

1 IN THE COMMONWEALTH COURT OF PENNSYLVANIA

2 * * * * *

3 VIVIETTE APPLEWHITE; *

4 WILOLA SHINHOSTER LEE; GROVER * Case No.

5 FREELAND; GLORIA CUTTINO; * 330 MD 2012

6 NADINE MARSH; DOROTHY BARKSDALE; *

7 BEA BOOKLER; JOYCE BLOCK; *

8 HENRIETTA KAY DICKERSON; DEVRA *

9 MIREL (ASHER) SCHOR; THE LEAGUE *

10 OF WOMEN VOTERS OF PENNSYLVANIA, *

11 NATIONAL ASSOCIATION FOR THE *

12 ADVANCEMENT OF COLORED PEOPLE, *

13 PENNSYLVANIA STATE CONFERENCE; *

14 HOMELESS ADVOCACY PROJECT, *

15 Petitioners *

16 vs. *

17 THE COMMONWEALTH OF *

18 PENNSYLVANIA, THOMAS W. CORBETT, *

19 in his capacity as Governor; *

20

21 July 31, 2012

22 Volume V

23

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1 CAROL AICHELE, in her capacity *
2 as Secretary of the Commonwealth,*
3 Respondents *

4 * * * * *

5
6 BEFORE: HONORABLE ROBERT SIMPSON

7
8 HEARING: Tuesday, July 31, 2012
9 9:00 a.m.

10
11 LOCATION: PA Judicial Center
12 601 Commonwealth Avenue
13 Harrisburg, PA 17110

14
15 WITNESSES: Carole Aichele, Lisa Gray, Madeline
16 Rawley, Steven Jarrell, Janice Horn,
17 Joann Tosti-Vasey, John Jordan

18
19 Reporter: Nicole Montagano
20
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1 A P P E A R A N C E S

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I N D E X

1		
2		
3	DISCUSSION AMONG PARTIES	978 - 979
4	<u>WITNESS:</u> Carol Aichele	
5	DIRECT EXAMINATION	
6	By Attorney Gersch	979 - 1017
7	CROSS EXAMINATION	
8	By Attorney Cawley	1017 - 1026
9	<u>WITNESS:</u> Lisa Gray	
10	DIRECT EXAMINATION	
11	By Attorney Schneider	1027 - 1038
12	CROSS EXAMINATION	
13	By Attorney Cawley	1039 - 1040
14	DISCUSSION AMONG PARTIES	1040 - 1043
15	<u>WITNESS:</u> Madeline Rawley	
16	DIRECT EXAMINATION	
17	By Attorney Rubin	1043 - 1070
18	CROSS EXAMINATION	
19	By Attorney Cawley	1071 - 1074
20	<u>WITNESS:</u> Steven Jarrell	
21	DIRECT EXAMINATION	
22	By Attorney Rubin	1075 - 1084
23	CROSS EXAMINATION	
24	By Attorney Cawley	1084 - 1086
25		

I N D E X (cont.)

1		
2		
3	<u>WITNESS:</u> Janice Horn	
4	DIRECT EXAMINATION	
5	By Attorney Frankel	1087 - 1098
6	<u>WITNESS:</u> Joann Tosti-Vasey	
7	DIRECT EXAMINATION	
8	By Attorney Frankel	1099 - 1113
9	CROSS EXAMINATION	
10	By Attorney Cawley	1113 - 1118
11	REDIRECT EXAMINATION	
12	By Attorney Frankel	1118 - 1121
13	RECROSS EXAMINATION	
14	By Attorney Cawley	1122 - 1123
15	EXAMINATION	
16	By Judge Simpson	1123
17	<u>WITNESS:</u> John Jordan	
18	DIRECT EXAMINATION	
19	By Attorney Clarke	1124 - 1141
20	CROSS EXAMINATION	
21	By Attorney Schmidt	1141 - 1149
22	DISCUSSION AMONG PARTIES	1149 - 1155
23		
24		
25		

E X H I B I T S

1
2
3
4
5
6
7
8
9
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11
12
13
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17
18
19
20
21
22
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24
25

<u>Number</u>	<u>Description</u>	<u>Page Offered</u>
<u>Petitioners:</u>		
43	Care Facility ID Template	1152
44	Ms. Gray's Documents	1152
45	Initial Photo Identification Card Application	1152
46	Answer to Interrogatory One	1154
<u>Respondents:</u>		
4	Survey Form for Trial Run	1153**

** - Not Attached

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
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MR. TURNER:

Commonwealth Court is now in session.
Honorable Robert E. Simpson presiding.

JUDGE SIMPSON:

You may be seated. Good morning. Just
give me a moment here to start my note sheet. This
is the 31st; right?

ATTORNEY GERSCH:

Yes, Your Honor.

