

1 absentee voting department or a combination of
2 our absentee department -- you know, it may be
3 media or the legal issues.

4 Q. Is it fair to say you don't
5 remember?

6 A. No. I mean, we have had some
7 discussions about this here because how this
8 came to my understanding or my conscious would
9 have been when we receive an application, our
10 procedure is to follow up with a call first to
11 the voter to try to correct identifying
12 information or other information lacking on the
13 application form, and if that first call is
14 unsuccessful, we obviously leave a message,
15 then we do a second phone call and, you know,
16 leave a message, you know, with all the
17 information. If that doesn't get a response,
18 then we send a letter so we follow up on
19 improper identifying information at the
20 application stage and so that's where my
21 understanding of different numbers and so forth
22 would have come up. It would have come up more
23 through staff conversations and follow-up
24 conversations trying to get ahold of voters and
25 get that squared away.

1 Q. Mr. Williams, did you or somebody
2 in your office make the determination that the
3 photograph number would not be an acceptable
4 form of identification?

5 A. I think -- I believe we're
6 following statute on that, I believe.

7 Q. What statute are you referring to?

8 A. Well, that's what I'm trying to
9 think right now. I don't believe that the
10 driver's license number on the picture is
11 actually an identifying number.

12 Q. And what's the basis of your
13 belief?

14 A. Because the driver's license
15 number on the driver's license has -- you know,
16 it's down in -- I could get my driver's license
17 out, but I think it's a specific number on your
18 license and it's -- you know, it's identified
19 on your license as your license number.

20 Q. Am I correct in understanding that
21 you believe that the photograph number is not a
22 unique identifier?

23 A. Yes.

24 Q. What's the basis of that belief?

25 A. Well, actually no, my basis is

1 that there's a driver's license number on the
2 driver's license that's identified such as on
3 your driver's license number. I've heard that
4 the number on the picture relates to like the
5 BMV location where the photograph was taken,
6 but I don't know -- I don't know if it extends
7 further than that. It might be that -- I don't
8 know if it's time, place, I'm not sure, but I'm
9 just looking at -- it's identified in statute
10 as the driver's license number and it's listed
11 as such on your driver's license and so that's
12 the basis of why I believe that's your driver's
13 license number.

14 Q. Have you received direction from
15 the Secretary of State's office on this issue
16 prior to Directive 78?

17 A. I don't believe so.

18 Q. Have you requested guidance from
19 anybody on this issue of whether a photograph
20 number is acceptable?

21 A. No, I don't believe we have.

22 Q. And have you contacted the BMV to
23 find out if the photograph number is a unique
24 identifier?

25 A. We have not because we have gone

1 with what the statute says is driver's license
2 number.

3 Q. So just so I understand, is your
4 reading of the statute is that it says driver's
5 license number and when you look at the
6 driver's license there's a part that says
7 driver's license number so you believe the
8 statute specifically is referencing that
9 number?

10 A. Correct.

11 Q. So then if I didn't ask you this
12 already, the Board of Elections is not
13 accepting photograph numbers as identification;
14 is that correct?

15 A. Correct.

16 Q. And if photograph numbers are
17 provided with absentee ballots, what will you
18 do with these ballots?

19 MR. COGLIANESE: Objection. Go
20 ahead.

21 THE WITNESS: If a driver's license
22 number is provided on the AB?

23 Q. A photograph number from a
24 driver's license.

25 A. Well, what we would try to do is

1 obviously follow up at the application stage,
2 which we're obviously supposed to do, and to
3 clear up any ID issues at that point. If upon
4 that effort the voter did not or chose to send
5 that driver's license or the photo ID number
6 in, then that ballot would not be counted, at
7 least at this point.

8 Q. Would there be any effort to
9 contact the voter so that they could provide
10 additional identification?

11 A. I can't -- as I sit here right
12 now, I don't know what the statute number is,
13 but I'm not aware of anything authorizing call
14 or follow-up to a voter once the ballot has
15 been cast. Obviously statutes talk about
16 following up on the application at that stage
17 and that's where what we have done is gone to
18 great efforts to try to get everything squared
19 away at that stage, but once the ballot has
20 been dropped we do not follow up because
21 statutes are silent as to that and the other
22 ones aren't, so that would seem that the other
23 ones enabled you to call on the application and
24 these are silent and they apparently don't
25 enable you to do so.

