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

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

Q. That would be great.

A. Okay.

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

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

Q. Returned voter ballots up to this point.

A. Could you hold, please?

MR. COGLIANESE: Yes.

(Discussion had off the record.)

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

BY MR. COGLIANESE:

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

A. Can you define what you mean by "have"?

Do you mean how many do we have to have for an election? How many do we have for this election
signed up? What do you mean?

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

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

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

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

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

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

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

Q. Just briefly, I'd like to talk to you a
little bit about the 2004 general election, as well.

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

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

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

A. I was the deputy director.

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

MR. BORELL: Sure.

(Discussion had off the record.)

BY MR. COGLIANESE:

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

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

MS. CORL: Provisional.

THE WITNESS: Oh, provisional.

I can get that information for you. We
can look at it.

BY MR. COGLIANESE:
Q. Okay. If you can supplement it, could
you let us know how many provisionals were cast in
2004 and what the acceptance rate was of those?
A. Hang on. Let me write this down. Thank
you. So you want the number of provisionals.
Q. And the acceptance rate from the 2004
general election.
A. Okay.
Q. And have the absentee rules been in
effect in Lucas -- the absentee rules for ballots were
in effect in Lucas County for the 2006 primary
election; is that correct? Where folks had to put a
driver's license or Social Security number on their
ballot when they returned it; is that right?
A. We need a moment, please.
(Discussion had off the record.)
THE WITNESS: Hello?

BY MR. COGLIANESE:
Q. Yes.
A. I thought I cut us off and I almost had a
heart attack. And remember that I'm fried and my
brain is not what it should be at this very moment.
My understanding was that the ID
requirements didn't come into effect until June and
were not in place for the May primary.
The first election I remember employing the ID requirements was our August special, 2006.

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

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

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

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

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

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

Q. Okay.

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

Q. That's fine.

A. I guess I didn't study enough for this test.
Q. I do want to, though, go back to the issue on absentee ballots as it relates to the primary election because, in fact, the legal requirement that folks put their Social Security number or driver's license was part of House Bill 234, which became effective in January of 2006.

A. Yes.

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

A. Okay, yes.

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

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

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

A. Thank you.

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EXAMINATION
BY MS. CORL:

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

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

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

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

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

We conducted voter outreach county-wide
to explain the identification requirements and, again, to teach people who don't have misgivings about the touch screen, how to use it. I feel that we've done everything humanly possible, and I have my 81-year-old parents praying that this election goes well.

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

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RE-EXAMINATION

BY MS. SESTILE:

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

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

A. That's correct, ma'am.

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

A. Yes, ma'am.

Q. Did you train any of those poll workers 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
us with this -- I do have, and so is Mr. Pilrose, we're concerned about security issues.

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

BY MS. GENTRY:

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

A. Okay.

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

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

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

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

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

A. Again, you have to be more specific. If you're talking about opening -- we have not opened any identification envelopes. That would be illegal.
Q. So you don't know until you open them on
election day whether there's insufficient
identification within them to count them, will you?

MR. COGLIANESE: Objection.

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

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

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

BY MS. SESTILE:

Q. If, for example, someone included a
utility bill or other government document or a copy of
their license within the interior envelope of their absentee ballot and the information they included was insufficient, you won't know that until next Tuesday, right?

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

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

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

MS. SESTILE: I think it does.

Thank you very much, Ms. Kelly.

If anyone else has any questions.

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

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RE-EXAMINATION
BY MR. COGLIANESE:

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

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

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

Q. Thank you.

A. It has that, just not an address.

MR. COGLIANESE: Thank you.

MS. SESTILE: I think we're done.

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

(Signature waived.)
CERTIFICATE

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

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

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