JUDGE SIMPSON:

All right. Please proceed.

ATTORNEY GERSCH:

Thank you, Your Honor. I just want to
introduce a couple of people at counsel table in
addition to Marian Schneider and myself. Today we
have from my firm Rachel Frankel and Michael Rubin.

ATTORNEY RUBIN:

Good morning, Your Honor.

ATTORNEY GERSCH:

At this time I would like to call our
first witness of the day. Petitioner's call
Secretary of the Commonwealth, Carol Aichele.

MR. TURNER:

1 Please raise your right hand.

2 -----

3 CAROL AICHELE, HAVING FIRST BEEN DULY SWORN,

4 TESTIFIED AS FOLLOWS:

5 -----

6 MR. TURNER:

7 Thank you.

8 DIRECT EXAMINATION

9 BY ATTORNEY GERSCH:

10 Q. Good morning, Madam Secretary.

11 A. Good morning.

12 Q. Please state your name.

13 A. Carol Aichele.

14 Q. And we met before at your deposition; is that
15 right?

16 A. We did.

17 Q. Ms. Aichele, one of the permissible IDs under
18 the photo ID law is what's called a care facility ID?

19 A. Correct.

20 Q. Okay. And if you have a care facility ID, if
21 you have a valid care facility ID that complies with
22 the requirements of the law, then you're permitted to
23 use that to vote?

24 A. Correct.

25 Q. All right. And there's nothing in the photo ID

1 law which says what a care facility ID has to look
2 like?

3 A. It says three elements it needs to contain, but
4 it doesn't give a specific form for the ID.

5 Q. And the three elements are --- there's got to be
6 a name, there's got to be a photo and there's got to
7 be an expiration?

8 A. Correct.

9 Q. And in order to give guidance to the care
10 facilities the Department of State provided to them a
11 template they could use?

12 A. Correct.

13 Q. Let's a take a look at that.

14 ATTORNEY GERSCH:

15 Your Honor, we are going to mark this
16 as Exhibit 142.

17 JUDGE SIMPSON:

18 Maybe 43.

19 ATTORNEY GERSCH:

20 143. Sorry, Your Honor. Forty-three
21 (43), 43.

22 (Petitioners' Exhibit 43 marked for
23 identification.)

24 BY ATTORNEY GERSCH:

25 Q. Madam Secretary, you have in front of you what

1 was marked Exhibit 43; is that right?

2 A. Correct.

3 Q. Okay. And this is --- well, first there's a
4 cover e-mail from Megan Sweeney; is that right?

5 A. Yes.

6 Q. Megan Sweeney reports to you?

7 A. She does.

8 Q. She is your special assistant?

9 A. Might be executive assistant.

10 Q. Okay. She's your executive assistant?

11 A. We all have titles in state government, and I
12 would believe --- I think her title is officially
13 executive assistant.

14 Q. Very well then. And she attaches to her e-mail
15 a form, a template that's to be used --- or that can
16 be used by the care facilities to issue an ID that
17 can be used for voting?

18 A. Correct.

19 Q. All right. And so I'm just going to run through
20 this. The first block it says insert name of
21 Pennsylvania care facility or letterhead of care
22 facility here. Do you see that?

23 A. I do.

24 Q. There was some discussion about this; right?

25 A. There was.

1 Q. And what --- you thought this was a good idea;
2 right?

3 A. I did.

4 Q. But you were told by your lawyers that, in fact,
5 there was absolutely no requirement that care
6 facilities even have the name of the facility on the
7 card?

8 A. Correct.

9 Q. And then let's drop down. The next item is
10 insert photo here and that's just supposed to be a
11 photo of the holder of the ID; right?

12 A. Yes.

13 Q. And then the next is also self-explanatory.
14 That's supposed to be the name of the voter?

15 A. Right.

16 Q. All right. And then let's come down to the last
17 box, it says insert expiration date of identification
18 document. That date can be any date that the
19 facility chooses; right?

20 A. Correct.

21 Q. There's no requirement to the law that it be ten
22 years, one year, four years, six months or anything;
23 right?

24 A. Correct.

25 Q. And the law also doesn't have --- the law

1 doesn't restrict who the care facility can issue
2 these forms of ID to?

3 A. I have not looked at the law specifically. It
4 was my understanding that residents of the care
5 facility were allowed to get these kinds of IDs. I
6 don't think employees are entitled to these IDs.

7 Q. You believe the law says ---?

8 A. I don't know what the law says.

9 Q. All right. The law will say whatever the law
10 says?

11 A. Right.

12 Q. In any event, the care facility ID, this form
13 --- this is not what is referred to as a secure ID?

14 A. You are correct.

15 Q. A permissible way of voting under the law, under
16 the photo ID law is by an absentee ballot?

17 A. Yes.

18 Q. And the absentee ballot, you don't need to have
19 a photograph at all?

20 A. I was going through the questions, frequently
21 asked questions and to provide --- to submit an
22 application for an absentee ballot, you need to have
23 either your driver's license number, I think that's
24 the preferred number if you have --- if you're in the
25 PennDOT database. Next thing is a Social Security

1 card. If you provide --- if you have neither, then
2 you need to provide a copy of your photo ID.

