. And I'm trying to understand the
 15 basis of your confidence.
 16 A. Because most people give the last
 17 four digits of the Social Security number on
 18 the outside of the envelope.
 19 Q. I'm not asking you to speculate
 20 about what most people do. I'm asking about
 21 the eighteen thousand ballots you have in your
 22 possession.
 23 A. Yes.
 24 Q. What is actually going on with
 25 those ballots, how many people or has anybody

1 vastly smaller number.
 2 Q. But, again, are you speculating
 3 about other classes of voters or do you have
 4 facts about the eighteen thousand ballots?
 5 MR. COGLIANESE: Just for purposes of
 6 the record, I would like to enter an objection. I
 7 know we keep talking about eighteen thousand. I
 8 believe what was testified was that eighteen
 9 thousand was the number as of the day the
 10 objection letter was put out, but currently as of
 11 today it was twenty-two or twenty-three thousand
 12 ballots.
 13 Q. That's fine. Just for purposes of
 14 my questions I'll focus on the eighteen
 15 thousand. I may broaden it to the twenty-two
 16 or twenty-three thousand. So, Mr. Williams,
 17 could you answer my question, please?
 18 A. Yes. What I can tell you is that
 19 I am very confident that the documentation that
 20 was sent to Cincinnati or to the board and that
 21 has been reviewed is good documentation in
 22 regard to both socials and other documents. I
 23 have not personally looked at every one.
 24 Q. And has anybody under your
 25 supervision looked at every one?

1 A. Yes.
 2 Q. And have they reported to you that
 3 they are all fine?
 4 A. Yes.
 5 Q. Was that done before Directive 78?
 6 A. Yes.
 7 Q. Is anybody going to go back and
 8 make sure that the documentation complies with
 9 Directive 78?
 10 A. Sure.
 11 Q. But has that been done to date?
 12 A. No.
 13 Q. You do not know if there are any
 14 problems with bills or documents older than six
 15 months; isn't that true?
 16 A. In regard to that I have not
 17 looked at them, that is correct, but as I
 18 indicated, I'm still not aware of an old
 19 document problem in Cincinnati.
 20 Q. I understand nobody has told you
 21 there's not a problem and that's not my
 22 question. My question is has anybody reviewed
 23 to make sure that there is no problem?
 24 A. Not prior to the 78 directive.
 25 Q. I'm sorry, you mean not after the

1 Q. Okay. Well, let me ask a
 2 different question. Do you believe -- you
 3 testified at length that changing the rules in
 4 the middle of training or in the middle of
 5 election when you're on final approach is very
 6 disruptive; is that correct?
 7 A. That's correct.
 8 Q. Is issuing a directive like
 9 Directive 78 ten days before the election, is
 10 that a change in the rules that is disruptive
 11 to your process?
 12 A. What is the specific issue in 78
 13 other than the absentee?
 14 Q. Let's take the current issue. Now
 15 there's a definition of current, before there
 16 was not. In terms of your training, you have
 17 already trained many more than half of your
 18 pollworkers, right?
 19 A. Right.
 20 Q. And none of them have been trained
 21 on the six month standard?
 22 A. That's correct.
 23 Q. Would you have preferred to know
 24 that rule before you began your training?
 25 MR. COGLIANESE: Objection.

1 78 directive?
 2 A. That's what I mean.
 3 Q. So as you sit here today, again,
 4 you don't know if there are older documents
 5 than six months in the eighteen thousand, or as
 6 Mr. Coglianese said, twenty-three thousand?
 7 A. Well, I don't specifically know
 8 that.
 9 Q. Thank you. Going to the issue of
 10 the four thousand pollworkers, you said more
 11 than half of them had been trained; is that
 12 correct?
 13 A. Oh, yeah, way more than half.
 14 Q. Have any of those pollworkers been
 15 trained about Directive 78?
 16 A. Well, we couldn't do that because
 17 we just -- that came out during the midst of
 18 the training.
 19 Q. Was that a change in the rules?
 20 MR. COGLIANESE: Objection.
 21 THE WITNESS: Was it a change in the
 22 rules?
 23 Q. That's my question.
 24 A. We have not altered our training
 25 because of Directive 78.

1 THE WITNESS: Yes.
 2 Q. Why?
 3 A. Why?
 4 Q. Yes.
 5 A. We like to know all the rules
 6 before we start.
 7 Q. And it is a change in the rules,
 8 isn't it?
 9 MR. COGLIANESE: Objection.
 10 MS. CORL: Objection.
 11 Q. You can answer.
 12 A. I don't know. Depends on -- I
 13 guess on the definition of change, but seems to
 14 me that it's a -- as I mentioned in the AB part
 15 of this, I'm not sure if it's an omission,
 16 clarification or what it is.
 17 Q. Let's use the same definition you
 18 used when you said court orders were changes in
 19 the rules. Whatever you said there, isn't this
 20 also a change in the rules?
 21 A. What we will do in this case is
 22 send a document out to the presiding judges
 23 asking them to -- if the six month rule exists
 24 on this, we will send a communication to the
 25 presiding judges asking them to look at

1 documents in terms of the six month rule.
 2 Q. Do you believe that's going to be
 3 sufficient to the inform the presiding judges
 4 of the change in the rules?
 5 MR. COGLIANESE: Objection.
 6 Q. Do you believe that the judges
 7 will be able to communicate that to the
 8 pollworkers so that we have an understanding of
 9 the change in the rules?
 10 MR. COGLIANESE: Objection.
 11 MS. CORL: Objection.
 12 THE WITNESS: Do I believe the judge
 13 will do that?
 14 Q. Yes. Is that your expectation?
 15 A. I think I'll have to do it.
 16 Q. Who's going to tell the
 17 pollworkers about the change to the six month
 18 definition of current?
 19 A. Well have to do that.
 20 Q. How do you plan to do that?
 21 A. As I communicated, we would send a
 22 communication to the presiding judge in every
 23 polling location in Hamilton County giving them
 24 the date by which to accept a document as far
 25 as the date.

