

1 back for that election?

2 A. No.

3 Q. Did any precincts in Warren County
4 have a special election in August, 2006?

5 A. Yes.

6 Q. Were there any problems with the
7 voter ID provisions at the polling places for that
8 election that you are aware of?

9 A. Not that I am aware of.

10 Q. For the September special election,
11 were any provisional ballots rejected by the
12 Warren County Board of Elections for failure to
13 produce adequate identification?

14 A. Not that I recall.

15 Q. What about for the August special
16 election?

17 A. We did not have any provisionals. We
18 only had part of one precinct open for August.

19 Q. Okay. How many poll workers does
20 Warren County have?

21 A. A hundred and sixty-six times four,
22 however many that is.

23 Q. How many of those six hundred
24 sixty-four poll workers have already gone through
25 training?

1 A. I would say at least maybe six
2 hundred of them. We still have a couple training
3 classes to go.

4 Q. When you are training your poll
5 workers, do you train them to help or instruct
6 voters on the way to fill out the information that
7 goes on a provisional ballot?

8 A. We provide them with instructions.

9 Q. I'm sorry?

10 A. We provide them with instructions.

11 Q. Okay. And then the poll workers are
12 expected to provide that instruction to the person
13 who is filling out the provisional ballot
14 envelope?

15 A. That is correct.

16 Q. Was that a yes?

17 A. Yes.

18 Q. Okay. Thanks. I'm sorry. It just
19 kind of broke up when it came over. I thought
20 that's what you said, but I just wanted to make
21 sure.

22 In the 2004 general election, do you
23 know how many provisional ballots Warren County
24 ultimately received?

25 A. I'm trying to think back. I don't

1 have that information in front of me right now,
2 but it seems like it was over two thousand.

3 Q. Okay. And do you know what the
4 validation rates for those provisional ballots
5 were for the 11/04 election?

6 A. I'd say at least -- I can't remember
7 if it was fifteen or seventeen hundred that we
8 counted.

9 Q. Do you recall what the reasons were
10 for rejection of those provisionals?

11 A. The biggest reason was because the
12 voters were not registered in the state of Ohio.

13 Q. Okay. How many registered voters are
14 there in Warren County for the November, '06
15 election?

16 A. I believe it's about a hundred and
17 twenty-seven thousand, give or take.

18 Q. Wow, I didn't realize you guys grew
19 that much.

20 A. Oh, yes. We're getting too big.

21 Q. Warren County sent out its sixty-day
22 notice; is that right?

23 A. Yes, we did.

24 Q. And just for purposes of the record,
25 could you go ahead and explain what the sixty-day

1 notice is?

2 A. That is to make the voter aware of
3 the identification needed when they go to vote and
4 also a reminder of where their polling location
5 is.

6 Q. Okay. And that is sent out
7 nonforwardable mail; is that right?

8 A. That is correct.

9 Q. Of those hundred and twenty-seven
10 thousand sixty-day notices that Warren County
11 mailed out to voters, do you know how many came
12 back as undeliverable?

13 A. I would say probably over thirty
14 thousand. I would say over thirty thousand.

15 MR. COGLIANESE: Okay. If we could
16 just go off the record for a second.

17 (Pause in proceedings.)

18 MR. COGLIANESE: I'm done, but I
19 believe Miss Corl actually said that she feels
20 like asking a question.

21 CROSS-EXAMINATION

22 BY MS. CORL:

23 Q. Yes. I've been sitting here all day.
24 Let me ask you a question. Tell me how long you
25 have been working at the Board of Elections, for

1 how many years.

2 A. Eighteen.

3 Q. In those eighteen years that you have
4 been with the Board of Elections, I'm assuming
5 every year, in whatever election is being held,
6 you receive absentee ballots; is that correct?

7 A. That is correct.

8 Q. And in the eighteen years you have
9 been with the Board of Elections, have you ever
10 had a perfect year?

11 In other words, have you ever had a
12 year where every single absentee ballot that you
13 received was counted?

14 A. Not to my knowledge.

15 Q. Because voters make mistakes,
16 correct?

17 A. That is correct.

18 Q. And there can be all kinds of
19 mistakes, from trying to vote in a precinct where
20 you are not registered, not signing your name, all
21 kinds of stuff, right?

22 A. That is correct, yes.

23 MS. CORL: Okay. I don't have any
24 more questions. Thank you.

25 MS. HUNT: State of Ohio has no

1 questions.

2 REDIRECT EXAMINATION

3 BY MS. GENTRY:

4 Q. Miss Johnson, you testified that in
5 the August special election, you only had half a
6 precinct open; is that correct?