3 Q. All right, Madam Secretary. But my question is,
4 in order to vote, you don't --- you're not required
5 to have to provide a photo ID, you can vote absentee
6 without providing a photo ID?

7 A. Provided that you also --- either submitted a
8 PennDOT driver's license number or a Social Security
9 number.

10 Q. Okay. You certainly don't need to submit a
11 raised seal birth certificate?

12 A. You do not.

13 Q. You don't need to submit your Social Security
14 card or a copy of your Social Security card?

15 A. Correct.

16 Q. And it's sufficient in terms of confirming that
17 you are who you are --- in addition to your
18 signature, it's sufficient if you put in the last
19 four digits of your Social Security card?

20 A. That's what I understand.

21 Q. The absentee ballot is also not a secure form of
22 identification?

23 A. Is that a question?

24 Q. Yes.

25 A. To provide --- for a person to provide a Social

1 Security number or a PennDOT license, it should be
2 personal information known only to the individual or
3 perhaps other people who have official access to
4 those numbers.

5 Q. Okay. I think we can take that as true, but do
6 you understand that in both the Department of
7 Transportation and the Bureau of Elections, they talk
8 in terms of whether an ID is a secure ID or not a
9 secure form of ID?

10 A. We haven't had those discussions. I have not
11 had those discussions with PennDOT nor have I had
12 those discussions with our Bureau of Elections in
13 terms of secure and not secure.

14 Q. Okay. So secure ID, that's not a terminology
15 that you use?

16 A. I'm using my interpretation of secure ID, which
17 I'm making up right now.

18 Q. Fair enough. So that's the point I'm getting
19 at. Secure ID is not a term of art that you use in
20 your everyday work?

21 A. I do not.

22 Q. All right. In any event, going back to the
23 absentee ballot, the requirements, the documentation
24 requirements for the absentee ballot, they're less
25 rigorous than what you need for a PennDOT ID?

1 A. Correct.

2 Q. All right. Now, you can also vote --- another
3 way you can vote under the law is if you're in
4 college --- if you have a college ID; right?

5 A. Yes.

6 Q. And a college ID also --- in order to get a
7 college ID you don't have to comply with the strict
8 documentary requirements for a PennDOT ID?

9 A. Correct.

10 Q. Okay. Now, as long as we're talking about the
11 college IDs, a lot of colleges historically have not
12 used an expiration date on their ID cards; right?

13 A. A lot. This is an area we explored when this
14 law was passed, and we found that fewer colleges in
15 Pennsylvania used expiration dates than we expected.
16 In fact, a small percentage used expiration dates.

17 Q. Can I stop you there?

18 A. Yes.

19 Q. If a small percentage used expiration dates,
20 would you agree that it's fair to say that a lot of
21 colleges don't use expiration dates?

22 A. Let's establish. I think we have actual numbers
23 of the numbers that did a search on it right at the
24 beginning, and don't ask me what the numbers were,
25 but ---.

1 Q. Okay. That's why I phrased it in a more
2 general, a lot. But we can just --- for present
3 purposes, you know that there are a number of
4 colleges that historically have not had expiration
5 dates on their identification cards?

6 A. I'm more comfortable with a number.

7 Q. All right. And it is the case under the law
8 that with a couple of exceptions in order for an
9 identification to be valid for voting purposes, it's
10 got to have an expiration date?

11 A. The college ID needs to have an expiration date
12 for voting purposes. That's correct. That's in the
13 law.

14 Q. Yeah. And my question is more general. With a
15 couple of exceptions, which I'll get to in a minute,
16 for a form of identification to be valid, there's got
17 to either be an expiration date or it's got to say
18 that the card never expires?

19 A. For other forms of --- college IDs cannot say,
20 it never expires, military IDs can say no expiration
21 date. It was specifically written into the law.
22 There might be a specific phrase that they use.

23 Q. Okay. My question is beyond college
24 identification.

25 A. Okay.

1 Q. General ---.

2 A. General ---. All right.

3 Q. As a general matter, you'd agree that to be
4 effective --- and I understand there are some
5 exceptions. I'm not asking you to say that it's
6 universal, but as a general matter for an
7 identification to be effective, it's got to have an
8 expiration date?