1 change but we will do what we have to do and we
 2 can only -- I can only communicate and tell
 3 them to communicate to the people that are
 4 working. I would prefer no change, obviously.
 5 Q. And I understand that, but my
 6 question is do you believe that that will
 7 adequately inform the pollworkers of the
 8 change?
 9 A. I would -- as I indicated, you
 10 know, it's a bit speculative for me to say
 11 what's going to happen and what the PJ is going
 12 to be able to do. I would prefer there not to
 13 be a change and I will do what I can do to
 14 train or to change that communication to tell
 15 them what the rule is, and, you know, if
 16 there's other steps I can take I'll put perhaps
 17 notice or something, but as I indicated, we
 18 actually have trucks coming to pick up things
 19 today and so forth, you know, trying to get
 20 distribution going and all this kind of stuff
 21 so it is difficult. It's very difficult for us
 22 so I would prefer that we're not changing rules
 23 now.
 24 Q. Including with Directive 78?
 25 A. Absolutely.

1 Q. How is that a communication from
 2 you to the pollworkers?
 3 A. How is that a communication?
 4 Q. Yes. I understood you said you
 5 would have to tell the pollworkers, not the
 6 judge; isn't that your testimony?
 7 MR. STEVENSON: Can I interrupt? I
 8 think when you're saying judge, you're talking
 9 about the presiding judge at the polling location?
 10 THE WITNESS: I thought you were
 11 talking about the federal judge.
 12 Q. No. My question is about the
 13 presiding judge. You testified you were going
 14 to send the definition of current to all the
 15 presiding judges, correct?
 16 A. Yes.
 17 Q. Is it your expectation the
 18 presiding judge will tell the pollworkers about
 19 the change?
 20 A. Yes, because we will tell them to.
 21 Q. And you believe that will be
 22 sufficient for the presiding judge to present
 23 that to the pollworkers? Do you believe they
 24 will be able to apply that definition?
 25 A. We would prefer not to have a

1 Q. But you will do your best to get
 2 that information to the pollworkers?
 3 A. I'll always do my best.
 4 Q. Is there any other procedure you
 5 could use other than sending the information to
 6 the presiding judges?
 7 A. You know, we thought about this in
 8 2004, about some sort of a blast communication.
 9 Q. You mean to the pollworkers?
 10 A. Yes, but we have not done that.
 11 Q. Is that technically possible for
 12 you to do?
 13 A. Not really.
 14 Q. Why not?
 15 A. Because we don't have. You know,
 16 like -- I mean, I guess I could get everybody
 17 in here and start making phone calls and call
 18 the PJ's about it, but as I indicated, I have
 19 certain numbers of people, certain tasks and
 20 it's just -- it's a very difficult thing to try
 21 to do and we dealt with some of this in '04.
 22 It's just very difficult the eleventh hour and
 23 so it seems to us the best way to do it is
 24 through a communication for specific
 25 instructions, it's a procedure we have set up.

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1 We have used it. It seems to be fairly
2 successful and so that's what we would use
3 here.
4 Q. And do you have any degree of
5 confidence -- can you rate your degree of
6 confidence that that will be effective, are you
7 fairly confident, not at all confident that
8 will be an effective means of educating the
9 pollworkers about this new six month standard?
10 A. You know, I guess -- I mean, it's
11 a -- fairly confident. I would prefer
12 obviously knowing this up front and we would
13 have preferred to have trained them on this,
14 but as I indicated, we always do the best we
15 can do and it's -- I think we can communicate
16 fairly clearly on something like this. It was
17 very difficult back in '04 when the absentee
18 people were allowed to come back into the polls
19 and vote. That was extraordinarily difficult
20 because that reversed years of training and the
21 whole idea of people actually voting twice and
22 all that really was a difficult one to convey
23 to the pollworkers at the eleventh hour. This
24 is much less difficult than that. I would
25 still prefer it didn't happen now.

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1 Q. Since you raised the issue of
2 2004, do you believe -- even though it was very
3 difficult to do, do you believe you adequately
4 informed your pollworkers of what rules to
5 apply?
6 A. Well, I think that decision came
7 out at like 3:00 on election day and so in that
8 respect I think it was very difficult for us to
9 really do a good job on that.
10 Q. Just because it was -- election
11 day was mostly over?
12 A. Correct.
13 MR. COGLIANESE: Objection. 3:00
14 a.m. in the morning of election day.
15 Q. Oh, you meant 3:00 a.m., not 3:00
16 p.m.?
17 A. I thought it was actually when
18 elections had started. I really did.
19 MR. COGLIANESE: I think I can
20 clarify. Are we talking about the absentee
21 voters?
22 THE WITNESS: Yes.
23 MR. COGLIANESE: I apologize. If I
24 may just interject. That was -- that was one of
25 my cases. That order did actually come out at

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1 3:00 in the afternoon on election day. That
2 was -- I thought we were talking about the
3 challengers at the poll case. That order came out
4 of the Sixth Circuit at 12:30 before the election,
5 so it was -- I'm sorry, I didn't mean to
6 interrupt.
7 THE WITNESS: And the reason there
8 was obviously the last point of communication had
9 passed. And that was extraordinarily difficult
10 for us.
11 Q. When do you send your instructions
12 out to the presiding judges?
13 A. Well, we're obviously instructing
14 them throughout the pollworker classes
15 obviously and then we have a pickup that the
16 presiding judges all need to come to on the
17 Saturday prior to the election and there we
18 give them any special instructions, final
19 instructions, and that's a practice we've
20 engaged in for a number of years so we'll have
21 a special instructions envelope going out on
22 the Saturday prior to the election and that's
23 kind of our last -- it's kind of our last
24 official communication in terms of written
25 instructions. They also have a 7:00 meeting

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1 prior to elections and that's -- to try to
2 reach everybody at that time would be much more
3 difficult.
4 Q. So from your point of view
5 Saturday is really the last time for you to
6 communicate any change in rules to your
7 presiding judges with any hope that it will be
8 effectively communicated to your pollworkers?
9 A. Yes. And I think -- it's a pretty
10 broad brush because I think it comes down to
11 what are we talking about, what is the
12 effective change, all that kind of thing.
13 That's the devils and the details on that
14 stuff.
15 Q. You said that your training
16 classes, you have changed, you have reduced the
17 number of people per class from seventy-five to
18 twenty-four so you have had to increase your
19 number of classes. Did that just happen this
20 year?
21 A. It happened the first time we did
22 a vote on this new system, was in February of
23 '06.
24 Q. What do you mean by this new
25 system?

