

1 Q. But it would be in addition to
2 what you mentioned, correct?

3 A. It would be less.

4 Q. How do you know that it would be
5 less?

6 A. Well, if there's something in the
7 ID envelope that would be an ID, that would
8 only cause a reduction in the number.

9 Q. No, putting aside the one
10 thirty-three that you have identified as
11 potentially problematic, I want to look at the
12 remaining seventeen thousand eight hundred and
13 sixty-seven.

14 A. Okay. Those have all been
15 appropriate and good ID's.

16 Q. Have you opened the ID envelopes?

17 A. No, but they have all either put
18 Social Security numbers on them, last four
19 digits, or appropriate identifying information
20 that would cause them to be good ID's.

21 Q. What do you mean by appropriate
22 identifying information? What else could they
23 provide besides a driver's license number?

24 A. Any one of the other documents.

25 Q. Are they attached -- when you say

1 copy of the utility bills, is that attached to
2 the outside of the ID envelope?

3 A. It could be, yes.

4 Q. And have you seen that happen?

5 A. Sure.

6 Q. And how many utility bills have
7 you gotten so far in the seventeen thousand or
8 so?

9 A. I have no idea.

10 Q. Do you know you have gotten any?

11 A. We have gotten documents in other
12 forms, absolutely. I don't have numbers on a
13 specific breakdown of how those documents would
14 play out.

15 Q. Has somebody reviewed those and
16 said yes, these are all good?

17 A. Yes.

18 Q. So somebody has gone through and
19 determined after Directive 78 that they are all
20 dated within the past six months?

21 MR. COGLIANESE: Objection. Go
22 ahead.

23 THE WITNESS: I would have to look at
24 that, but as I've indicated earlier, we have not
25 seen an old dated document problem in Hamilton

1 County that I'm aware of.

2 Q. And by old, you mean older than
3 six months?

4 A. Yes.

5 Q. And as you sit here today, are you
6 positive that someone has gone through there
7 and verified there are no utility bills, bank
8 statements, paychecks that are older than six
9 months in any of the eighteen thousand?

10 MR. COGLIANESE: Objection.

11 THE WITNESS: I haven't done that,
12 but as I said, I'm fairly confident the number is
13 fairly low in Hamilton County.

14 Q. And I'm trying to understand the
15 basis of your confidence.

16 A. Because most people give the last
17 four digits of the Social Security number on
18 the outside of the envelope.

19 Q. I'm not asking you to speculate
20 about what most people do. I'm asking about
21 the eighteen thousand ballots you have in your
22 possession.

23 A. Yes.

24 Q. What is actually going on with
25 those ballots, how many people or has anybody

1 checked to see how many people have provided
2 either utility statements, bank statement,
3 paychecks or other government documents?

4 A. I haven't specifically checked.
5 We have -- when it comes in, they are checked,
6 and like I said, I am not aware that we're
7 having an old document problem in Cincinnati.

8 Q. How would you be aware?

9 A. Well, I think that if there was an
10 issue as to some aged documents, that as I
11 indicated, the staff, we communicate daily and
12 I believe something like this would come to my
13 attention.

14 Q. Before Directive 78 it's true, is
15 it not, that there was no six month standard in
16 play?

17 A. Right.

18 Q. Why are you certain somebody would
19 have brought to your attention a seven month
20 old bill before Directive 78 was issued?

21 A. I guess what I'm saying is I don't
22 think that the documents are out there -- first
23 of all, I think that the vast majority of
24 people give their Social Security number.
25 Those that do give other documentation, it's a

1 vastly smaller number.

2 Q. But, again, are you speculating
3 about other classes of voters or do you have
4 facts about the eighteen thousand ballots?

5 MR. COGLIANESE: Just for purposes of
6 the record, I would like to enter an objection. I
7 know we keep talking about eighteen thousand. I
8 believe what was testified was that eighteen
9 thousand was the number as of the day the
10 objection letter was put out, but currently as of
11 today it was twenty-two or twenty-three thousand
12 ballots.

13 Q. That's fine. Just for purposes of
14 my questions I'll focus on the eighteen
15 thousand. I may broaden it to the twenty-two
16 or twenty-three thousand. So, Mr. Williams,
17 could you answer my question, please?

18 A. Yes. What I can tell you is that
19 I am very confident that the documentation that
20 was sent to Cincinnati or to the board and that
21 has been reviewed is good documentation in
22 regard to both socials and other documents. I
23 have not personally looked at every one.

