

1 Hamilton County, I'm not aware of a history of
2 anybody ever proving a case on -- ID is an
3 essential element of every criminal prosecution
4 has ever used an ID -- or excuse me -- has ever
5 used a handwriting exemplar to identify anyone
6 ever.

7 Q. That's a criminal system.

8 A. I'm talking about in this system
9 also.

10 Q. Isn't it true before this year
11 when you went to vote, you gave them your
12 signature and the pollworkers checked to see if
13 your signature matched the signature on file;
14 isn't that true?

15 A. I guess in a very rudimentary way,
16 that true, although we're not --

17 (Thereupon, the Notary Public
18 interrupted the proceedings.)

19 Q. And if the signature matched you
20 were given a ballot and allowed to vote; isn't
21 that true?

22 A. I don't think it's a match, I
23 think it's a signature that arguably resembled
24 the signature of the person before you. But
25 given in regard to signature themselves, we

1 have just looked at three hundred and fifty
2 thousand signatures in regard to petition
3 issues and other issues, and I can tell you
4 with absolute confidence that signatures are
5 not an identification really. They are -- they
6 may be somebody's word or signing under penalty
7 of election fraud, but they are not a means of
8 identification.

9 Q. Mr. Williams, you have being
10 director of elections since January of 2004; is
11 that correct?

12 A. That's correct.

13 Q. During your tenure are you aware
14 of the circumstances ever occurring where the
15 signature did not match and a voter was turned
16 away?

17 A. We, I believe, had a situation
18 where they would vote provisionally in that
19 circumstance which is their right.

20 Q. And that would be in 2004
21 provisional ballots?

22 A. Yes.

23 Q. Did you have any elections prior
24 to November of 2004?

25 A. The presidential primary.

1 Q. And in that election did you use
2 provisional ballots?

3 A. Yes.

4 Q. So your testimony is if the
5 signature didn't match, you would let them vote
6 a provisional ballot?

7 A. Well, what I'm saying is that I
8 have -- we have people that are out signing
9 signature poll books and I believe that
10 signatures are a very, very -- I believe they
11 are basically a meaningless form of ID.

12 Q. In this election are you going to
13 make any attempt to match signatures when you
14 look at provisional ballots? I thought you
15 said you would.

16 A. Sure, we will.

17 Q. Why would you do that if they are
18 meaningless?

19 A. Because that's what we have to do.
20 It's sort of a totality of the circumstances.

21 Q. And for people who don't give you
22 their name -- I'm sorry -- who only give you
23 the name and address and don't give you a
24 social and don't give you a driver's license,
25 you're going to be primarily looking at their

1 signature, aren't you?

2 A. As I indicated, we will do that
3 and there could be some similarities, but I can
4 tell you that the signature that we have on
5 your records many, many times does not match
6 the signature of the person who votes very,
7 very well and the reason for that is many. One
8 is perhaps they are standing at a different
9 posture than when they have signed the original
10 form. One is after a period of time people's
11 signatures change. The people, you know, may
12 be in a certain situation, you know,
13 uncomfortable, injured, whatever, and their
14 signature is very dissimilar, although they are
15 the same person in many cases and if not
16 most -- the vast majority of the cases the
17 signatures just don't resemble very well.

18 Q. What are your election officials
19 instructed to do -- let's just take the issue
20 of provisional ballots -- when they are trying
21 to look at whether the provisional ballot is
22 valid and they look at the signature and it's
23 not quite the same, are they going to reject it
24 or accept it?

25 A. They are going to accept it almost

1 every time because we are not handwriting
2 experts. We are not putting our people in a
3 position to disenfranchise. We give every
4 benefit of the doubt to the voter.

5 Q. Are there any circumstances where
6 officials will be instructed not to accept a
7 ballot because the signatures don't match?

8 A. The officials that are reviewing
9 this will be -- if there's a question in their
10 mind will be asked to go to a higher authority,
11 ultimately the Board of Elections, to determine
12 such issues.

13 Q. And what standard will the Board
14 of Elections apply?

15 MR. COGLIANESE: Objection. Go
16 ahead.

17 THE WITNESS: I think they will use
18 the judgment based on the facts of the case and I
19 believe they give every benefit to the voters.
20 Again, they are not handwriting experts and it is
21 very difficult for us as handwriting with the form
22 of ID, I guess you could argue that it's a kernel,
23 but that's about it.