9 A. That's what the law requires.

10 Q. In fact, historically the employee
11 identification card that you would carry, those cards
12 have historically not had ---

13 A. Correct.

14 Q. --- identification dates; right?

15 A. Correct.

16 Q. You've asked the Commonwealth, whoever in the
17 bureaucracy is the relevant person, you have asked
18 that they put expiration dates on there so people can
19 use them to vote?

20 A. We are --- I have asked administration to put
21 expiration dates on employees' ID cards who are
22 requesting the use of that ID card for voting
23 purposes only.

24 Q. Okay.

25 A. Many of --- there are 80,000 county --- or state

1 employees and many will not have expiration dates.

2 That's, in other words, a lot will not have

3 expiration dates.

4 Q. Okay. And if a card doesn't have an expiration
5 date, let's take --- let's go back to the example of
6 a college identification card. So we have a college
7 student, we'll call her Sally Smith. Sally Smith
8 today is holding her card. It has no expiration date
9 on it.

10 A. Correct.

11 Q. Tomorrow we will imagine that the college issues
12 her a sticker with an expiration date on it and she
13 affixes the sticker or they affix the sticker to the
14 card. That card is not going to become any more
15 secure, because on day two of our example she put a
16 sticker on it than it was on day one?

17 A. We are --- we are relying on the universities to
18 verify when they offer a sticker to a student that
19 the student is, in fact, enrolled. They'll probably
20 look at the Bursar's bill, make sure that they're a
21 bona fide student for the semester in question, the
22 year in question and issue a sticker to an ID card.
23 For the student to have received an ID card to begin
24 with, they would have had to have provided a lot of
25 information to the university.

1 Q. Yeah, let's stick with the latter part of your
2 answer. You're not saying that when the university
3 or college issued a card in the first place, that
4 they didn't take whatever steps they thought were the
5 right steps to confirm that the recipient of the card
6 was a student, you assume they did do that?

7 A. Yes.

8 Q. All right. Another way you could vote under the
9 photo ID law --- well, withdrawn.

10 Under the photo ID law you can certainly vote
11 with a PennDOT driver's license?

12 A. Yes.

13 Q. And now, today if you want to get a driver's
14 license, you've got to meet those secure requirements
15 that we talked about earlier; right?

16 A. Yes.

17 Q. The rigorous documentation, fair?

18 A. Yes.

19 Q. All right. But there will be plenty of people
20 who got their driver's license before 9/11 when they
21 didn't have to show a Social Security card, when they
22 didn't have to show a birth certificate?

23 A. We're back to plenty.

24 Q. Okay.

25 A. I am 62 years old and I had to show a birth

1 certificate to get my first driver's license to prove
2 to the issuing agency that I was 16. I might have
3 given away my age.

4 Q. I'll withdraw plenty. By the way, you didn't
5 get your initial driver's license in Pennsylvania;
6 did you?

7 A. I did not.

8 Q. I'll withdraw plenty so we don't get hung up on
9 that. You know that there are people in Pennsylvania
10 who got their driver's licenses before 9/11, before
11 the stricter documentary requirements and so they
12 didn't have to supply a birth certificate or a Social
13 Security card?

14 A. I have not researched Pennsylvania history. I
15 can't remember a time or a place where I had a
16 driver's license that I was not required to show some
17 proof of birth. And for --- in the eyes of a
18 16-year-old, it was to provide proof of age.

19 Q. Okay. You don't remember --- or withdrawn.

20 You don't know what had been required for a
21 Pennsylvania driver's license back before 9/11?

22 A. Correct.

23 Q. Do you have a general understanding that it
24 didn't require all of the rigid documentation that's
25 required today?

1 A. I do have a general understanding of that. I
2 got my Pennsylvania driver's license in 1974, and at
3 that point I had a California driver's license. My
4 husband was on active duty in California, and I went
5 through a series of driver's licenses as we changed
6 from state to state. When I applied --- when I
7 presented myself for a Pennsylvania driver's license,
8 the people at the State Police barracks asked for my
9 California driver's license and another form of ID,
10 and I used a military ID.

11 Q. All right. So to go back to my question, Madam
12 Secretary, you agree that even though you're not an
13 expert in all the requirements, you understand that
14 before 9/11, when things were less strict, you could
15 get a Pennsylvania driver's license and not have to
16 show all the documentation you need to do today?

17 A. I would think that the records from PennDOT
18 would establish what information they required for
19 issuing a driver's license back as far as you want to
20 go.

21 Q. Interesting story there, but I take it from your
22 answer, you're not comfortable testifying about what
23 the requirements were for getting a driver's license
24 before 9/11?

25 A. I can speak to my experience in 1974.

1 Q. All right. Now, there's been --- withdrawn.
2 You held a press conference last week here in
3 Harrisburg in which you talked about a new form of
4 identification that doesn't currently exist, a
5 Department of State identification for voting;
6 right?