1 Q. Okay. Thank you, Mr. Williams.
2 Move to a different topic which is military ID.

3 A. Right.

4 Q. Are you accepting military ID's
5 that do not show current addresses?

6 A. In the absentee area we would be
7 because the military ID has a Social Security
8 number on it.

9 Q. So that would be true whether or
10 not the person voted in person or by mail, you
11 would accept it because it has a Social
12 Security number on it?

13 A. That's correct.

14 Q. On election day do you intend to
15 accept military ID's?

16 A. You would accept a military ID
17 with a Social Security number on it as a
18 provisional voter.

19 Q. But those voters would not be
20 permitted to cast a regular ballot if they just
21 showed their military ID?

22 A. Well, if a military ID had an
23 address on it in the precinct that's
24 appropriate for them to be voting in, their
25 home precinct, we would absolutely count that.

1 Q. Are you aware of whether military
2 ID's have current addresses or not?

3 A. It depends on I guess what you use
4 as military ID. Again, is a military ID -- are
5 we talking a term of art or are we talking if
6 somebody is staying at a base in Sharonville
7 and he brings something with a government --
8 military form of identification that has, you
9 know, something in Sharonville on it that has
10 the name and address, and the fact that it's a
11 military installation or something like that,
12 we would accept that. So if it's just a photo
13 ID, I don't believe those have, but if it's
14 something else, potentially it could, but I'm
15 not the authority on military ID's.

16 Q. Are you suggesting there could be
17 a broader definition of military identification
18 than simply the photo ID issued to military
19 personnel or dependents?

20 A. Well, I guess it would be covered
21 in the other government documents if you came
22 in -- if you are housed somewhere in Hamilton
23 County in a military installation and you
24 brought that in, it would probably qualify
25 under the other government document as well.

1 Q. Mr. Williams, has your Board of
2 Elections been accepting driver's licenses with
3 former addresses?

4 THE WITNESS: Hold on one second.

5 MR. STEVENSON: He forgot to turn off
6 his cell phone.

7 (Thereupon, an off-the-record
8 discussion was had.)

9 THE WITNESS: You talked about the
10 exception for driver's licenses with the former
11 address; is that correct?

12 Q. Correct.

13 A. Yes, we are accepting that.
14 Now -- yes, we are.

15 Q. Did you have a question about
16 that?

17 A. No. I mean -- no, that's -- I
18 don't think that's up to dispute as far as in
19 regards to that exception.

20 Q. I'm sorry, I didn't hear the last
21 word, in regards --

22 A. I think that exception exists and
23 we follow that.

24 Q. Mr. Williams, turning to the issue
25 of provisional ballots and determining whether

1 they are eligible to be counted, it is my
2 understanding that under Ohio law the Board of
3 Elections should review its records and any
4 additional information provided by the voter
5 when determining whether or not a provisional
6 ballot is eligible to be counted. Is that also
7 your understanding?

8 A. In regard to provisionals?

9 Q. Yes.

10 A. Yes.

11 Q. What records will the Board of
12 Elections examine when determining whether a
13 provisional ballot is eligible to be counted?

14 MR. COGLIANESE: Objection. Go
15 ahead.

16 THE WITNESS: Is there like a
17 specific set of facts or anything you have?

18 Q. No. Let me back up. At the end
19 of the election, at the end of election day,
20 you will have a large stack of provisional
21 ballots?

22 A. Right.

23 Q. How would you determine whether
24 all of those provisional ballots are eligible
25 to be counted or not?

1 A. Well, every one of them is
2 obviously a case by case basis. We will apply
3 certain -- if a provisional voter is a change
4 of address and they failed to update at the
5 Board of Elections address, coming to their new
6 polling location on election day, vote the
7 provisional ballot in their new home precinct,
8 provide all the appropriate information, we
9 look into our VR system, the signature matches,
10 they have voted in their new home precinct,
11 they didn't vote in their old precinct, the
12 identifying information is there, that will
13 count and that sort of analysis in general
14 applies to most provisional ballots that we
15 see, if not all, obviously.

16 Q. However, for voters who simply
17 didn't have their ID and wrote down -- couldn't
18 remember their Social Security number, they
19 have to come back with that information, right?

20 A. Correct.

21 MR. COGLIANESE: Objection.

22 Q. That's another category of
23 provisional voters?

24 A. I guess it's a category. We look
25 at them all as provisional. I guess it's a

1 category, I guess you should say.