24 Q. And has anybody under your
25 supervision looked at every one?

1 A. Yes.

2 Q. And have they reported to you that
3 they are all fine?

4 A. Yes.

5 Q. Was that done before Directive 78?

6 A. Yes.

7 Q. Is anybody going to go back and
8 make sure that the documentation complies with
9 Directive 78?

10 A. Sure.

11 Q. But has that been done to date?

12 A. No.

13 Q. You do not know if there are any
14 problems with bills or documents older than six
15 months; isn't that true?

16 A. In regard to that I have not
17 looked at them, that is correct, but as I
18 indicated, I'm still not aware of an old
19 document problem in Cincinnati.

20 Q. I understand nobody has told you
21 there's not a problem and that's not my
22 question. My question is has anybody reviewed
23 to make sure that there is no problem?

24 A. Not prior to the 78 directive.

25 Q. I'm sorry, you mean not after the

1 78 directive?

2 A. That's what I mean.

3 Q. So as you sit here today, again,
4 you don't know if there are older documents
5 than six months in the eighteen thousand, or as
6 Mr. Coglianese said, twenty-three thousand?

7 A. Well, I don't specifically know
8 that.

9 Q. Thank you. Going to the issue of
10 the four thousand pollworkers, you said more
11 than half of them had been trained; is that
12 correct?

13 A. Oh, yeah, way more than half.

14 Q. Have any of those pollworkers been
15 trained about Directive 78?

16 A. Well, we couldn't do that because
17 we just -- that came out during the midst of
18 the training.

19 Q. Was that a change in the rules?

20 MR. COGLIANESE: Objection.

21 THE WITNESS: Was it a change in the
22 rules?

23 Q. That's my question.

24 A. We have not altered our training
25 because of Directive 78.

1 Q. Okay. Well, let me ask a
2 different question. Do you believe -- you
3 testified at length that changing the rules in
4 the middle of training or in the middle of
5 election when you're on final approach is very
6 disruptive; is that correct?

7 A. That's correct.

8 Q. Is issuing a directive like
9 Directive 78 ten days before the election, is
10 that a change in the rules that is disruptive
11 to your process?

12 A. What is the specific issue in 78
13 other than the absentee?

14 Q. Let's take the current issue. Now
15 there's a definition of current, before there
16 was not. In terms of your training, you have
17 already trained many more than half of your
18 pollworkers, right?

19 A. Right.

20 Q. And none of them have been trained
21 on the six month standard?

22 A. That's correct.

23 Q. Would you have preferred to know
24 that rule before you began your training?

25 MR. COGLIANESE: Objection.

1 THE WITNESS: Yes.

2 Q. Why?

3 A. Why?

4 Q. Yes.

5 A. We like to know all the rules
6 before we start.

7 Q. And it is a change in the rules,
8 isn't it?

9 MR. COGLIANESE: Objection.

10 MS. CORL: Objection.

11 Q. You can answer.

12 A. I don't know. Depends on -- I
13 guess on the definition of change, but seems to
14 me that it's a -- as I mentioned in the AB part
15 of this, I'm not sure if it's an omission,
16 clarification or what it is.

17 Q. Let's use the same definition you
18 used when you said court orders were changes in
19 the rules. Whatever you said there, isn't this
20 also a change in the rules?

21 A. What we will do in this case is
22 send a document out to the presiding judges
23 asking them to -- if the six month rule exists
24 on this, we will send a communication to the
25 presiding judges asking them to look at

1 documents in terms of the six month rule.

2 Q. Do you believe that's going to be
3 sufficient to the inform the presiding judges
4 of the change in the rules?

5 MR. COGLIANESE: Objection.

6 Q. Do you believe that the judges
7 will be able to communicate that to the
8 pollworkers so that we have an understanding of
9 the change in the rules?

10 MR. COGLIANESE: Objection.

11 MS. CORL: Objection.

12 THE WITNESS: Do I believe the judge
13 will do that?

14 Q. Yes. Is that your expectation?

15 A. I think I'll have to do it.

16 Q. Who's going to tell the
17 pollworkers about the change to the six month
18 definition of current?

19 A. Well have to do that.

20 Q. How do you plan to do that?

21 A. As I communicated, we would send a
22 communication to the presiding judge in every
23 polling location in Hamilton County giving them
24 the date by which to accept a document as far
25 as the date.