25 (Pages 94 to 97)

Mike Mobley Reporting 937-222-2259

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1 A. The hard system.
 2 Q. You mean the machine?
 3 A. Yes.
 4 Q. And you said that part of the
 5 class there was also a heavy concentration on
 6 ID requirements?
 7 A. Yes.
 8 Q. When did you begin teaching the ID
 9 requirements?
 10 A. For the August special.
 11 Q. Why did you have to reduce the
 12 class size and even have a one to six ratio for
 13 breakout instructor in your new system?
 14 A. Why?
 15 Q. Why?
 16 A. One of the reasons is I'm sitting
 17 here talking to you guys today.
 18 Q. Well, you did it before you talked
 19 to us, in all fairness.
 20 A. I agree with that, however, the
 21 change is not only in systems but in law have
 22 been dramatic in elections. If you're not
 23 involved in elections you have very little idea
 24 of what goes on in putting on of elections. We
 25 want to get better. When I first arrived and I

1 fear of litigation?
 2 A. I think that's -- I think,
 3 honestly, I think that's a -- it's a healthy
 4 motivator.
 5 Q. We agree. I'm sorry.
 6 A. It's true. It's true.
 7 Q. Is another reason because the laws
 8 have become more complex?
 9 A. They have changed and in some
 10 areas they have become complex, but it's not
 11 only regarding the pollworkers, it's regarding
 12 everything.
 13 Q. Okay, but staying with the focus
 14 on training your pollworkers, have the laws
 15 providing identification become more complex?
 16 A. Well, they never existed before.
 17 Q. Before it was just providing your
 18 signature, right, that was your identification?
 19 A. I don't know that that's an
 20 identification.
 21 Q. But that was how you verified
 22 people were who they said they were, isn't it?
 23 A. I guess you could say that
 24 although as a former prosecutor in eleven years
 25 and as former chief of the grand jury in

1 saw pollworker training classes and the lecture
 2 sort of method that was going on, I think it
 3 was good and the instructors were fantastic.
 4 It can be better. And when you combine the
 5 system with the ID laws and the other things
 6 that we're teaching, you know, we've made a
 7 strong commitment in Hamilton County to get
 8 better and I think that our training program I
 9 believe is the best in Ohio. And I believe
 10 it's the most cost effective in Ohio because we
 11 are doing it with many people that are in-house
 12 and with people that we are training and we
 13 have control and so it's for a lot of different
 14 reasons, but everything has become so litigious
 15 that we felt we needed to do more in training
 16 the pollworkers in regard to system issues, in
 17 regard to voting issues. You're only as good
 18 obviously as your pollworkers and procedures
 19 and that's the commitment in Hamilton County
 20 and that's why we did it.
 21 Q. So one reason why you decreased
 22 class size is because you want to be better; is
 23 that correct?
 24 A. Absolutely.
 25 Q. And another reason is because of

1 Hamilton County, I'm not aware of a history of
 2 anybody ever proving a case on -- ID is an
 3 essential element of every criminal prosecution
 4 has ever used an ID -- or excuse me -- has ever
 5 used a handwriting exemplar to identify anyone
 6 ever.
 7 Q. That's a criminal system.
 8 A. I'm talking about in this system
 9 also.
 10 Q. Isn't it true before this year
 11 when you went to vote, you gave them your
 12 signature and the pollworkers checked to see if
 13 your signature matched the signature on file;
 14 isn't that true?
 15 A. I guess in a very rudimentary way,
 16 that true, although we're not --
 17 (Thereupon, the Notary Public
 18 interrupted the proceedings.)
 19 Q. And if the signature matched you
 20 were given a ballot and allowed to vote; isn't
 21 that true?
 22 A. I don't think it's a match, I
 23 think it's a signature that arguably resembled
 24 the signature of the person before you. But
 25 given in regard to signature themselves, we

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1 have just looked at three hundred and fifty
2 thousand signatures in regard to petition
3 issues and other issues, and I can tell you
4 with absolute confidence that signatures are
5 not an identification really. They are -- they
6 may be somebody's word or signing under penalty
7 of election fraud, but they are not a means of
8 identification.

9 Q. Mr. Williams, you have being
10 director of elections since January of 2004; is
11 that correct?

12 A. That's correct.

13 Q. During your tenure are you aware
14 of the circumstances ever occurring where the
15 signature did not match and a voter was turned
16 away?

17 A. We, I believe, had a situation
18 where they would vote provisionally in that
19 circumstance which is their right.

20 Q. And that would be in 2004
21 provisional ballots?

22 A. Yes.

23 Q. Did you have any elections prior
24 to November of 2004?

25 A. The presidential primary.

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1 signature, aren't you?

2 A. As I indicated, we will do that
3 and there could be some similarities, but I can
4 tell you that the signature that we have on
5 your records many, many times does not match
6 the signature of the person who votes very,
7 very well and the reason for that is many. One
8 is perhaps they are standing at a different
9 posture than when they have signed the original
10 form. One is after a period of time people's
11 signatures change. The people, you know, may
12 be in a certain situation, you know,
13 uncomfortable, injured, whatever, and their
14 signature is very dissimilar, although they are
15 the same person in many cases and if not
16 most -- the vast majority of the cases the
17 signatures just don't resemble very well.

18 Q. What are your election officials
19 instructed to do -- let's just take the issue
20 of provisional ballots -- when they are trying
21 to look at whether the provisional ballot is
22 valid and they look at the signature and it's
23 not quite the same, are they going to reject it
24 or accept it?

