

1 Q And do you know what the -- what was the
2 acceptance rate for provisional ballots in Trumbull
3 County in the 2004 general election?

4 A We actually counted 1,865.

5 Q Do you have a breakdown as far as reasons for
6 rejection?

7 A Yes. 353 were not registered in Ohio. 251 voted
8 in an incorrect precinct. 66 had incomplete
9 affirmation statements. And 6 did not provide the ID
10 as required by HAVA.

11 Q When a person is at the polling place voting and
12 for one reason or another they're obligated to vote a
13 provisional ballot, is the poll worker instructed to
14 help that voter fill out the envelope on the
15 provisional ballots?

16 A We instruct the poll workers that the voter is to
17 do it themselves. If they need aid, then two poll
18 workers, one from each party, are supposed to fill out
19 the envelope so that the other poll worker can watch
20 what's being written in and then they are to sign their
21 names at the bottom after the voter makes his mark or
22 signs his signature.

23 MR. COGLIANESE: Off the
24 record for a second.

25 (Discussion had off the record.)

1 Q Just a couple really quick questions.

2 In the 2004 general election, can you tell me how
3 many absentee ballots Trumbull County received?

4 A Received? In 2004 general, we counted 12,384. I
5 don't have the actual number of applications at this
6 moment in time.

7 Q And, I'm sorry, you faded out a little bit. I
8 think most folks are writing it down, but I don't think
9 I heard what you said.

10 A The number we counted was 12,384.

11 Q And the total number received?

12 A I don't have that number at my fingertips at this
13 moment.

14 MR. COGLIANESE: Okay. I don't
15 think I have anything else.

16 Holly, I don't know if you have
17 anything.

18 MS. HUNT: I do not have any
19 questions.

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21 FURTHER EXAMINATION

22 BY MS. GENTRY:

23 Q Miss Pallante, I just have one question, which is
24 when you were talking to Mr. Coglianese about the
25 military ID and how you would have looked at the

1 accuracy of the Social Security number, I had
2 understood from your prior testimony that you do not
3 check the accuracy of the Social Security number. Can
4 you clear that up for the record?

5 A We don't check accuracy for Social Security
6 numbers against Social Security databases.

7 Q Do you check them against your own registration
8 database?

9 A Yes, we do.

10 Q Do you have Social Security numbers for all the
11 voters in your registration database?

12 A No, we do not.

13 Q Is it optional for a voter to provide you with
14 that information?

15 A A lot of our older registrations, it was optional
16 at the time people registered.

17 MS. GENTRY: Thank you. I have
18 no further questions.

19 MR. COGLIANESE: Quick
20 follow-up based on that series of
21 questions.

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23 FURTHER EXAMINATION

24 BY MR. COGLIANESE:

25 Q If you do not have the Social Security number in

1 your system for that voter, does the Board of Elections
2 count that ballot?

3 A That would be a board decision.

4 MS. GENTRY: Do you know what
5 the -- I'm sorry.

6 MR. COGLIANESE: That's okay.

7 I was going to ask that any way.

8 Q Do you know what the policy of the Board has been
9 up to this point?

10 A I haven't been director that long so at this point
11 I can't give you an accurate answer.

12 Q Do you know what the policy in the past had been?

13 A I believe in most cases it was to accept the
14 ballot.

15 MR. COGLIANESE: That's all
16 I've got.

17 MS. GENTRY: That's all I've
18 got.

19 MR. SAKER: You have a right
20 to review this when it's made
21 available. Apparently, it's going to
22 be made available right away and you
23 have 30 days after the notification
24 that it's available to, like I said,
25 read, review, see if there's anything

1 that you think was taken down
 2 incorrectly or some other changes in
 3 which case you can't change what's
 4 printed, but you can have an addendum
 5 placed with it.

6 My advice to you is that I think
 7 since we're not parties, it's clear
 8 enough, I think the questions were
 9 clear, your answers were clear, I
 10 would indicate to you that my advice
 11 would be to waive review.

12 THE WITNESS: I agree. I'll
 13 waive my review.

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15 (Deposition concluded at 5:05 p.m.)

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17 (Signature waived.)

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The State of Ohio,)
) SS: CERTIFICATE
County of Cuyahoga.)

I, Rebecca L. Brown, Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within-named KELLY S. PALLANTE was by me first duly sworn to testify the truth, the whole truth, and nothing but the truth in the cause aforesaid; that the testimony then given by him/her was by me reduced to stenotypy in the presence of said witness, afterwards transcribed on a computer, and that the foregoing is a true and correct transcript of the testimony so given by him/her as aforesaid.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified and was completed without adjournment.

I do further certify that I am not a relative, employee of, or attorney for any of the parties in the above-captioned action; I am not a relative or employee of an attorney for any of the parties in the above-captioned action; I am not financially interested in the action; I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D); nor am I otherwise interested in the event of this action.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office at Cleveland, Ohio on this 31st day of October, 2006.


Rebecca L. Brown, Notary Public
in and for the State of Ohio.

My commission expires 6/5/10.



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

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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 or 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.

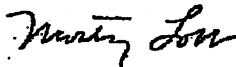
CLARIFICATION REGARDING "DRIVER' S LICENSE NUMBER"

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