Q. Did you hear my question?
A. I'm sorry. It has not -- that question has not come up for the Board yet.
Q. Okay. Thank you.
A. Uh-hum.
Q. Moving on to another issue, is your Board of Elections accepting driver's licenses that have former addresses?
A. Yes.
Q. With regard to absentee voters who vote in person rather than by mail, are those in-person voters being required to show identification in order to vote?
A. Only if their signature does not match what is on file.
Q. Are they permitted to provide a Social Security number or driver's license number instead of providing the required identification?
A. Yes.
Q. What do you mean when you say only if the signature does not match?
A. Well, on occasion, a person's signature has changed quite a bit from when they have signed before, and so if it does not -- if we can't get anything that looks like the same
signature, we ask for an ID just to verify that that person is who they say they are.

Q. If a voter gives you a signature that matches, do you ask them to provide at any time a Social Security number or driver's license number or ID?

MR. COGLIANESE: Objection. Are we talking about --

BY MS. GENTRY:

Q. And this is absentee early in-person voters.

MR. COGLIANESE: Thank you.

THE WITNESS: They fill the information out on the request form.

BY MS. GENTRY:

Q. I just want to make sure I understand you correctly. If I'm an absentee early in-person voter and I give you my Social Security number on the application and I also sign it but it doesn't look to you like it's the same signature, you also then require me to show ID in addition to my Social Security number?

A. I guess that particular scenario has not come up.

Q. Okay. Can you explain what you mean
when you say that you look at the signatures?
When does that come up?
   A. Well, when we process their
application, their signature comes up on the
screen of what we have on file so we can compare
that signature.
   Q. And this is after the person has
already left or is this while the person is
standing there?
   A. No. This is while they're standing
there if they're voting in the office.
   Q. And at that point in time, they've
already given you either the Social Security
number or driver's license number; is that
correct?
   A. Well, that is true.
   Q. And if the signatures don't appear to
match, what does your board employee do then?
   A. They ask to look at the ID.
   Q. So in some cases, in-person voters
are required to provide ID if their signatures
don't appear to match; is that fair to say?
   A. That is fair to say, yes.
   Q. The last issue I want to cover,
Ms. Johnson, relates to counting provisional
1 ballots, determining whether they are eligible to
2 be counted.
3
4 A. Uh-hum.
5
6 Q. It is my understanding that when the
7 Board of Elections will determine whether those
8 ballots can be counted, they will examine their
9 records and any additional information provided by
10 the voter. Is that also your understanding?
11
12 A. Yes.
13
14 Q. What records will the Warren County
15 Board of Elections review to determine whether
16 provisional ballots should be counted?
17
18 A. Well, most provisionals are people
19 that have moved from another county, so we will
20 get in contact with the other county to make sure
21 they were registered there to start with.
22
23 Q. Will you use that person's former
24 address to determine which county to contact?
25
26 A. Yes. Yes, we will.
27
28 Q. Will you review the -- strike that.
29 Does Warren County have a
30 registration database for its county?
31
32 A. Yes, we do.
33
34 Q. Is Warren County also tied into the
35 statewide voter registration database?
1. A. Yes, we are.

2. Q. When you review the provisional ballots, will you check each ballot against the county voter registration database?

3. A. Our normal procedure is to send the information to that county because also, there's a copy of a signature, so they can validate and also the former registration, everything, a copy of that registration.

4. Q. Okay. Broadening the question a little bit to include voters who are not from other counties but who cast a provisional ballot, for example, because they don't have their ID but they just give you a Social Security number and they live in Warren County, what would you do for a person in that situation? What records will you look at?

5. A. We will look at their signature and any other information we have from their actual registration.

6. Q. So you'll compare the information they give you with the information in the voter registration database?

7. A. Correct.

8. Q. What kinds of information will you be
comparing? What's in your database that you can compare?

A. Their signature, their address, birth date; also, if when they registered, they provided the last four digits of their Social Security number or their driver's license number, we could compare that.

Q. Do you know how many voters in your voter registration database have provided you with either a Social Security number or a driver's license number?

A. I don't have that broken down, no.

Q. Is it accurate that some but not all records in your database will include either a Social Security number or driver's license number?

A. Yes. Not all.

Q. Will you check any other database when you evaluate provisional ballots?

A. Well, I guess it'll depend on what the provisional is for. If it's because they requested an absentee, we have to go and obviously verify that they didn't return their absentee plus do a provisional.

Q. And what records will you check to do that?
A. Well, we'll check to see if they returned their absentee ballot. I mean, there's different scenarios for provisional ballots.

Q. That's correct. Are there any other records you can think of that you might check other than what you've identified?

A. Not right at the moment.

Q. Will you check the statewide voter registration database?

A. Against somebody that's in Warren County?

Q. Or outside of Warren County, either way.

A. If we do not hear back from the other counties for a particular provisional voter, we would go in and check the state database.

Q. Those are for voters who formerly lived outside of Warren County?

A. Correct.

Q. Is that correct?

A. That's correct.

Q. Will you check the state's database for voters who live in Warren County?

MR. COGLIANESE: Objection. You just may want to clarify that they list a previous
Q. Oh, this is for voters who have listed an address in Warren County. They're not giving you a former address outside the county, just people in the county. Will you check their names against the statewide voter registration database?