25 A. They are going to accept it almost

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1 Q. And in that election did you use
2 provisional ballots?

3 A. Yes.

4 Q. So your testimony is if the
5 signature didn't match, you would let them vote
6 a provisional ballot?

7 A. Well, what I'm saying is that I
8 have -- we have people that are out signing
9 signature poll books and I believe that
10 signatures are a very, very -- I believe they
11 are basically a meaningless form of ID.

12 Q. In this election are you going to
13 make any attempt to match signatures when you
14 look at provisional ballots? I thought you
15 said you would.

16 A. Sure, we will.

17 Q. Why would you do that if they are
18 meaningless?

19 A. Because that's what we have to do.
20 It's sort of a totality of the circumstances.

21 Q. And for people who don't give you
22 their name -- I'm sorry -- who only give you
23 the name and address and don't give you a
24 social and don't give you a driver's license,
25 you're going to be primarily looking at their

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1 every time because we are not handwriting
2 experts. We are not putting our people in a
3 position to disenfranchise. We give every
4 benefit of the doubt to the voter.

5 Q. Are there any circumstances where
6 officials will be instructed not to accept a
7 ballot because the signatures don't match?

8 A. The officials that are reviewing
9 this will be -- if there's a question in their
10 mind will be asked to go to a higher authority,
11 ultimately the Board of Elections, to determine
12 such issues.

13 Q. And what standard will the Board
14 of Elections apply?

15 MR. COGLIANESE: Objection. Go
16 ahead.

17 THE WITNESS: I think they will use
18 the judgment based on the facts of the case and I
19 believe they give every benefit to the voters.
20 Again, they are not handwriting experts and it is
21 very difficult for us as handwriting with the form
22 of ID, I guess you could argue that it's a kernel,
23 but that's about it.

24 Q. So it's a case by case
25 determination, there won't be an objective

27 (Pages 102 to 105)

Mike Mobley Reporting 937-222-2259

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1 standard to be applied?

2 MR. COGLIANESE: Objection.

3 Q. You can answer.

4 A. I'm not sure what the standard is
5 on a signature. If you look at it, it's a
6 factual determination, it either looks like it
7 or it doesn't.

8 Q. And your testimony if it looks
9 like it at all, they'll accept it?

10 A. That's right.

11 Q. But if it doesn't look like it at
12 all, they may not or they will not, which one?

13 MR. COGLIANESE: Objection.

14 THE WITNESS: I can't speak for the
15 board.

16 Q. And my question is your standards.
17 Are there any standards on that issue?

18 A. The only thing I can tell you, if
19 it looks like a signature -- the only thing I
20 can go back to is when we look at signatures
21 most recently on these petitions, it was
22 incredible how different the signatures were
23 than we had on file and people protested our
24 findings and it creates very, very difficult
25 circumstances because reasonable people

1 disagree as to what is somebody else's
2 signature because we're not trained on being
3 handwriting experts and so it creates
4 difficulty with us and it is a fact in a case
5 by case review giving every benefit we can to
6 the voter. You look at does some part of the
7 signature seem to match up with the other part
8 but, it's not -- signatures are very, very poor
9 in terms of ID.

10 Q. Mr. Williams, let me -- are you
11 finished with your answer?

12 A. Yes.

13 Q. Let me take you to a different
14 issue. You had testified that if the ID
15 requirements were suspended it would be a grave
16 mistake, I believe you said, and cause, you
17 didn't actually say chaos, but your answer
18 suggested it; is that correct?

19 A. I think it would be very, very
20 difficult. I'm not Chicken Little and I'm not
21 going to throw the baby out in the bath water
22 with all this stuff, but I think it would be a
23 very, very difficult thing to communicate once
24 we tell everybody this to say now, okay, don't
25 do it now.

1 Q. Why is that harder to communicate
2 or is that harder to communicate than
3 communicate the six month standard which is now
4 applying to the definition of current?

5 A. I think they are both difficult to
6 enforce.

7 Q. Is one more difficult than the
8 other?

9 A. Well, I think one because
10 everybody would have to show a form of ID. The
11 vast majority of ID's that we see in Hamilton
12 County are not this other government document
13 issue. It's a vast minority of cases. And so
14 therefore because of that, that is a smaller
15 issue than an ID, a general ID issue.

16 Q. Let me ask you though -- let me
17 challenge one assumption, that is that a tiny
18 fraction of the population will bring in
19 utility bills. Isn't it true that this
20 upcoming election is the first election when
21 the entire voting population will be required
22 to show ID?

23 A. Yes, and I don't think I said tiny
24 fraction. I think I said a smaller percent.

25 Q. And you're basing that on your

1 experience in the August election or what are
2 you basing that on?

3 A. What, other government documents?

4 Q. No, your belief that the vast
5 majority of people will show a driver's license
6 or Social Security -- well, a driver's license
7 to get a regular ballot. What are you basing
8 that belief on?

9 A. I'm basing that belief on the
10 August and the election in August in Hamilton
11 County and also that is the first thing that we
12 teach in our pollworker training classes. We
13 talk about, you know, state issued driver's
14 license, Ohio ID, and we sort of go down from
15 there, so I believe that that will be the
16 primary document that's shown, although
17 certainly not exclusive, and there can be
18 others and they are trained on that, but I
19 believe that that is the greatest number.

20 Q. Why is the fact that's the first
21 thing you teach indicative that that will be
22 the most widely used form of ID?

23 A. I think that because my belief on
24 that is that the ID and the picture ID and the
25 other -- and the driver's license number --

1 excuse me -- ID, the state issued ID, I think
 2 are possessed by the vast majority of
 3 registered voters.
 4 Q. Are you speculating?
 5 A. I am.
 6 Q. Let me ask you not to speculate.
 7 With regard to knowing how many people or what
 8 percentage of people are going to use a utility
 9 bill, bank statement or paycheck in November,
 10 do you have a basis for estimating a
 11 percentage?
 12 A. No, I don't. I think that -- I
 13 think based on the August election, twelve,
 14 fourteen percent of Hamilton County, the
 15 majority in these precincts voted using a form
 16 of photo ID. I don't know what that percentage
 17 is, but I know it's the majority percentage so
 18 that would be arguably my basis.
 19 Q. Do you believe it was more than
 20 fifty percent in August who used the driver's
 21 license or state ID?
 22 A. I do.
 23 Q. What was the election about in
 24 August?
 25 A. Many, many school districts.