2 Q. I don't want to limit the question
3 to just one fact scenario. For all of the
4 provisional ballots, what is the universe of
5 potential records that the Board of Elections
6 will examine to determine eligibility to be
7 counted?

8 MR. COGLIANESE: Objection. Go
9 ahead.

10 THE WITNESS: And it's hard to talk
11 about that if I don't have specific factual
12 scenarios because every provisional has sort of
13 its own story to tell. As I indicated prior, we
14 will look at identifying information that was
15 either placed on the envelope, caused to be inside
16 the envelope. We will make sure they haven't
17 voted in any other precinct. We will look at the
18 signature to see if that is a -- I guess arguably
19 close to the signature that we have on file. We
20 will look at it and determine based on those
21 criteria, the ID and all the other things I
22 mentioned whether -- and the fact that they voted
23 in the correct precinct, didn't vote in the old
24 precinct, so in regard to documentation, it would
25 be a case by case basis, but in regard to the

1 government documents that could be applied to
2 this, I would say -- I mean, it would be very,
3 very large on potential documents that somebody
4 could provide.

5 Q. Let me try to come at the question
6 a different way.

7 A. And I'm not -- I'm just trying
8 to -- I'm not trying to -- I'm just trying to
9 get a grip on the scenarios, I guess.

10 Q. I appreciate that. Let me ask it
11 a different way. So does Hamilton County have
12 a voter registration database for its county?

13 A. We do.

14 Q. Is that one source of records that
15 you might consult?

16 A. Sure.

17 Q. Is there a statewide voter
18 registration database?

19 A. Yes.

20 Q. Is Hamilton County tied into that?

21 A. We are.

22 Q. Is that another source of records
23 you intend to consult when determining at least
24 some provisional ballots are eligible to be
25 counted?

1 A. On some, yes.

2 Q. On what situations would you check
3 the statewide voter registration database?

4 MR. COGLIANESE: Objection.

5 THE WITNESS: Well, if you had a
6 county to county move, we want to go back to the
7 former county and we want to look to make sure
8 they haven't voted in their old county and we
9 would obviously call the prior county just to make
10 sure there's nothing there. You also can look at
11 socials or whatever they have internally defining
12 them in those universes also.

13 Q. Let me take the first part of your
14 answer first. How will you know which voters
15 to check to see if they have moved from a
16 different county? Will it simply be if they
17 have a former address on their license or do
18 you try to check everybody to see if they have
19 moved from a different county?

20 A. No. What we would do, if you had
21 somebody moving in you would look at if they
22 had a former address on the provisional ballot.

23 Q. And that's one optional
24 information that can be provided by the voter?

25 A. Right.

1 Q. But is it true that the ballot
2 doesn't ask how long ago you lived at that
3 address? Not the ballot, the provisional
4 ballot affirmation form does not ask how long
5 ago you lived at that former address; is that
6 correct?

7 A. That's correct.

8 Q. How will you know which ones to
9 check and which ones not to check?

10 A. Well, because on the -- on the
11 provisional ballot, it says the former address
12 and the only way we know where somebody came
13 from is if they put their former address down.

14 Q. Let me give you an example. Let's
15 say I moved to Franklin County from Montgomery
16 County five years ago and I have to vote
17 provisionally because I forget my ID and my
18 social so I write down my address from
19 Montgomery County five years ago, but you don't
20 know that it was five years ago. It could have
21 been yesterday for all you know. Do you intend
22 to check that former address in that
23 circumstance?

24 A. Were you registered there?

25 Q. Right, correct.

1 A. Yeah, we would look there.

2 Q. So is it your intention then for
3 everybody who writes down a former address to
4 run their name through the statewide voter
5 registration database?

6 A. I believe that would be a good
7 procedure, yes.

8 Q. Have you thought about it before
9 today?

10 A. Yes.

11 Q. And is that the plan?

12 A. Yes.

13 Q. Other than that situation, are
14 there other reasons why you might check the
15 statewide voter registration database? You
16 said something about a Social Security number.

17 A. If, let's say as identifying
18 information we have -- let's say somebody gives
19 us some other form of ID or something like that
20 or they give us a driver's license number, we
21 don't have that number here, maybe that number
22 would exist on the statewide voter registration
23 database, you know, so we could arguably match
24 something up there potentially.

25 Q. And these would be for voters who

1 are registered in Hamilton County?