7 A. Actually, it was just a partial
8 precinct because it was for Monroe, and we only
9 had like eighty-some voters in that particular
10 election, and I think of those eighty voters, only
11 seventeen voted.

12 Q. Okay. And with regard to the
13 September special election, do you know how many
14 voters voted in that election?

15 A. Five hundred and sixteen.

16 Q. How many voters are you expecting in
17 the November election?

18 A. I've kind of predicted about a
19 fifty-five percent turnout.

20 Q. What does that translate into?

21 A. I don't know. I need a calculator.

22 Q. Is that out of the one hundred
23 twenty-seven thousand voters?

24 A. Yes. Yes, it is.

25 Q. So is that around seventy thousand

1 voters or more?

2 A. Give or take, yes.

3 Q. Okay. And then my final question is
4 you stated that a few hundred of those six hundred
5 and sixty or so poll workers have been trained; is
6 that correct?

7 A. Yes.

8 Q. Oh, I'm sorry. Six hundred.

9 A. Six hundred. Of the six hundred
10 sixty-four, probably around approximately six
11 hundred of them have been trained.

12 Q. Oh, okay. Excuse me. So almost all
13 of them have been trained?

14 A. Yes.

15 Q. Have any of them been trained on
16 Directive 78?

17 A. No, because that was just a very
18 recent one.

19 Q. Will you need to retrain your poll
20 workers, assuming that Directive 78 sets forth the
21 rule that will be applied on election day?

22 A. We will send out additional
23 information in their packets.

24 Q. Will any training be provided or are
25 you simply relying on people reading their

1 information?

2 A. Well, what we'll do is we'll hand
3 this to the presiding judge when they actually
4 pick up their supplies and request that they
5 definitely read this.

6 Q. And are you requesting that the
7 presiding judge read it to the poll workers or
8 that just the presiding judge read it?

9 A. At least that the presiding judge
10 have knowledge of it, and then she or he can
11 deliver the information to the other workers.
12 There is no way to retrain six hundred and
13 sixty-four people at this late date.

14 Q. How confident are you that the poll
15 workers are going to be knowledgeable about
16 Directive 78 on election day?

17 A. Well, all we can do is hope and pray
18 that they do the best job they can each time,
19 every election. I can't answer that.

20 Q. Why can't you answer that?

21 A. I don't know. I cannot predict what
22 poll workers will do.

23 MS. GENTRY: Okay. Thanks. I don't
24 have any more questions.

25 RE-CROSS-EXAMINATION

1 BY MR. COGLIANESE:

2 Q. Just a quick follow-up. You said
3 five hundred sixty folks voted in September. How
4 many precincts were there that had polls open for
5 the September special?

6 A. We had eighty-eight precincts open.

7 Q. Out of how many precincts in the
8 county?

9 A. A hundred and sixty-six.

10 Q. So just over half?

11 A. Yes, that's correct.

12 Q. And you do instruct presiding judges
13 to read their envelope that they pick up with
14 additional information prior to the election; is
15 that right?

16 A. That is correct.

17 Q. Okay. So at least you've told the
18 presiding judges that they're supposed to read
19 what's in the envelopes; is that right?

20 A. Yes.

21 MR. COGLIANESE: Great. Nothing
22 further.

23 MS. GENTRY: Nothing further from
24 Plaintiffs.

25 MS. HUNT: Nothing further from the

1 State of Ohio.

2 (Thereupon, signature was waived.)

3 (Thereupon, the deposition was

4 concluded at 5:51 o'clock p.m.)

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1 STATE OF OHIO)


2 COUNTY OF MONTGOMERY) SS: CERTIFICATE

3 I, Caryl L. Blevins, a Notary Public
4 within and for the State of Ohio, duly
5 commissioned and qualified,

6 DO HEREBY CERTIFY that the above-named
7 SUSAN R. JOHNSON, 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 this
17 31st day of October, 2006.

18
19 
20 CARYL L. BLEVINS, RPR, CRR
21 NOTARY PUBLIC, STATE OF OHIO
22 My commission expires 7-16-08
23
24
25



J. KENNETH BLACKWELL
Ohio Secretary of State

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DIRECTIVE 2006-78
October 26, 2006

To: **ALL COUNTY BOARDS OF ELECTIONS**
Members, Directors and Deputy Directors

IMPORTANT ELECTION ISSUES

To ensure that the November 7 elections are conducted uniformly throughout the State, I am issuing this directive to instruct the boards on some important election procedures which all election officials must follow and enforce.