1 Q. Do you have somewhere written down
 2 how many people used a driver's license as
 3 opposed to other forms of ID? Have you tracked
 4 that?
 5 A. No, but I was out in the polls
 6 that day extensively traveling from precinct to
 7 precinct and I certainly had a lot of
 8 observations.
 9 Q. So is your testimony based on
 10 firsthand observations?
 11 A. Yes.
 12 Q. Is your testimony based on
 13 anything else?
 14 A. Just obviously going through the
 15 election itself and the cleanup and so forth.
 16 Q. Mr. Williams, I want to take you
 17 back to the issue of an injunction or
 18 suspension of the ID requirements. I believe
 19 you said it would be difficult to do that. It
 20 would also be difficult to explain the
 21 current -- the definition of current, and then
 22 I had asked you which one would be harder and I
 23 can't remember if you answered my question. If
 24 you did, could you answer it to remind me of
 25 what your answer is, and if not, could you

1 Q. So those were voters in school
 2 district elections?
 3 A. Correct.
 4 Q. Do you believe that that twelve to
 5 fourteen percent is a representative sample of
 6 the entire voting population of Hamilton
 7 County?
 8 A. Let me think about what the school
 9 districts were for a minute.
 10 (Pause in proceedings.)
 11 THE WITNESS: I think it's fairly
 12 close.
 13 Q. And when you say majority, you
 14 just mean more than fifty percent?
 15 A. I think --
 16 Q. And I want to caution you not to
 17 speculate.
 18 A. I believe it was higher than fifty
 19 percent. Much higher.
 20 Q. What's the basis of your belief?
 21 A. The August election.
 22 Q. What are the numbers? Do you have
 23 the numbers, sir?
 24 A. I don't have them in front of me,
 25 but I'll be happy to look into that.

1 answer it now?
 2 A. What was the question?
 3 Q. Is it more difficult to tell
 4 people about a new definition of current that
 5 applies to ID or to tell people that there are
 6 no ID requirements? Which is harder?
 7 A. I thought I indicated I believe
 8 that the no ID requirement would be a harder
 9 one to communicate.
 10 Q. What's hard about saying not to
 11 apply those requirements?
 12 A. The people that apply them.
 13 Q. Do you think that people would not
 14 understand if you said don't apply the
 15 requirements?
 16 A. Yeah, because I think that they
 17 have gone through a four hour class where we've
 18 beat it into their head for four hours and
 19 given them examples and we've been out in the
 20 media and we have been all around the county
 21 and we have done I think very outstanding work
 22 on trying to communicate these rules to the
 23 public, and I think it would undermine voter
 24 confidence to at the eleventh hour say, okay,
 25 remember what we said, never mind, and I think

1 that there would be a risk of people not
2 complying or not understanding -- when you look
3 at -- on the current issue, the current
4 definition issue or the what the current -- I
5 mean, effectively I could send out a
6 communication to my pollworkers and say sort of
7 like ID, you know, in regard to drinking, you
8 know, the date for acceptance of ID must be
9 after this date.

10 Q. And you would do that by sending
11 it to your presiding judges and having them
12 communicate it to their pollworkers?

13 A. Right, but they haven't had that
14 beat into their head for four hours or for the
15 August election, those that were trained in
16 that election, it hasn't been disseminated out
17 to the public. It's going to be used by --
18 again, I just believe it will be used by fewer
19 people in the election and therefore I believe
20 it to be, although poor, and I'm not happy
21 about it. I don't think it's as significant an
22 issue.

23 Q. I assume that you do want the
24 current six month standard to be uniformly
25 applied even if it's only to twenty percent of

1 MR. COGLIANESE: Objection.

2 MS. CORL: Objection. Asked and
3 answered thirty times.

4 MS. GENTRY: It hasn't been answered.

5 MS. CORL: No, you don't like the
6 answer.

7 MS. GENTRY: It hasn't been answered.

8 Q. I'll ask it again. Why is telling
9 somebody not to do something likely to be
10 misunderstood?

11 MR. COGLIANESE: Objection.

12 MS. CORL: Objection. Asked and
13 answered.

14 THE WITNESS: You want me to answer?

15 Q. Yes.

16 A. Again, it's been the centerpiece
17 along with the election system and how you vote
18 in Hamilton County and I'm sure throughout the
19 state of Ohio. We have instructed the
20 pollworkers to do this and you're asking me in
21 relative terms to the more current issue which
22 is more difficult, and basically we're taking
23 one of the pillars of our training and pulling
24 it out.

25 Q. And do you think pollworkers won't

1 the voters; is that correct?

2 A. Sure.

3 Q. And in order to ensure that
4 uniform application, every pollworker has to be
5 educated about it; isn't that true?

6 A. That's correct.

7 Q. So you don't know who's going to
8 be receiving a utility bill or bank statement,
9 correct?

10 A. Right.

11 Q. And, I'm sorry, I know you have
12 tried to explain this, but why is it that
13 simply telling people to disregard the ID
14 provision, why is that going to be confusing?

15 MS. CORL: Objection. Asked and
16 answered.

17 MR. COGLIANESE: Objection.

18 Q. You can answer.

19 A. I believe that one is a small
20 subset of the election. I believe the other
21 one is a central part of what every --
22 everything we've done in the last several
23 months.

24 Q. But why is it hard to tell
25 somebody not to do something?

1 understand that?