24 Q. So it's a case by case
25 determination, there won't be an objective

1 standard to be applied?

2 MR. COGLIANESE: Objection.

3 Q. You can answer.

4 A. I'm not sure what the standard is
5 on a signature. If you look at it, it's a
6 factual determination, it either looks like it
7 or it doesn't.

8 Q. And your testimony if it looks
9 like it at all, they'll accept it?

10 A. That's right.

11 Q. But if it doesn't look like it at
12 all, they may not or they will not, which one?

13 MR. COGLIANESE: Objection.

14 THE WITNESS: I can't speak for the
15 board.

16 Q. And my question is your standards.
17 Are there any standards on that issue?

18 A. The only thing I can tell you, if
19 it looks like a signature -- the only thing I
20 can go back to is when we look at signatures
21 most recently on these petitions, it was
22 incredible how different the signatures were
23 than we had on file and people protested our
24 findings and it creates very, very difficult
25 circumstances because reasonable people

1 disagree as to what is somebody else's
2 signature because we're not trained on being
3 handwriting experts and so it creates
4 difficulty with us and it is a fact in a case
5 by case review giving every benefit we can to
6 the voter. You look at does some part of the
7 signature seem to match up with the other part
8 but, it's not -- signatures are very, very poor
9 in terms of ID.

10 Q. Mr. Williams, let me -- are you
11 finished with your answer?

12 A. Yes.

13 Q. Let me take you to a different
14 issue. You had testified that if the ID
15 requirements were suspended it would be a grave
16 mistake, I believe you said, and cause, you
17 didn't actually say chaos, but your answer
18 suggested it; is that correct?

19 A. I think it would be very, very
20 difficult. I'm not Chicken Little and I'm not
21 going to throw the baby out in the bath water
22 with all this stuff, but I think it would be a
23 very, very difficult thing to communicate once
24 we tell everybody this to say now, okay, don't
25 do it now.

1 Q. Why is that harder to communicate
2 or is that harder to communicate than
3 communicate the six month standard which is now
4 applying to the definition of current?

5 A. I think they are both difficult to
6 enforce.

7 Q. Is one more difficult than the
8 other?

9 A. Well, I think one because
10 everybody would have to show a form of ID. The
11 vast majority of ID's that we see in Hamilton
12 County are not this other government document
13 issue. It's a vast minority of cases. And so
14 therefore because of that, that is a smaller
15 issue than an ID, a general ID issue.

16 Q. Let me ask you though -- let me
17 challenge one assumption, that is that a tiny
18 fraction of the population will bring in
19 utility bills. Isn't it true that this
20 upcoming election is the first election when
21 the entire voting population will be required
22 to show ID?

23 A. Yes, and I don't think I said tiny
24 fraction. I think I said a smaller percent.

25 Q. And you're basing that on your

1 experience in the August election or what are
2 you basing that on?

3 A. What, other government documents?

4 Q. No, your belief that the vast
5 majority of people will show a driver's license
6 or Social Security -- well, a driver's license
7 to get a regular ballot. What are you basing
8 that belief on?

9 A. I'm basing that belief on the
10 August and the election in August in Hamilton
11 County and also that is the first thing that we
12 teach in our pollworker training classes. We
13 talk about, you know, state issued driver's
14 license, Ohio ID, and we sort of go down from
15 there, so I believe that that will be the
16 primary document that's shown, although
17 certainly not exclusive, and there can be
18 others and they are trained on that, but I
19 believe that that is the greatest number.

20 Q. Why is the fact that's the first
21 thing you teach indicative that that will be
22 the most widely used form of ID?

23 A. I think that because my belief on
24 that is that the ID and the picture ID and the
25 other -- and the driver's license number --

1 excuse me -- ID, the state issued ID, I think
2 are possessed by the vast majority of
3 registered voters.

4 Q. Are you speculating?

5 A. I am.

6 Q. Let me ask you not to speculate.

7 With regard to knowing how many people or what
8 percentage of people are going to use a utility
9 bill, bank statement or paycheck in November,
10 do you have a basis for estimating a
11 percentage?

12 A. No, I don't. I think that -- I
13 think based on the August election, twelve,
14 fourteen percent of Hamilton County, the
15 majority in these precincts voted using a form
16 of photo ID. I don't know what that percentage
17 is, but I know it's the majority percentage so
18 that would be arguably my basis.