A. Well, we do have a duplicate list that we go by through the state.

Q. What is the duplicate list?

A. It's provided by HAVA where we have other voters that may be registered in other counties, and we try to determine where that voter is most current.

Q. And that's, for instance, if I moved from one county to Warren County and I was registered in both places, this would prevent me from voting in both counties; is that right?

A. I don't know if it would prevent you, but if we cancelled you from our records, if your most current registration was in the other county, you wouldn't be eligible to vote here if we had you cancelled.
Q. Are you planning to check the
duplicate list for the provisional ballots that
are cast?
A. If there seems to be a problem with
them, we probably would.
Q. And you would determine that there's
a problem because of other information provided on
the ballot or because the signature doesn't match?
MR. COGLIANESE: Objection. Go
ahead.
THE WITNESS: I don't know without
the actual circumstance in front of me. It's hard
for me to answer.
BY MS. GENTRY:
Q. Okay. So is it fair to say you may
check the duplicate list for some but you are not
currently planning to check that list for all of
them?
A. Correct, correct.
Q. Okay. Are you planning to check the
driver's license numbers that you're provided with
against the BMV database?
A. I don't know at this time.
Q. Are you planning to check the Social
Security numbers that you're provided with against
another database like the one maintained by the Social Security Administration?
   A. I don't know that we have the ability to do that.
   Q. Do you have any plans to attempt to verify whether the driver's license number or Social Security number that is provided is, in fact, correct for that voter who provided it?
   MR. COGLIANESE: Objection. Go ahead.
   THE WITNESS: I don't know what the Social Security number -- what we would have to go against.
   BY MS. GENTRY:
   Q. What about the driver's license number?
   A. I guess we could check that against the BMV.
   Q. Has your Board done that before?
   A. No. No, we have not.
   Q. Why do you think that you could do it at this time?
   MR. COGLIANESE: Objection. Go ahead.
   THE WITNESS: If the option's there,
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1 we might be able to do that. I don't know.
2 MS. GENTRY: Okay. I think that's
3 all the questions I have for you, Miss Johnson.
4 I'm going to turn this questioning over to
5 Mr. Coglianese.
6 CROSS-EXAMINATION
7 BY MR. COGLIANESE:
8 Q. Good afternoon.
9 A. Good afternoon.
10 Q. I'm going to try and be really quick.
11 I know it's getting late and you probably still
12 have got a bunch of work to do.
13 I'd like to start with just making
14 sure that I understand it is Warren County's
15 position that they are obligated to follow the
16 directives of the Secretary of State; is that
17 correct?
18 A. That is what we're doing.
19 Q. So right now, Warren County is
20 following Directive 2006-78; is that right?
21 A. That is correct.
22 Q. Can you tell me how many applications
23 for absentee ballots you have received for the
24 2006 general election?
25 A. Over eight thousand six hundred.
Q. How many applications did you receive that had some problems?
A. I would say between fifty and maybe seventy-five.
Q. And that might be things like people put the wrong number down or they didn't sign it or they didn't tell you which election they were looking for a ballot for? Is that the types of problems?
A. Or they changed their address but failed to change it with us. That's some of them.
Q. Okay. And did the board end up corresponding with those fifty to seventy-five folks?
A. To the best of my knowledge, yes.
Q. Okay. How many absentee ballots has the Warren County Board of Elections received for the '06 general election?
A. You mean returned?
Q. Yes.
A. I believe over thirty-four hundred at this time have been returned.
Q. And of those thirty-four hundred, do you know how many of those ballots had an improper -- you know, used the photo ID number
instead of the driver's license ID number?

A. There have probably only been maybe half a dozen.

Q. And I just want to make sure I understood what your previous testimony was to Ms. Gentry.

You have not yet had somebody produce a military ID for purposes of identification; is that correct?

A. That is correct.

Q. Okay. And have you rejected anybody's application because the identification that they provided was not current? The information. I apologize. Let me strike that and ask it in a clear way. We've been doing this all day, so my mind is kind of at that point.

Have you rejected an application yet because someone had not provided current identification?

A. No.

Q. Have you rejected an absentee ballot because the identification that the person sent in with the absentee ballot was not current?

A. Nothing has been rejected at this point because actually the Board will determine
that on the problem absentee ballots. They will
determine that on election day.
Q. Okay. And it's the Board that
actually makes that determination?
A. Yes, it is.
Q. And so all four members would have to
vote, and in order to reject, you would need at
least three votes to reject; is that correct?
A. That is correct.
Q. Is any part of Warren County within
the Third Congressional District?
A. Yes, it is.
Q. So you guys used the identification
provisions for the September 15 special election
to replace the democratic nominee for the Third
Congressional District; is that correct?
A. That is correct.
Q. Were there any problems that the
Warren County Board of Elections had with folks
producing ID at the polls during that special
election?
A. Not to my knowledge.
Q. Were there any problems that the
Warren County Board of Elections was aware of with
absentee ballots, folks mailing absentee ballots