2 A. I think it is something that is
3 difficult in the means of communication to them
4 because it is a large part of what we do and we
5 are at the end of the communication trail and
6 we cannot really effectively communicate other
7 than through the special instructions at this
8 state and I think that that creates not only
9 with the pollworkers but I think with the
10 voters also, it creates a problem. I think you
11 have people out there that had ID and knew
12 about ID, provided ID and now they don't have
13 to provide ID and I think that that undermines
14 the confidence in not only pollworkers, but
15 voting public.

16 Q. I'm not asking, sir, about the
17 voting public. Can you answer the question I
18 asked which is you believe pollworkers will be
19 unable to understand an instruction to
20 disregard the ID requirements?

21 MR. COGLIANESE: Objection.

22 MS. CORL: Objection. Asked and
23 answered.

24 MS. GENTRY: It hasn't been answered.

25 THE WITNESS: I believe that it will

1 be much more difficult to try to convey an order
2 such as that at the eleventh hour.

3 Q. Does that mean you don't believe
4 they will understand it?

5 MR. COGLIANESE: Objection.

6 THE WITNESS: Yes, I do. I believe
7 that it will not get communicated appropriately
8 and therefore they will not understand it.

9 Q. But you believe they will
10 understand the current six month standard?

11 A. Well, I have some questions about
12 that also, yes. I don't know that they will
13 completely understand that.

14 Q. But before in your testimony you
15 said you were fairly confident that they would?

16 A. Well, fairly confident for me,
17 that's not a bed of roses. I like to be highly
18 confident. Fairly confident to me is about a
19 C.

20 Q. Let me ask you to rate your
21 confidence if you were to deliver the
22 instruction that the ID requirements are not
23 applicable. What is your level of confidence
24 that that would be understood?

25 A. D.

1 like either one of them.

2 Q. You testified at length that this
3 litigation could have been brought sooner,
4 right?

5 A. Absolutely.

6 Q. I'm not going to quibble about
7 that with you, but could Directive 78 have been
8 issued sooner?

9 A. Absolutely.

10 Q. Should it have been?

11 A. Sure.

12 Q. Mr. Williams, I would like to
13 return to the issue -- please correct me if I
14 misstate your testimony, but I believe that
15 early on when Mr. Coglianesse was questioning
16 you had said that your basic goal was to count
17 every goal that can be counted; is that about
18 right?

19 A. That's right.

20 Q. Let me give you the situation of a
21 provisional voter who doesn't have their ID
22 with them and can't remember their Social
23 Security number, but they give you all of their
24 address information and so forth and then they
25 have to come back within ten days.

1 Q. So it's a C for current standard,
2 but a D for don't apply?

3 A. Yeah, maybe even an F.

4 Q. And we're on a letter grade system
5 now?

6 A. Yes.

7 Q. And if I understand your
8 testimony, the reason is because the voter ID
9 piece was a bigger part of your training so
10 it's harder to change people's minds about it?

11 MR. COGLIANESE: Objection.

12 THE WITNESS: It's harder to
13 communicate effectively when everything in regard
14 to provisionals is set up that way, when voting on
15 machines is set up that way, when the fundamental
16 thing, the first thing out of the pollworker is in
17 regard to ID, okay, it is a heck of a lot harder
18 than communicating something about a six month
19 document. I mean, there's no -- I don't think
20 that's even a close call.

21 Q. And that's even though the six
22 month standard is new, something new to them?

23 A. And I've said before, I don't like
24 the six month standard necessarily either. I'm
25 not a fan of this eleventh hour stuff. I don't

1 A. Okay.

2 Q. And before that person comes back
3 you look at their provisional ballot and you
4 determine yes, they are registered, yes, they
5 are eligible, signature matches perfectly, this
6 person is who they say they are, but that
7 person doesn't come back within the ten days.
8 Will you count their ballot?

9 A. I think I would put them in a
10 category in regard to ballots -- excuse me, a
11 category that needs ID and they would be put
12 into a separate grouping.

13 Q. Right. And I understand that you
14 will likely do that and my question is if you
15 determine yes, they are registered, they are
16 eligible, they are who they say they are but
17 they didn't come back to write down the last
18 four digits of their Social Security number,
19 will you count their ballots?

20 A. I think your question assumes they
21 are who they say they are.

22 Q. Then you make that determination
23 by looking at your records, the address,
24 signature and the date of birth, the other
25 information that's in your system and that they

1 write down?

2 A. And if they refused to sign an
3 affidavit or they refused to provide any ID,
4 that would be something that would concern me
5 in regard to their ID which is a factor that
6 may not exist in others.

7 Q. And this would be true even if
8 they didn't refuse, they just didn't have it
9 with them so they couldn't remember their
10 social and had to come back, would you still
11 have the same concern?

12 A. Yes.

13 Q. And I'm not really asking for your
14 opinion. Is it your understanding under the
15 law that ballot wouldn't be counted because
16 they didn't return within ten days?

17 A. Yes.

18 Q. What about if the person returned
19 within the ten days and wrote down four digits
20 of a Social Security number but wrote down a
21 wrong number or gave a false number?

22 MR. COGLIANESE: Objection.

23 Q. Would that ballot be counted
24 because they came back?

25 MR. COGLIANESE: Objection.

1 A. Are we going to catch it? I would
2 hope, yeah, I hope we would catch that.

3 Q. I understand you hope you would,
4 but do you have any means of catching it?

5 A. Just reviewing provisional
6 ballots. I mean my Democratic colleague Pam
7 Swafford and I spent countless hours in 2004
8 with every provisional ballot ultimately that
9 was in question.

10 (Thereupon, the Notary Public
11 interrupted the proceedings.)

12 Q. Let me withdraw that question and
13 ask a different one. Mr. Williams, you have
14 already testified, haven't you, that you don't
15 have a means of verifying Social Security
16 numbers?

17 MR. COGLIANESE: Objection. That
18 wasn't his testimony.

19 MS. CORL: Objection.

20 Q. Let me withdraw it and ask this,
21 Mr. Williams, I want to make sure I have your
22 testimony right. What was your testimony with
23 regard to your ability to verify Social
24 Security numbers?