19 Q. Do you believe it was more than
20 fifty percent in August who used the driver's
21 license or state ID?

22 A. I do.

23 Q. What was the election about in
24 August?

25 A. Many, many school districts.

1 Q. So those were voters in school
2 district elections?

3 A. Correct.

4 Q. Do you believe that that twelve to
5 fourteen percent is a representative sample of
6 the entire voting population of Hamilton
7 County?

8 A. Let me think about what the school
9 districts were for a minute.

10 (Pause in proceedings.)

11 THE WITNESS: I think it's fairly
12 close.

13 Q. And when you say majority, you
14 just mean more than fifty percent?

15 A. I think --

16 Q. And I want to caution you not to
17 speculate.

18 A. I believe it was higher than fifty
19 percent. Much higher.

20 Q. What's the basis of your belief?

21 A. The August election.

22 Q. What are the numbers? Do you have
23 the numbers, sir?

24 A. I don't have them in front of me,
25 but I'll be happy to look into that.

1 Q. Do you have somewhere written down
2 how many people used a driver's license as
3 opposed to other forms of ID? Have you tracked
4 that?

5 A. No, but I was out in the polls
6 that day extensively traveling from precinct to
7 precinct and I certainly had a lot of
8 observations.

9 Q. So is your testimony based on
10 firsthand observations?

11 A. Yes.

12 Q. Is your testimony based on
13 anything else?

14 A. Just obviously going through the
15 election itself and the cleanup and so forth.

16 Q. Mr. Williams, I want to take you
17 back to the issue of an injunction or
18 suspension of the ID requirements. I believe
19 you said it would be difficult to do that. It
20 would also be difficult to explain the
21 current -- the definition of current, and then
22 I had asked you which one would be harder and I
23 can't remember if you answered my question. If
24 you did, could you answer it to remind me of
25 what your answer is, and if not, could you

1 answer it now?

2 A. What was the question?

3 Q. Is it more difficult to tell
4 people about a new definition of current that
5 applies to ID or to tell people that there are
6 no ID requirements? Which is harder?

7 A. I thought I indicated I believe
8 that the no ID requirement would be a harder
9 one to communicate.

10 Q. What's hard about saying not to
11 apply those requirements?

12 A. The people that apply them.

13 Q. Do you think that people would not
14 understand if you said don't apply the
15 requirements?

16 A. Yeah, because I think that they
17 have gone through a four hour class where we've
18 beat it into their head for four hours and
19 given them examples and we've been out in the
20 media and we have been all around the county
21 and we have done I think very outstanding work
22 on trying to communicate these rules to the
23 public, and I think it would undermine voter
24 confidence to at the eleventh hour say, okay,
25 remember what we said, never mind, and I think

1 that there would be a risk of people not
2 complying or not understanding -- when you look
3 at -- on the current issue, the current
4 definition issue or the what the current -- I
5 mean, effectively I could send out a
6 communication to my pollworkers and say sort of
7 like ID, you know, in regard to drinking, you
8 know, the date for acceptance of ID must be
9 after this date.

10 Q. And you would do that by sending
11 it to your presiding judges and having them
12 communicate it to their pollworkers?

13 A. Right, but they haven't had that
14 beat into their head for four hours or for the
15 August election, those that were trained in
16 that election, it hasn't been disseminated out
17 to the public. It's going to be used by --
18 again, I just believe it will be used by fewer
19 people in the election and therefore I believe
20 it to be, although poor, and I'm not happy
21 about it. I don't think it's as significant an
22 issue.

23 Q. I assume that you do want the
24 current six month standard to be uniformly
25 applied even if it's only to twenty percent of

1 the voters; is that correct?

2 A. Sure.

3 Q. And in order to ensure that
4 uniform application, every pollworker has to be
5 educated about it; isn't that true?

6 A. That's correct.

7 Q. So you don't know who's going to
8 be receiving a utility bill or bank statement,
9 correct?

10 A. Right.

11 Q. And, I'm sorry, I know you have
12 tried to explain this, but why is it that
13 simply telling people to disregard the ID
14 provision, why is that going to be confusing?

15 MS. CORL: Objection. Asked and
16 answered.

17 MR. COGLIANESE: Objection.

18 Q. You can answer.

19 A. I believe that one is a small
20 subset of the election. I believe the other
21 one is a central part of what every --
22 everything we've done in the last several
23 months.