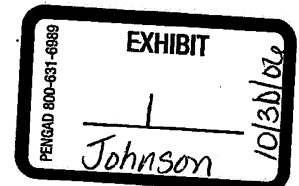
Voter Identification on Election Day

On election day, voters must bring identification to the polling place to vote in accordance with R.C. 3505.18(A) in order to verify identity. Identification may include a military identification that shows the voter's name and current address, a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and current address of the voter, except that a notice mailed by a board of elections under R.C. 3501.19 or R.C. 3503.19 cannot be used.

If the voter provides either a driver's license or state identification card issued under R.C. 4507.50 that does not contain the voter's current residence address the voter is to provide the last four digits of the voter's driver's license number or state identification number and the precinct election official is to mark the poll list or signature pollbook to indicate that the elector has provided a driver's license number or state identification card number with a former address and record the last four digits of the voter's driver's license number or state identification number.

If the voter does not have any of the forms of identification listed above, but the voter has a social security number, the voter may provide the last four digits of the social security number. The voter then will cast a provisional ballot under R.C. 3505.181. The envelope of the ballot shall include the numbers from the social security information.

If the voter has but is unable to provide one of the forms of identification above and is unable to provide the last four digits of the social security number but does have a social security number the voter may cast a provisional ballot under R.C. 3505.181. If the voter does not have any of the forms of identification noted above and cannot provide a social security number because the



voter does not have a social security number, the voter may execute an affirmation under penalty of election falsification that the voter cannot provide the identification required or the last four digits of the voter's social security number for those reasons. Upon signing the affirmation, the voter may cast a provisional ballot under R.C. 3505.181. The affirmation in accordance with R.C. 3505.18(A) (4), must contain spaces for the voter's name, address, current date, date of birth of the voter and signature.

If the voter does not have any of the forms of identification required, cannot provide the last four digits of the voter's social security number because the voter does not have a social security number, and if the voter declines to execute an affirmation, the voter may cast a provisional ballot, the envelope of which shall have the voter's name.

If an elector has but declines to provide the precinct election officials any of the forms of identification required above or the voter has a social security number but declines to provide the information on the last four digits of the social security number, the voter may cast a provisional ballot.

NO FAULT ABSENTEE IDENTIFICATION AT POLLING LOCATION OR BY MAIL

Pursuant to R.C. 3509.03 and R.C. 3509.05, a voter voting by absent ballot must, on the application for absentee ballot, provide the voter's *full* driver's license number, rather than the last four digits of the driver's license number as required pursuant to R.C. 3505.18; and

If the absent voter's ballot is mailed and the voter does not provide either the drivers' license number of the last four digits of the voter's social security number, then the voter must include in the return envelope a copy of the elector's current valid photo identification, a copy of a military identification that shows the elector's name and current address, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector (but not necessarily the name and *current* address of the elector, as is required pursuant to R.C. 3505.18 for voter's voting on election day).

If the absent voter's ballot is cast in person (i.e., it is delivered to an elector at the office of the board and the elector marks the ballot in a voting compartment provided by the board (pursuant to R.C. 3509.05)), the voter must present to the director of the board a current valid photo identification (or a copy of same), a military identification that shows the elector's name and current address (or a copy of same), or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector (but not necessarily the name and *current* address of the elector, as is required pursuant to R.C. 3505.18 for voter's voting on election day).

DEFINITIONS OF CERTAIN TERMS USED IN THE ABOVE CITED STATUTES

“Current”

The reference in the statutes to the “current” status for ID documents presented in the statute(s) related to voter identification, including R.C. 3505.18, is a document, which is dated not more than six months from the date that it is presented to the election official. For purposes of those documents that are provided on election day, for instance, the date of the document presented should be no earlier than April 7, 2006.

“Government Document”

As used in the Statutes, “government document” means any local, state or federal government document that shows the voter’s name and current address.

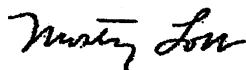
CLARIFICATION REGARDING “DRIVER’ S LICENSE NUMBER”

A driver’s license or state identification card that does not contain the current address of the voter is acceptable for use as an ID document. The procedure as stated above is that the voter is to provide the last four digits of the driver’s license number or state identification number and the precinct official is to mark the poll list or signature pollbook to indicate that the elector has provided a driver’s license or state identification card number with a former address and record the last four digits of the driver’s license or state identification card.

A driver’s license contains a field, which states, “License No.” on the document. This number is the driver license number. There is another number, which is on the license located on the photograph of the voter, which is not the driver’s license number. Upon the receipt of an absentee ballot, which purports to contain the driver’s license number but contains the number above the photograph or some other number which is not the driver license number, acceptable proof of identity has not been provided.

If you have any question regarding these instructions, please contact the Elections Division at (614) 466-2585.

Sincerely,



Monty Lobb
Assistant Secretary of State