2 A. I mean, I guess potentially you
3 could use it for everything.

4 Q. Let me just -- related to your
5 question -- I'm sorry, the answer that you
6 gave, if a voter in Hamilton County votes --
7 and you said you wouldn't have their Social
8 Security number in your system; is that right?

9 A. Well, let's just say that wasn't
10 something we had. We may have, let's say,
11 driver license number information or something
12 like that.

13 Q. Rather than speaking
14 hypotheticals, let me ask, what do you have in
15 your county database with regard to Social
16 Security numbers or driver's license numbers?

17 A. Well, it depends on what the voter
18 gives you. You don't have a Social Security
19 number for everybody in the database.

20 Q. Do you have an approximation as to
21 how many Social Security numbers you have in
22 terms of percentage of the total people in your
23 database?

24 A. I don't. I don't. I would have
25 to find that out.

1 Q. And is the driver's license
2 number, is that an optional piece of
3 information in your database?

4 A. Yes.

5 Q. Again, do you have any idea how
6 many people have given you their driver's
7 license number?

8 A. You know, I don't. I would have
9 to check that out.

10 Q. Let's assume there are some people
11 at least who have given you those numbers. Is
12 it your intention to take every provisional
13 ballot and run the driver's license number or
14 Social Security number in your database to make
15 sure it matches?

16 MR. COGLIANESE: Objection.

17 THE WITNESS: Well, it would be my
18 belief that -- and I guess I'm going back really
19 in '04 and thinking how in the preceding
20 elections -- but if everybody on the ID, let's
21 say, envelope, matches what we have on our VR
22 system locally, I don't know that we would go that
23 second step.

24 Q. And is that because at that point
25 you would be pretty confident the person is who

1 they say they are?

2 A. Yes.

3 Q. Wouldn't necessarily check to make
4 sure they gave you the right Social Security
5 number or driver's license number?

6 A. Well, yeah, I mean, that would be
7 something that we would do. We certainly, you
8 know, potentially could look in the statewide,
9 but, you know, in some of these, if everything
10 seemed to be there and it was a move and we had
11 all the information, I think we would probably
12 stop at our local database.

13 Q. What about if the signature -- it
14 was a unique signature and it looked like a
15 match? Might you stop there in terms of
16 validating the provisional ballot?

17 MR. COGLIANESE: Objection. I'm kind
18 of getting lost now. Are we talking about if
19 signature was an issue?

20 Q. No. You pick up a provisional
21 ballot to determine if it's eligible to be
22 counted and you look at your database and the
23 signature is a match. Might people stop there
24 under the standards that you're going to apply?

25 A. Signatures are an aspect, but I

1 believe that we go farther than that.

2 Q. And are there directions or
3 instructions written down anywhere to tell
4 people at what point they can stop looking to
5 validate somebody's identity?

6 A. I don't know that we have anything
7 written down on that.

8 Q. Do you have anything not written
9 down but that is a uniform standard you intend
10 to apply and communicate to all of your
11 workers?

12 A. We will discuss the counting of
13 provisionals prior to going in and doing so,
14 you know, obviously we do that pretty much
15 every time we're doing this, but if a -- like
16 if somebody doesn't have an ID like if -- they
17 don't have ID, they don't have anything else
18 and we have a signature, you know, and they
19 have the affidavit, you know, that would be a
20 situation where, you know, you have an
21 affidavit on somebody, you may not have other
22 identifying information and so certainly a very
23 key thing there would be the signature.

24 Q. So just so I'm clear, that's the
25 kind of person who walks in, doesn't have ID,

1 doesn't have a social, but they can vote
2 provisionally and sign an affirmation they
3 don't have ID or a social. Is that what you're
4 talking about?

5 A. Yes.

6 Q. And in that case you might just
7 look at the signature and count the vote?

8 A. It depends. I would have to see
9 the signature and whatever else we had or if
10 any other documentation came in, but, yeah,
11 that is -- that would be something that we
12 would have to deal with and try to make a
13 judgment as to the signature.

14 Q. Is it your testimony that that
15 would be a case by case decision, you don't
16 have a uniform standard?

17 A. I think it has to be case by case
18 because it's a factual question based on the
19 signature and other information that they would
20 give you in identifying that specific voter.

21 Q. Okay. Let me go at the broader
22 question of what records you might look at. We
23 have identified the county database. We
24 identified the statewide voter registration
25 database. Are there other records that you