

1 types of situations you've got where you're talking
2 about the problem that you just identified from these
3 voter registration drives?

4 A. I don't have that number for you. We
5 could get it and provide it subsequent to the
6 deposition but I don't know it offhand.

7 Q. That would be great.

8 A. Okay.

9 Q. How many absentee ballots has the Lucas
10 County Board of Elections received today?

11 A. Do you mean returned ballots today or are
12 you saying to date?

13 Q. Returned voter ballots up to this point.

14 A. Could you hold, please?

15 MR. COGLIANESE: Yes.

16 (Discussion had off the record.)

17 THE WITNESS: Hello? We're
18 running a report. They'll bring that in
19 in a moment.

20 BY MR. COGLIANESE:

21 Q. Okay. Thank you. How many poll workers
22 does Lucas County have?

23 A. Can you define what you mean by "have"?
24 Do you mean how many do we have to have for an
25 election? How many do we have for this election

1 signed up? What do you mean?

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

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

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

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

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

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

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

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

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

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

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

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

12 A. I was the deputy director.

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

15 MR. BORELL: Sure.

16 (Discussion had off the record.)

17 BY MR. COGLIANESE:

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

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

21 MS. CORL: Provisional.

22 THE WITNESS: Oh, provisional.
23 I can get that information for you. We
24 can look at it.

25 BY MR. COGLIANESE:

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

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

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

8 A. Okay.

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

15 A. We need a moment, please.

16 (Discussion had off the record.)

17 THE WITNESS: Hello?

18 BY MR. COGLIANESE:

19 Q. Yes.

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

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

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

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

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

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

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

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

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

20 Q. Okay.

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

23 Q. That's fine.

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

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

7 A. Yes.

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

10 A. Okay, yes.

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

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

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

23 A. Thank you.

24 - - -

25 EXAMINATION

1 BY MS. CORL:

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

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

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

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

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

25 We conducted voter outreach county-wide

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

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

8 - - -

9 RE-EXAMINATION

10 BY MS. SESTILE:

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

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

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

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

23 A. Yes, ma'am.

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

1 got Directive 78?

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

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

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

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

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

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

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

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

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

7 BY MS. GENTRY:

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

10 A. Okay.

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

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

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

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

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

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

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

4 MR. COGLIANESE: Objection.

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

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

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

23 BY MS. SESTILE:

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

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

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

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

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

16 MS. SESTILE: I think it does.

17 Thank you very much, Ms. Kelly.

18 If anyone else has any
19 questions.

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

24 - - -

25 RE-EXAMINATION

1 BY MR. COGLIANESE:

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

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

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

9 Q. Thank you.

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

11 MR. COGLIANESE: Thank you.

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

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

16 (Signature waived.)

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

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

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

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


23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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



ROBERT W. SCHEID, JR., RPR
Notary Public
in and for the State of Ohio

My Commission expires May 29, 2008.