1 Q. How is that a communication from
2 you to the pollworkers?

3 A. How is that a communication?

4 Q. Yes. I understood you said you
5 would have to tell the pollworkers, not the
6 judge; isn't that your testimony?

7 MR. STEVENSON: Can I interrupt? I
8 think when you're saying judge, you're talking
9 about the presiding judge at the polling location?

10 THE WITNESS: I thought you were
11 talking about the federal judge.

12 Q. No. My question is about the
13 presiding judge. You testified you were going
14 to send the definition of current to all the
15 presiding judges, correct?

16 A. Yes.

17 Q. Is it your expectation the
18 presiding judge will tell the pollworkers about
19 the change?

20 A. Yes, because we will tell them to.

21 Q. And you believe that will be
22 sufficient for the presiding judge to present
23 that to the pollworkers? Do you believe they
24 will be able to apply that definition?

25 A. We would prefer not to have a

1 change but we will do what we have to do and we
2 can only -- I can only communicate and tell
3 them to communicate to the people that are
4 working. I would prefer no change, obviously.

5 Q. And I understand that, but my
6 question is do you believe that that will
7 adequately inform the pollworkers of the
8 change?

9 A. I would -- as I indicated, you
10 know, it's a bit speculative for me to say
11 what's going to happen and what the PJ is going
12 to be able to do. I would prefer there not to
13 be a change and I will do what I can do to
14 train or to change that communication to tell
15 them what the rule is, and, you know, if
16 there's other steps I can take I'll put perhaps
17 notice or something, but as I indicated, we
18 actually have trucks coming to pick up things
19 today and so forth, you know, trying to get
20 distribution going and all this kind of stuff
21 so it is difficult. It's very difficult for us
22 so I would prefer that we're not changing rules
23 now.

24 Q. Including with Directive 78?

25 A. Absolutely.

1 Q. But you will do your best to get
2 that information to the pollworkers?

3 A. I'll always do my best.

4 Q. Is there any other procedure you
5 could use other than sending the information to
6 the presiding judges?

7 A. You know, we thought about this in
8 2004, about some sort of a blast communication.

9 Q. You mean to the pollworkers?

10 A. Yes, but we have not done that.

11 Q. Is that technically possible for
12 you to do?

13 A. Not really.

14 Q. Why not?

15 A. Because we don't have. You know,
16 like -- I mean, I guess I could get everybody
17 in here and start making phone calls and call
18 the PJ's about it, but as I indicated, I have
19 certain numbers of people, certain tasks and
20 it's just -- it's a very difficult thing to try
21 to do and we dealt with some of this in '04.
22 It's just very difficult the eleventh hour and
23 so it seems to us the best way to do it is
24 through a communication for specific
25 instructions, it's a procedure we have set up.

1 We have used it. It seems to be fairly
2 successful and so that's what we would use
3 here.

4 Q. And do you have any degree of
5 confidence -- can you rate your degree of
6 confidence that that will be effective, are you
7 fairly confident, not at all confident that
8 will be an effective means of educating the
9 pollworkers about this new six month standard?

10 A. You know, I guess -- I mean, it's
11 a -- fairly confident. I would prefer
12 obviously knowing this up front and we would
13 have preferred to have trained them on this,
14 but as I indicated, we always do the best we
15 can do and it's -- I think we can communicate
16 fairly clearly on something like this. It was
17 very difficult back in '04 when the absentee
18 people were allowed to come back into the polls
19 and vote. That was extraordinarily difficult
20 because that reversed years of training and the
21 whole idea of people actually voting twice and
22 all that really was a difficult one to convey
23 to the pollworkers at the eleventh hour. This
24 is much less difficult than that. I would
25 still prefer it didn't happen now.

1 Q. Since you raised the issue of
2 2004, do you believe -- even though it was very
3 difficult to do, do you believe you adequately
4 informed your pollworkers of what rules to
5 apply?

6 A. Well, I think that decision came
7 out at like 3:00 on election day and so in that
8 respect I think it was very difficult for us to
9 really do a good job on that.

10 Q. Just because it was -- election
11 day was mostly over?

12 A. Correct.

13 MR. COGLIANESE: Objection. 3:00
14 a.m. in the morning of election day.

15 Q. Oh, you meant 3:00 a.m., not 3:00
16 p.m.?

17 A. I thought it was actually when
18 elections had started. I really did.

19 MR. COGLIANESE: I think I can
20 clarify. Are we talking about the absentee
21 voters?

22 THE WITNESS: Yes.

23 MR. COGLIANESE: I apologize. If I
24 may just interject. That was -- that was one of
25 my cases. That order did actually come out at

1 3:00 in the afternoon on election day. That
2 was -- I thought we were talking about the
3 challengers at the poll case. That order came out
4 of the Sixth Circuit at 12:30 before the election,
5 so it was -- I'm sorry, I didn't mean to
6 interrupt.