7 A. I did.

8 Q. All right. And that card doesn't exist today?

9 A. It does not.

10 Q. But the idea is that PennDOT --- PennDOT is
11 going to process applicants for that card, and if
12 people qualify for the card, they'll distribute the
13 cards to the applicants?

14 A. Yes.

15 Q. All right. And the idea is also that the
16 applicant will present themselves or herself at
17 PennDOT, and PennDOT will first determine, is the
18 person eligible to receive a PennDOT ID, with all
19 that's required for that and only if they can't or
20 are not eligible for a PennDOT ID, only in that
21 instance will they then move on to consider whether
22 the person is eligible for a Department of State ID?

23 A. That's my understanding.

24 Q. And PennDOT has targeted August 26th for the IT
25 rollout for this card; right?

1 A. We are urging them to do it as soon as possible.

2 Q. But PennDOT --- you understand that PennDOT is
3 targeting August 26 as the date that they are going
4 to bring in all the IT people, because it's a day
5 when they don't do other business, and that's when
6 they're targeting getting their systems together?

7 A. I have no --- I have not talked to PennDOT about
8 their IT people.

9 Q. All right. And you don't know that PennDOT is
10 targeting August 26?

11 A. No.

12 Q. You don't know that in PennDOT's schedule, the
13 first date that someone could possibly get this card,
14 if all goes well, is August 27?

15 A. No.

16 Q. All right. Regardless of the date, do you
17 understand that the reason that PennDOT wanted the
18 Department of State to issue this card is because it
19 is not what PennDOT considers a secure form of ID, it
20 doesn't meet the requirements of a PennDOT ID?

21 A. Correct.

22 Q. Okay. So if that comes in to being, that will
23 be yet another way that someone could vote without
24 having to meet the rigorous requirements associated
25 with a PennDOT ID?

1 A. Correct.

2 Q. On the subject of PennDOT and also thinking of
3 your press conference last week, you would say, look,
4 if you want a PennDOT ID or if you want this new form
5 of ID you're going to have to get to PennDOT; right?

6 A. Correct.

7 Q. And as you put it, transportation is an issue?

8 A. Correct.

9 Q. And at your press conference last week --- in
10 fact, you urged the people who were there, or at
11 least the people who were chanting in the hall, to
12 use their time by going out and driving five people
13 to PennDOT; right?

14 A. They're obviously committed to a fair selection
15 of people outside in the hall, and they have a lot of
16 energy. Should the voter ID process go forward, it
17 would be certainly helpful if all of us helped people
18 get to PennDOT photo centers for photos. We
19 certainly help people get to the poles on election
20 day, this would be one more trip.

21 Q. Right. So to get one of these IDs you're going
22 to have to get to PennDOT, and for some people,
23 that's not going to be so easy; right?

24 A. Correct.

25 Q. You know that there are nine counties in the

1 Commonwealth that have no PennDOT driver's license
2 centers?

3 A. I know there are counties that don't have them.
4 I don't know if it's nine.

5 Q. You also know that there are a number of
6 counties that only have a PennDOT center open one day
7 a week? By PennDOT center I mean a PennDOT driver's
8 center where you could get one of these IDs.

9 A. Correct. They have a schedule.

10 Q. By the way, for those places that are only open
11 one day a week, when this trial conclude at the end
12 of this week, there will be only 13 weeks left ---
13 I'm sorry, 13 days left before the election that
14 those centers will be open; is that right?

15 A. I don't --- haven't got the count, but you can
16 enter that as information in this. I can't verify if
17 the information is correct or not.

18 Q. That's about how many weeks there are before the
19 election; right?

20 A. I'm not counting the weeks.

21 Q. Counting the days?

22 A. I heard it was a hundred.

23 Q. All right. If you happen to be in a location
24 where there's mass transit to get to a PennDOT
25 center, you still have to pay to get on mass transit

1 to go; right?

2 A. Yes.

3 Q. That's not a fee for the card; right?

4 A. It is not.

5 Q. The card is supposed to be free?

6 A. Correct.

7 Q. But there --- it's not --- there's no cost
8 associated with getting to PennDOT?

9 A. Correct.

10 Q. All right. And given that --- withdrawn.

11 Notwithstanding that there are limited PennDOT
12 facilities in various parts of the state, the
13 Department of State and PennDOT have not chosen to
14 employ any kind of mobile units or to do something
15 to bring the photo identification process closer to
16 the voters; right? You're just relying on whatever
17 the standard driver's license centers are?

18 A. We explored the possibility of having a mobile
19 van at the very beginning, and that was not approved.
20 And my recollection is that the cameras that PennDOT
21 uses are --- have photo --- what's it called? Facial
22 recognition software and are very precise cameras and
23 not easily transported. That was my understanding.