25 A. I am not sure in the statewide

1 THE WITNESS: If the number was not
2 correct, didn't match up on our database, that
3 potentially could be a problem.

4 Q. What if you didn't have a Social
5 Security number for that person in your
6 database? Let me ask first, do you have Social
7 Security numbers for all your registered voters
8 in your database?

9 A. We do not.

10 Q. So let's assume this person is not
11 in your database.

12 A. Okay.

13 Q. They write down the wrong number.

14 A. Right.

15 MR. COGLIANESE: Objection. If
16 they're not in the database, they're not a
17 registered voter.

18 Q. Let me clarify. They are in the
19 database but their Social Security number is
20 not in the database.

21 A. Okay.

22 Q. They come back and write down the
23 wrong number, whether through malintent or
24 mistake or whatever. Doesn't matter. Are you
25 going to catch that?

1 database if they actually check with the BMV or
2 if they don't check with the BMV. I don't know
3 that. Technically I don't know what they do.
4 I'm not sure if they actually are doing that or
5 they actually are not.

6 Q. Who is they? I'm sorry. Who is
7 they?

8 A. Secretary of State, statewide
9 voter registration database.

10 Q. And are they -- is the Secretary
11 of State involved in your evaluation of
12 provisional ballots?

13 A. No, but if they have something out
14 there that crosschecks with the BMV or
15 something like that, I just don't know.

16 Q. So you think maybe they have
17 already done crosschecking and then you can
18 access the statewide database and take
19 advantage of the BMV records that way possibly?

20 A. I don't think directly. I think
21 the theory is they are supposed to have access
22 to these other identifying databases. I just
23 don't know that that's actually happening. I'm
24 somewhat skeptical that it is.

25 Q. But it's your understanding or

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1 belief that that should be happening?
 2 MR. COGLIANESE: Objection.
 3 THE WITNESS: I think the theory on a
 4 statewide database is to give some ability to
 5 identify people and it would seem to me that a way
 6 to do that would be able to have that verified
 7 against some driver database or something that's
 8 out there.
 9 Q. Are you speculating that that's
 10 possible or do you have a reason to believe
 11 that it might be happening?
 12 A. I'm not sure if it's happening or
 13 not.
 14 Q. Okay. Aside from whether or not
 15 that might be happening, you said that you
 16 might be able to look at the voter registration
 17 database, maybe the person registered somewhere
 18 else and gave their Social Security number to
 19 some other county. Was that your testimony?
 20 A. Yes.
 21 Q. So one means of trying to identify
 22 whether the Social Security number is correct
 23 would be to run a search in the statewide voter
 24 registration database to try to match it?
 25 A. Yes.

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1 Q. Are you intending to do that for
 2 every voter?
 3 A. I believe when necessary we will.
 4 Q. When will you know if that is
 5 necessary?
 6 A. Well, if everything else is fine
 7 and you run into a transposed number perhaps, I
 8 would look at the statewide voter registration
 9 database and see if there's, you know,
 10 something that there may be a transposition or
 11 something and ultimately it's up to the board.
 12 I mean, I would lay the facts out to the board
 13 on what we found.
 14 Q. But that's only if you thought
 15 there was a problem with the numbers or with
 16 some other part of the applic -- of the ballot?
 17 A. Yes. I mean, we just keep digging
 18 until we can understand and try to get as much
 19 information as possible.
 20 Q. Mr. Williams, changing topics, you
 21 had talked at length about your effort to
 22 inform the public about the ID rules; is that
 23 correct?
 24 A. That's correct.
 25 Q. Did you make any effort to inform

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1 the public about the new six month ruling for
 2 current utility bills and so forth?
 3 A. I have not. We just received it.
 4 We have not.
 5 Q. Do you have any plans to?
 6 A. At this point we do not. But like
 7 I said, it's something that if this is out
 8 there and it's in force, we will deal with it,
 9 but as I indicated, I just -- I know we've been
 10 over this, I just don't know that we're having
 11 a six month old issue in Hamilton County and
 12 I'll certainly check on that.
 13 Q. You don't know that it's happened
 14 yet, right, but you can't predict whether it's
 15 going to happen between now and election day or
 16 in any of the absentee ballots you haven't
 17 opened?
 18 A. You're correct.
 19 Q. Thank you. When you were
 20 testifying earlier, you said that one of the
 21 things you will look at with provisional
 22 ballots was whether people voted in the wrong
 23 precinct. Do you recall that?
 24 A. Yes.
 25 Q. Did you do that in 2004 as well?

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1 A. Yes.
 2 Q. So you don't need voter
 3 identification requirements in order to
 4 determine whether somebody voted in the wrong
 5 precinct; isn't that true?
 6 A. That's a separate issue.
 7 Q. In other words, you can determine
 8 whether somebody is in the wrong precinct even
 9 if they don't give you a Social Security number
 10 or driver's license number?
 11 A. Yes.
 12 Q. You had mentioned that you had
 13 some problems with ID in the August election;
 14 is that correct?
 15 A. Yes.
 16 Q. What problems did you have?
 17 A. We had some issues with -- there
 18 was a gal that I remember came into a polling
 19 place and she indicated she didn't have a thing
 20 on her. She couldn't remember her social and
 21 they -- I'm trying to think what the
 22 pollworkers did in that specific instance. I
 23 believe they voted her provisionally, I
 24 believe, but did not inform her that she needed
 25 to come back within the ten days.

1 Q. Do you know whether her ballot was
2 counted?

3 A. Yes, it was.

4 Q. Even though she didn't come back
5 within the ten days?

6 A. I'm just trying to think -- I know
7 we had -- we brought them to the board and I'm
8 just trying to think if there was something
9 else there and I think the board chose to count
10 that ballot and I'm not -- like I said, I'm not
11 looking at that specifically and I could see
12 what I could find on that, but I believe that
13 they counted that. I mean, we do always error
14 on the side of the voter. We have always done
15 that and I think everybody is -- you know,
16 we -- as crazy as it sounds, we actually do try
17 to help people.

