

1 have at this time, how many of them have never been  
2 poll workers before?

3 A I would say I'm not -- I can't give you a  
4 definitive number, but a lot of them are new poll  
5 workers.

6 Q Do you have a ballpark percentage for me, 50  
7 percent?

8 A I can't give you a percentage at this time.

9 Q Any sort of ballpark?

10 MS. GENTRY: Objection.

11 A Christina, I don't have a number. I couldn't tell  
12 you whether it's 50 percent, because I could be wrong  
13 by 50 percent.

14 Q Okay. That's fine. Is that typical of -- let me  
15 tell you why we are asking this question. There's been  
16 some issue that's come up about, okay, if we yank away  
17 the voter ID requirements that are currently in effect,  
18 then we just go back to the rules we had pre-voter ID.  
19 And all of the poll workers already know those rules,  
20 so it would be just fine. So I guess I'm trying to  
21 figure out how many or what percentage or, you know,  
22 how many folks have worked the polls before, so that if  
23 the voter ID rules fell by the wayside they could just  
24 go back to doing what they've already been doing for  
25 years.

1 A That would be incorrect. Not all of our poll  
2 workers are existing poll workers. Many of our poll  
3 workers for November's election are new, and they've  
4 never done this before. And part of that is because of  
5 the surge, which is fortunate for us. I guess it's  
6 unfortunate in the situation that we are describing  
7 here, depending on what side you are on. But many of  
8 our poll workers for November's election are going to  
9 be new. I just can't give you a percentage or a raw  
10 number to how many are actually new. I'd have to get  
11 that researched.

12 MS. CORL: That's good enough. I  
13 will take it. Thank you. I  
14 appreciate it.

15 MS. GENTRY: I think that's all  
16 the questions we have.

17 MR. ORADINI: This is Reno  
18 Oradini. I have two questions for the  
19 attorneys.

20 Do you know how long you expect  
21 the trial to last? Did the judge  
22 indicate when he would issue an  
23 opinion?

24 MS. GENTRY: Why don't we go  
25 ahead and go off the record? And then

1 we will address that.

2 MR. ORADINI: Okay.

3 (Discussion had off the record.)

4 MR. ORADINI: We will waive. But  
5 he would like to read it when it's  
6 printed.

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8 (Deposition concluded at 11:00 a.m.)

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10 (Signature waived.)

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

I, Priscilla A. Hefner, Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within-named L. MICHAEL VU 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.

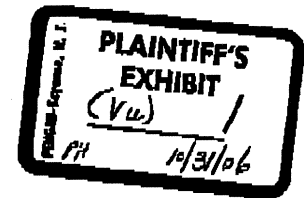
IN WITNESS WHEREOF I have hereunto set my hand and affixed my seal of office at Cleveland, Ohio on this 31st day of October, 2006.

  
 Priscilla A. Hefner, Notary Public  
 in and for the State of Ohio.

My commission expires 2/11/07.



**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.

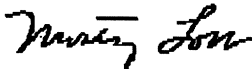
### **CLARIFICATION REGARDING "DRIVER'S LICENSE NUMBER"**

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