24 Q. But you're not testifying that you can't set up
25 a mobile unit with a camera?

1 A. I will testify that we talked about it early on.

2 Q. Talked about it early on and rejected?

3 A. Right. Well, PennDOT would be the one doing the
4 mobile vans. We don't have mobile vans and we don't
5 have --- the Department of State does not have mobile
6 vans and it does not have the photographic equipment,
7 nor does it have access to the database.

8 Q. And you haven't encouraged PennDOT to set up
9 mobile vans?

10 A. We asked them at the beginning, and it was not
11 approved.

12 Q. So you're saying the Department of State asked
13 them to do it and PennDOT said no?

14 A. Yes, they said no.

15 Q. And at this time we were talking about what's
16 been going on to date at this time. There's no plan
17 to add mobile units?

18 A. There is no plan.

19 Q. Coming back to the issue of the fee for the
20 card, you are supposed to get the card for free as
21 we've been discussing; right?

22 A. Correct.

23 Q. But you know that in some instances PennDOT
24 tells people that they've got to pay?

25 A. I have heard reports that that has happened. I

1 have not verified any of these reports.

2 Q. But it's your understanding that sometimes
3 PennDOT gives out the wrong information?

4 A. I would say that happens in almost every
5 organization. I was talking to the Secretary of
6 Transportation yesterday, and PennDOT has received
7 letters from citizens who have received free photo
8 IDs through this process, letters of appreciation for
9 the customer service and for the card.

10 Q. Did the Secretary of Transportation also tell
11 you that there were people who complained ---

12 A. Yes.

13 Q. --- that they were charged?

14 A. Yes.

15 Q. And so sometimes PennDOT may give out wrong
16 information, but other times when PennDOT tells
17 people they've got to pay for a card, it's by design;
18 isn't that right?

19 A. When a person is applying for a card and is
20 doing it as his own --- because of his wish to have a
21 card and it's not for voting purposes and he doesn't
22 have any other photo, then it is a charge. They
23 would be questioning those people presenting
24 themselves at the PennDOT service center why they
25 wanted the card. For students who are going in who

1 are 17 years old and would like to have a non-driver
2 photo ID so that they can purchase --- well, they
3 won't be able to purchase cigarettes when they're 17.
4 I don't know how old you have to be to purchase
5 cigarettes, but they would not be entitled to a free
6 photo ID because it would not be for voting purposes.

7 Q. Let me try a concrete example. One of the
8 exceptions to the expiration date concept is you
9 could use a PennDOT ID to vote with even if it's
10 expired so long as on election day it hasn't been
11 expired for 12 months?

12 A. That's in the law.

13 Q. And when you say that's in the law, you expect
14 that's the way it's supposed to work?

15 A. Right.

16 Q. Okay. And now, if you're a voter and you got an
17 expired PennDOT ID --- and for the sake of our
18 example, let's go back to our friend Sally Smith.
19 She's got an ID that's going to expire on ---?

20 A. Is Sally Smith a college student?

21 Q. Not anymore.

22 A. Okay.

23 Q. The only thing she has that would enable her to
24 vote will be her expired PennDOT ID, but my example,
25 it will be expired for 12 months on October 24, okay,

1 so if she wants to use that for voting, she's going
2 to have to renew; right?

3 A. Or go and get a replacement card, yes, it will
4 not be valid on election day which is November 6th.

5 Q. Okay. But if she wants to renew it now, so she
6 doesn't have to do it at the last second, she's going
7 to get told by PennDOT that she's got to pay a fee to
8 get that card renewed?

9 A. You're probably right about that.

10 Q. And that's pursuant to policy set by PennDOT and
11 approved by the Department of State?

12 A. We can work on that.

13 Q. Has the Department of State approved that
14 policy?

15 A. This is the first time I heard this and thought
16 about it.

17 Q. But you think that's probably the way it works?
18 Was that your testimony, Madam Secretary?

19 A. I think it probably is the way it works, but
20 thank you for bringing it up.

21 Q. You would say you had unpleasant experiences at
22 the Department of Motor Vehicles in at least three
23 states; right?

24 A. Correct.

25 Q. And that you cited that experience at your press

1 conference last week?

2 A. I did.

3 Q. And you told people at the press conference that
4 you hoped PennDOT was watching you?

5 A. Yes.

6 Q. And you said that you wanted PennDOT to make
7 sure they put their very best people on the lines to
8 give out photo ID?

9 A. On the front lines.

10 Q. Okay. I don't think anyone could possibly
11 quarrel with that sentiment, but you don't understand
12 for the last four and a half months PennDOT has been
13 making an effort to put bad people on the lines;
14 right?

15 A. I do not.

16 Q. And you don't think that there is some special
17 cadre of really good people that PennDOT has been
18 withholding for the last four and a half of months
19 and they're going to roll them out for the election?