18 Q. None of us question that.

19 A. I know you don't.

20 Q. Does that mean it's possible if
21 the girl came back in November and did the same
22 thing, didn't come back in ten days, that her
23 vote would be counted in November or I
24 understood your testimony before to be that you
25 had to come back to get your ballot counted?

1 Q. Has that happened in Hamilton
2 County?

3 A. I think I would -- I believe
4 that's true. It probably has happened and
5 that's why, again, after the 2004, you know, we
6 tried to ramp up the training, you know, beyond
7 any student to teacher ratio that exists in any
8 other educational body because we tried -- we
9 are really doing everything we can to educate
10 the pollworkers. We are only as good as our
11 pollworkers and procedures, as I said before,
12 so it's very important that we train, train,
13 train them with adult learning techniques,
14 breakout sessions, real world examples, so they
15 have an understanding of what they are doing
16 and we try very, very hard to do that.

17 MS. GENTRY: Mr. Williams, I
18 appreciate the time you have given us today. I
19 don't have further questions.

20 FURTHER CROSS-EXAMINATION
21 BY MR. COGLIANESE:

22 Q. Mr. Williams, I've got just a
23 couple on follow-up. I know you guys are busy
24 and I'll do this as quick as I can. Probably
25 going to be about five questions.

1 A. Yeah, under the state law you have
2 to come back and show some form of ID, and I'm
3 just trying to think if there's something else
4 that occurred in that situation that allowed
5 that to help and I think there may be and at
6 this point I just can't remember specifically
7 what it was and it might have just been
8 somebody checked the wrong box or something and
9 there was a soch on it or I think what happened
10 they checked the box that said -- and it might
11 be a different case, but there was one that
12 they checked the box that they had shown an ID,
13 but I don't know that they recorded what they
14 were shown and this was on a provisional. Like
15 I said, I can go back and I can look into that
16 stuff, if I have to.

17 Q. Was there a case where the
18 election officials didn't mark the right
19 information down?

20 A. Yes.

21 Q. Is that another reason why
22 provisional ballots might be disqualified, if
23 election officials filled out the paperwork
24 improperly?

25 A. Yes.

1 A. Okay.

2 Q. First of all, just to pick up on
3 the last point, provisional ballots that you
4 were just speaking about with Miss Gentry, and
5 you said that provisional ballots may not have
6 been counted in Hamilton County because of
7 election workers -- pollworkers' screwups?

8 A. Yes.

9 Q. Do you believe that to be the case
10 or do you know that to be the case?

11 A. Well, I believe in every course of
12 every human event there are errors made so I've
13 made errors and the pollworkers make errors so
14 I believe throughout the history of all this
15 I'm sure somebody has been disenfranchised due
16 to pollworker error, so, I mean, I'm not naive
17 enough to think that doesn't happen.

18 Q. But you don't have any specific
19 information about it happening; is that fair?

20 A. Not right now as I sit here.

21 Q. And you said that in that one
22 situation the provisional ballot was counted;
23 is that right?

24 A. Yes.

25 Q. I want to talk to you a little bit

1 more, and I apologize about this, but to go
2 back to the difference between Directive 78 and
3 a court order suspending state ID provisions,
4 is it true that in the poll book that folks are
5 going to use and sign on election day that
6 there are spaces for the last four digits of
7 the Social Security numbers?

8 A. Yes.

9 Q. So you would have to communicate
10 to these pollworkers not to fill those spaces
11 out; would that be correct?

12 A. Yeah, you would have to do that.
13 You would have -- I mean, you would have to
14 sort of retrain them on all the provisional
15 stuff about what we've taught them already
16 and -- I mean, I just had -- I'm not thinking
17 about all that stuff, but I guess I could think
18 for a while and come up with some more, but,
19 yeah, there's a lot of stuff involved.

20 Q. And the other thing is I know we
21 previously talked about --

22 (Thereupon, the Notary Public
23 interrupted the proceedings.)

24 Q. I want to talk to you just very,
25 very quickly about first time voters under the

1 MR. STEVENSON: Can I ask a question?
2 Are you going to need him up there tomorrow?

3 MR. COGLIANESE: No.

4 (Thereupon, the deposition was
5 concluded at 2:27 p.m.)
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1 Help America Vote Act registered by mail who
2 did not produce the appropriate identification
3 when they registered by mail and pursuant to
4 HAVA must present identification when they go
5 vote the first time.

6 A. Right.

7 Q. Let's say this is the first time
8 that person goes to vote. If the judge were to
9 suspend the State of Ohio's voter ID provisions
10 under House Bill 3, would that voter still have
11 to produce identification at the polling place?

12 A. Yes.

13 Q. How in the world are you going to
14 train your pollworkers to take HAVA ID for
15 purposes of first time HAVA voters but not ID
16 from everybody else at this point in time?

17 A. It would be very difficult.

18 Q. Do you have any faith that you
19 would be able to get the instructions out on
20 that properly?

21 A. No.

22 MR. COGLIANESE: I've got nothing
23 else.

24 MS. GENTRY: I don't have any further
25 questions.

1 STATE OF OHIO)
2 COUNTY OF MONTGOMERY) SS: CERTIFICATE
3 I, Mary Jo Stevens, a Notary Public within
4 and for the State of Ohio, duly commissioned and
5 qualified,

6 DO HEREBY CERTIFY that the above-named
7 JOHN WILLIAMS, was by me first duly sworn to
8 testify the truth, the whole truth and nothing but
9 the truth; that said testimony was reduced to
10 writing by me stenographically in the presence of
11 the witness and thereafter reduced to typewriting.

12 I FURTHER CERTIFY that I am not a relative
13 or Attorney of either party nor in any manner
14 interested in the event of this action.

15 IN WITNESS WHEREOF, I have hereunto set my
16 hand and seal of office at Dayton, Ohio, on
17 this ___ day of _____, 2006.
18
19

20 -----
21 MARY JO STEVENS
22 NOTARY PUBLIC, STATE OF OHIO
23 My commission expires 9-10-2011
24
25