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

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

A. No. I mean, we have had some
discussions about this here because how this
came to my understanding or my conscious would
have been when we receive an application, our
procedure is to follow up with a call first to
the voter to try to correct identifying
information or other information lacking on the
application form, and if that first call is
unsuccessful, we obviously leave a message,
then we do a second phone call and, you know,
leave a message, you know, with all the
information. If that doesn't get a response,
then we send a letter so we follow up on
improper identifying information at the
application stage and so that's where my
understanding of different numbers and so forth
would have come up. It would have come up more
through staff conversations and follow-up
conversations trying to get ahold of voters and
get that squared away.
Q. Mr. Williams, did you or somebody in your office make the determination that the photograph number would not be an acceptable form of identification?

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

Q. What statute are you referring to?

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

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

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

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

A. Yes.

Q. What's the basis of that belief?

A. Well, actually no, my basis is
that there's a driver's license number on the
driver's license that's identified such as on
your driver's license number. I've heard that
the number on the picture relates to like the
BMV location where the photograph was taken,
but I don't know -- I don't know if it extends
further than that. It might be that -- I don't
know if it's time, place, I'm not sure, but I'm
just looking at -- it's identified in statute
as the driver's license number and it's listed
as such on your driver's license and so that's
the basis of why I believe that's your driver's
license number.

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

A. I don't believe so.

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

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

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

A. We have not because we have gone
with what the statute says is driver's license number.

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

A. Correct.

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

A. Correct.

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

MR. COGLIANESE: Objection. Go ahead.

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

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

A. Well, what we would try to do is
obviously follow up at the application stage,
which we're obviously supposed to do, and to
clear up any ID issues at that point. If upon
that effort the voter did not or chose to send
that driver's license or the photo ID number
in, then that ballot would not be counted, at
least at this point.

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

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

Move to a different topic which is military ID.

A. Right.

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

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

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

A. That's correct.

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

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

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

A. Well, if a military ID had an address on it in the precinct that's appropriate for them to be voting in, their home precinct, we would absolutely count that.
Q. Are you aware of whether military ID's have current addresses or not?

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

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

A. Well, I guess it would be covered in the other government documents if you came in -- if you are housed somewhere in Hamilton County in a military installation and you brought that in, it would probably qualify under the other government document as well.
Q. Mr. Williams, has your Board of
Elections been accepting driver's licenses with
former addresses?

THE WITNESS: Hold on one second.

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

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

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

Q. Correct.

A. Yes, we are accepting that.

Now -- yes, we are.

Q. Did you have a question about
that?

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

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

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

Q. Mr. Williams, turning to the issue
of provisional ballots and determining whether
they are eligible to be counted, it is my
understanding that under Ohio law the Board of
Elections should review its records and any
additional information provided by the voter
when determining whether or not a provisional
ballot is eligible to be counted. Is that also
your understanding?

A. In regard to provisionals?

Q. Yes.

A. Yes.

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

MR. COGLIANESE: Objection. Go
ahead.

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

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

A. Right.

Q. How would you determine whether
all of those provisional ballots are eligible
to be counted or not?
A. Well, every one of them is obviously a case by case basis. We will apply certain -- if a provisional voter is a change of address and they failed to update at the Board of Elections address, coming to their new polling location on election day, vote the provisional ballot in their new home precinct, provide all the appropriate information, we look into our VR system, the signature matches, they have voted in their new home precinct, they didn't vote in their old precinct, the identifying information is there, that will count and that sort of analysis in general applies to most provisional ballots that we see, if not all, obviously.

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

A. Correct.

MR. COGLIANESE: Objection.

Q. That's another category of provisional voters?

A. I guess it's a category. We look at them all as provisional. I guess it's a
category, I guess you should say.

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

MR. COGLIANESE: Objection. Go ahead.

THE WITNESS: And it's hard to talk about that if I don't have specific factual scenarios because every provisional has sort of its own story to tell. As I indicated prior, we will look at identifying information that was either placed on the envelope, caused to be inside the envelope. We will make sure they haven't voted in any other precinct. We will look at the signature to see if that is a -- I guess arguably close to the signature that we have on file. We will look at it and determine based on those criteria, the ID and all the other things I mentioned whether -- and the fact that they voted in the correct precinct, didn't vote in the old precinct, so in regard to documentation, it would be a case by case basis, but in regard to the
government documents that could be applied to
this, I would say -- I mean, it would be very,
very large on potential documents that somebody
could provide.
Q. Let me try to come at the question
a different way.
A. And I'm not -- I'm just trying
to -- I'm not trying to -- I'm just trying to
get a grip on the scenarios, I guess.
Q. I appreciate that. Let me ask it
a different way. So does Hamilton County have
a voter registration database for its county?
A. We do.
Q. Is that one source of records that
you might consult?
A. Sure.
Q. Is there a statewide voter
registration database?
A. Yes.
Q. Is Hamilton County tied into that?
A. We are.
Q. Is that another source of records
you intend to consult when determining at least
some provisional ballots are eligible to be
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.
Q. But is it true that the ballot doesn't ask how long ago you lived at that address? Not the ballot, the provisional ballot affirmation form does not ask how long ago you lived at that former address; is that correct?

A. That's correct.

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

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

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

A. Were you registered there?

Q. Right, correct.
A. Yeah, we would look there.

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

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

Q. Have you thought about it before today?

A. Yes.

Q. And is that the plan?

A. Yes.

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

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

Q. And these would be for voters who
are registered in Hamilton County?

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

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

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

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

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

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

A. I don't. I don't. I would have to find that out.
Q. And is the driver's license number, is that an optional piece of information in your database?
A. Yes.

Q. Again, do you have any idea how many people have given you their driver's license number?
A. You know, I don't. I would have to check that out.

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

MR. COGLIANESE: Objection.

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

Q. And is that because at that point you would be pretty confident the person is who
they say they are?

A. Yes.

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

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

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

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

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

A. Signatures are an aspect, but I
believe that we go farther than that.

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

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

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

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

Q. So just so I'm clear, that's the kind of person who walks in, doesn't have ID,
doesn't have a social, but they can vote
provisionally and sign an affirmation they
don't have ID or a social. Is that what you're
talking about?
A. Yes.
Q. And in that case you might just
look at the signature and count the vote?
A. It depends. I would have to see
the signature and whatever else we had or if
any other documentation came in, but, yeah,
that is -- that would be something that we
would have to deal with and try to make a
judgment as to the signature.
Q. Is it your testimony that that
would be a case by case decision, you don't
have a uniform standard?
A. I think it has to be case by case
because it's a factual question based on the
signature and other information that they would
give you in identifying that specific voter.
Q. Okay. Let me go at the broader
question of what records you might look at. We
have identified the county database. We
identified the statewide voter registration
database. Are there other records that you