20 A. I do not know.

21 Q. You don't have any reason to believe that,
22 though?

23 A. I don't have any reason. I am encouraging the
24 people who work at the PennDOT photo centers to be
25 receptive to those people who need photo IDs and

1 provide high quality customer service.

2 Q. But insofar as you asked PennDOT to put their
3 best people on the lines, the people that PennDOT
4 has, they're the people that PennDOT has. That's for
5 better or worse, those are the people who are going
6 to be on the lines; right?

7 A. I think they can give encouragement.

8 Q. You say you haven't been telling PennDOT for the
9 last four and half months to do the best job they can
10 with voters who are seeking ID?

11 A. I have not been working directly with PennDOT.

12 Q. But you have asked your people, Deputy Secretary
13 Ruman, he's told you that he's talked to PennDOT;
14 right?

15 A. He has. Actually, Ruman is our press secretary.

16 Q. I'm sorry. I should have said Deputy Secretary.

17 A. Royer.

18 Q. And you expected Deputy Secretary Royer spoke to
19 PennDOT?

20 A. And other members have certainly encouraged ---
21 we have passed along complaints that we have gotten
22 at the Department of State, and PennDOT is aware of
23 areas where they might be able to do a better job.

24 Q. All right. Let's shift a little to the number
25 of people who don't have PennDOT ID. You've just

1 recently sent a letter to just under 759,000
2 registered voters for whom PennDOT could not ---
3 PennDOT and the Department of State could not match
4 with a PennDOT ID number; right?

5 A. Could not match in some way. There needs to be
6 --- and I'm not sure it's exact --- it would have
7 been a match in a general sense. We had names that
8 didn't match, we had numbers that didn't match. The
9 protocol for entering names and numbers in the
10 PennDOT system is not identical to the way they enter
11 names and numbers in the voter registration system.

12 Q. Sure. It's possible that some of those 759,000
13 for whom there's no match, it's possible that for
14 some of them they, in fact, have a PennDOT ID; right?

15 A. We're finding that to be true, yes.

16 Q. Okay. You have about 200 cases in which someone
17 has written in and said, you know, I really do have a
18 PennDOT ID; right?

19 A. I don't know that the 200 is accurate because
20 they were bringing up letters today. We have lots
21 and lots of returned letters.

22 Q. You don't know the exact number?

23 A. Lots. No. Same number. Lots can be whatever
24 you want today.

25 Q. But some portion of that 759,000 in round

1 numbers, some portion of those people are registered
2 voters who do not have PennDOT IDs; right?

3 A. There are some.

4 Q. And you would guess that there are probably at
5 least half of that, maybe 400,000 at least?

6 A. My estimate is different from yours. And I'm
7 using a different database. The 2010 census done by
8 the United States government says that there are 9.6
9 and some residents in Pennsylvania who are 18 years
10 of age or older and are citizens. The PennDOT
11 database has 9.5 people who are 18 years of age or
12 older. We are looking for 8.2 million who are
13 registered voters in the database, still 18 years of
14 age or older and citizens. So our estimate, if you
15 take the 9.6 --- 9.5 divide by 9.6, it comes out to
16 99 percent. So we think the number is substantially
17 less than 759,000.

18 Q. Madam Secretary, that 99 percent estimate, the
19 numbers that you just talked about, that was done by
20 your policy group, and in particular the head of the
21 group, Ms. Rebecca Oyler; right?

22 A. Correct.

23 Q. And she did this basically in 24 hours because
24 she was told she had to give them a number in 24
25 hours?

1 A. Correct.

2 Q. And you understand even today --- even she would
3 say today that that number's too low?

4 A. Then I would disagree with her.

5 Q. Okay. In addition to the 759,000 or so people,
6 there are a number --- there are 579,000 people who
7 --- for whom in the matching process they found the
8 registered voter matched to a driver's license or
9 PennDOT number, but those were expired; right?

10 A. I don't know that number, but there were
11 driver's licenses who --- with people who match that
12 had expired driver's licenses.

13 Q. All right. You don't know, I take it --- you're
14 going --- you would say you don't know the number of
15 people out there, the number of registered voters who
16 don't have PennDOT ID?

17 A. We are --- we don't know.

18 Q. All right. And that in addition to registered
19 voters, this being an election year, you would expect
20 a relatively heavy number of new persons registering,
21 at least by comparison to non-election years?

22 A. I would.

23 Q. Okay. And a typical number, not a high number
24 but a typical number for new registered voters in a
25 Presidential election year would be about a half of a

1 million?