24 Q. But why is it hard to tell
25 somebody not to do something?

1 MR. COGLIANESE: Objection.

2 MS. CORL: Objection. Asked and
3 answered thirty times.

4 MS. GENTRY: It hasn't been answered.

5 MS. CORL: No, you don't like the
6 answer.

7 MS. GENTRY: It hasn't been answered.

8 Q. I'll ask it again. Why is telling
9 somebody not to do something likely to be
10 misunderstood?

11 MR. COGLIANESE: Objection.

12 MS. CORL: Objection. Asked and
13 answered.

14 THE WITNESS: You want me to answer?

15 Q. Yes.

16 A. Again, it's been the centerpiece
17 along with the election system and how you vote
18 in Hamilton County and I'm sure throughout the
19 state of Ohio. We have instructed the
20 pollworkers to do this and you're asking me in
21 relative terms to the more current issue which
22 is more difficult, and basically we're taking
23 one of the pillars of our training and pulling
24 it out.

25 Q. And do you think pollworkers won't

1 understand that?

2 A. I think it is something that is
3 difficult in the means of communication to them
4 because it is a large part of what we do and we
5 are at the end of the communication trail and
6 we cannot really effectively communicate other
7 than through the special instructions at this
8 state and I think that that creates not only
9 with the pollworkers but I think with the
10 voters also, it creates a problem. I think you
11 have people out there that had ID and knew
12 about ID, provided ID and now they don't have
13 to provide ID and I think that that undermines
14 the confidence in not only pollworkers, but
15 voting public.

16 Q. I'm not asking, sir, about the
17 voting public. Can you answer the question I
18 asked which is you believe pollworkers will be
19 unable to understand an instruction to
20 disregard the ID requirements?

21 MR. COGLIANESE: Objection.

22 MS. CORL: Objection. Asked and
23 answered.

24 MS. GENTRY: It hasn't been answered.

25 THE WITNESS: I believe that it will

1 be much more difficult to try to convey an order
2 such as that at the eleventh hour.

3 Q. Does that mean you don't believe
4 they will understand it?

5 MR. COGLIANESE: Objection.

6 THE WITNESS: Yes, I do. I believe
7 that it will not get communicated appropriately
8 and therefore they will not understand it.

9 Q. But you believe they will
10 understand the current six month standard?

11 A. Well, I have some questions about
12 that also, yes. I don't know that they will
13 completely understand that.

14 Q. But before in your testimony you
15 said you were fairly confident that they would?

16 A. Well, fairly confident for me,
17 that's not a bed of roses. I like to be highly
18 confident. Fairly confident to me is about a
19 C.

20 Q. Let me ask you to rate your
21 confidence if you were to deliver the
22 instruction that the ID requirements are not
23 applicable. What is your level of confidence
24 that that would be understood?

25 A. D.

1 Q. So it's a C for current standard,
2 but a D for don't apply?

3 A. Yeah, maybe even an F.

4 Q. And we're on a letter grade system
5 now?

6 A. Yes.

7 Q. And if I understand your
8 testimony, the reason is because the voter ID
9 piece was a bigger part of your training so
10 it's harder to change people's minds about it?

11 MR. COGLIANESE: Objection.

12 THE WITNESS: It's harder to
13 communicate effectively when everything in regard
14 to provisionals is set up that way, when voting on
15 machines is set up that way, when the fundamental
16 thing, the first thing out of the pollworker is in
17 regard to ID, okay, it is a heck of a lot harder
18 than communicating something about a six month
19 document. I mean, there's no -- I don't think
20 that's even a close call.

21 Q. And that's even though the six
22 month standard is new, something new to them?

23 A. And I've said before, I don't like
24 the six month standard necessarily either. I'm
25 not a fan of this eleventh hour stuff. I don't

1 like either one of them.

2 Q. You testified at length that this
3 litigation could have been brought sooner,
4 right?

5 A. Absolutely.

6 Q. I'm not going to quibble about
7 that with you, but could Directive 78 have been
8 issued sooner?

9 A. Absolutely.

10 Q. Should it have been?

11 A. Sure.

12 Q. Mr. Williams, I would like to
13 return to the issue -- please correct me if I
14 misstate your testimony, but I believe that
15 early on when Mr. Coglianese was questioning
16 you had said that your basic goal was to count
17 every goal that can be counted; is that about
18 right?

19 A. That's right.

20 Q. Let me give you the situation of a
21 provisional voter who doesn't have their ID
22 with them and can't remember their Social
23 Security number, but they give you all of their
24 address information and so forth and then they
25 have to come back within ten days.