7 THE WITNESS: And the reason there
8 was obviously the last point of communication had
9 passed. And that was extraordinarily difficult
10 for us.

11 Q. When do you send your instructions
12 out to the presiding judges?

13 A. Well, we're obviously instructing
14 them throughout the pollworker classes
15 obviously and then we have a pickup that the
16 presiding judges all need to come to on the
17 Saturday prior to the election and there we
18 give them any special instructions, final
19 instructions, and that's a practice we've
20 engaged in for a number of years so we'll have
21 a special instructions envelope going out on
22 the Saturday prior to the election and that's
23 kind of our last -- it's kind of our last
24 official communication in terms of written
25 instructions. They also have a 7:00 meeting

1 prior to elections and that's -- to try to
2 reach everybody at that time would be much more
3 difficult.

4 Q. So from your point of view
5 Saturday is really the last time for you to
6 communicate any change in rules to your
7 presiding judges with any hope that it will be
8 effectively communicated to your pollworkers?

9 A. Yes. And I think -- it's a pretty
10 broad brush because I think it comes down to
11 what are we talking about, what is the
12 effective change, all that kind of thing.
13 That's the devils and the details on that
14 stuff.

15 Q. You said that your training
16 classes, you have changed, you have reduced the
17 number of people per class from seventy-five to
18 twenty-four so you have had to increase your
19 number of classes. Did that just happen this
20 year?

21 A. It happened the first time we did
22 a vote on this new system, was in February of
23 '06.

24 Q. What do you mean by this new
25 system?

1 A. The hard system.

2 Q. You mean the machine?

3 A. Yes.

4 Q. And you said that part of the
5 class there was also a heavy concentration on
6 ID requirements?

7 A. Yes.

8 Q. When did you begin teaching the ID
9 requirements?

10 A. For the August special.

11 Q. Why did you have to reduce the
12 class size and even have a one to six ratio for
13 breakout instructor in your new system?

14 A. Why?

15 Q. Why?

16 A. One of the reasons is I'm sitting
17 here talking to you guys today.

18 Q. Well, you did it before you talked
19 to us, in all fairness.

20 A. I agree with that, however, the
21 change is not only in systems but in law have
22 been dramatic in elections. If you're not
23 involved in elections you have very little idea
24 of what goes on in putting on of elections. We
25 want to get better. When I first arrived and I

1 saw pollworker training classes and the lecture
2 sort of method that was going on, I think it
3 was good and the instructors were fantastic.
4 It can be better. And when you combine the
5 system with the ID laws and the other things
6 that we're teaching, you know, we've made a
7 strong commitment in Hamilton County to get
8 better and I think that our training program I
9 believe is the best in Ohio. And I believe
10 it's the most cost effective in Ohio because we
11 are doing it with many people that are in-house
12 and with people that we are training and we
13 have control and so it's for a lot of different
14 reasons, but everything has become so litigious
15 that we felt we needed to do more in training
16 the pollworkers in regard to system issues, in
17 regard to voting issues. You're only as good
18 obviously as your pollworkers and procedures
19 and that's the commitment in Hamilton County
20 and that's why we did it.

21 Q. So one reason why you decreased
22 class size is because you want to be better; is
23 that correct?

24 A. Absolutely.

25 Q. And another reason is because of

1 fear of litigation?

2 A. I think that's -- I think,
3 honestly, I think that's a -- it's a healthy
4 motivator.

5 Q. We agree. I'm sorry.

6 A. It's true. It's true.

7 Q. Is another reason because the laws
8 have become more complex?

9 A. They have changed and in some
10 areas they have become complex, but it's not
11 only regarding the pollworkers, it's regarding
12 everything.

13 Q. Okay, but staying with the focus
14 on training your pollworkers, have the laws
15 providing identification become more complex?

16 A. Well, they never existed before.

17 Q. Before it was just providing your
18 signature, right, that was your identification?

19 A. I don't know that that's an
20 identification.

21 Q. But that was how you verified
22 people were who they said they were, isn't it?

23 A. I guess you could say that
24 although as a former prosecutor in eleven years
25 and as former chief of the grand jury in