2 A. I don't know that number either, but for the
3 sake of this line of questioning, let's go with that.

4 Q. Do you have a sense it's many hundreds of
5 thousands?

6 A. I have no sense.

7 Q. All right. But there will be a lot of new
8 people registering to vote?

9 A. A lot, yes.

10 Q. All right. And you would expect that some of
11 those people also will not have PennDOT ID; correct?

12 A. Perhaps.

13 Q. When you say perhaps, do you think they'll all
14 have PennDOT ID, all the new registered voters?

15 A. I don't know.

16 Q. You have no way of knowing, okay. Let's do this
17 the easy way. I want you to assume for purposes of
18 today --- just for purposes of answering this next
19 question, I want you to assume that there are several
20 hundred thousand people out there who don't have
21 PennDOT ID or any alternative ID that they can use;
22 okay?

23 A. Are they registered voters?

24 Q. Registered voters. Registered voters or voters
25 who are --- or persons who will be registered voters

1 as of election day. If that number --- if that's
2 anywhere like the right number, there's a lot of work
3 to be done before the election if those people are
4 going to vote?

5 A. If your hypothetical couple hundred thousand
6 number is correct.

7 Q. And --- well, withdrawn on that.

8 As at least two weeks ago when discovery in this
9 case closed, there was not any document at the
10 Department of State which was the plan for getting
11 photo ID to several hundred thousand people who
12 might need it?

13 A. We planned on less. We planned --- our numbers
14 were based on roughly a hundred thousand.

15 Q. When you say you planned on roughly a hundred
16 thousand, as at least two weeks ago when discovery
17 closed and I got my last batch of documents, there's
18 no document in the Department of State that says we
19 could have as many as several hundred thousand people
20 out there who want to vote, who don't have photo ID
21 and who we've got to get photo ID?

22 A. We do not have a document. And you don't have.
23 There is no document.

24 Q. At the press conference you also said that there
25 was a million dollars earmarked in the General Fund

1 that could be used for new IDs for people who needed
2 photo IDs to vote; right?

3 A. Yes.

4 Q. And you used the figure of \$13.50 for a photo ID
5 card; right?

6 A. And I went back today and did the math. It's
7 74,000, give or take.

8 Q. Right. A millions dollars divided by \$13.50,
9 you're going to get just under 74,000?

10 A. Right.

11 Q. And that's the total amount in the General Fund
12 for new photo IDs for voting; right?

13 A. In the PennDOT budget, yes.

14 Q. I just have a few more questions, Madam
15 Secretary. The photo ID law passed on March 14?

16 A. I do not remember the date.

17 Q. But you remember it was March?

18 A. And I remember that it passed.

19 Q. So it's been about four and a half months since
20 the bill passed?

21 A. Yes.

22 Q. And for that four and a half months up through
23 today, if someone doesn't have one of these other
24 kinds of ID they can vote with, if someone doesn't
25 have the military ID or a college ID with an

1 expiration date and so on and so forth, your
2 guidance, the Department of State's guidance is go
3 out and get a PennDOT ID?

4 A. Yes.

5 Q. And that's been your guidance even though the
6 PennDOT ID has all these requirements, these strict
7 documentary requirements that you really don't need
8 to have to vote?

9 A. The law does not require those kinds of --- the
10 kind of identification that is now required by
11 PennDOT for PennDOT IDs, and it's the Homeland
12 Security issues.

13 Q. I just want to be clear on this. I may have
14 missed the first part of your answer. You're telling
15 people to go out and get that PennDOT ID even though
16 the PennDOT ID has got all these requirements for
17 documentation that you really don't need to vote?

18 A. We are --- certainly I would --- if I were a
19 citizen in need of an ID to vote and I had the
20 documentation to get a PennDOT photo ID, I would get
21 a PennDOT photo ID. In the absence of perhaps my
22 birth certificate or my Social Security card, I would
23 ask for a Department of State ID card for voting
24 purposes only.

25 Q. Madam Secretary, my question's a little bit

1 different. My question is, the Department of State
2 is out there and has been out there since the law
3 passed in March telling people, the people who don't
4 have any other form of ID they can vote with, you're
5 telling them go get a PennDOT ID; right?

6 A. It certainly is the best ID for all purposes in
7 Pennsylvania to establish their identity.

8 Q. Madam Secretary, my question is, the Department
9 of State is out there telling people go get a PennDOT
10 ID?

11 A. Yes.

12 Q. Okay. And you're telling them that even though
13 the PennDOT ID, you got to provide all this
14 documentation that you don't really need to vote?

15 A. You need a PennDOT ID according to the law. You
16 need photo identification to vote. A PennDOT ID is
17 the most useful form of photo ID --- well, passports
18 are really good and military IDs work, too. But
19 these are --- in Pennsylvania, for most Pennsylvania
20 residents, a Pennsylvania --- a PennDOT ID is a very
21 good identification card that will be useful in many
22 different ways.

23 Q. Madam Secretary ---.

24 A. We have asked people --- we have suggested that
25 that's what they get. In the absence of that, we

1 have worked with universities to make their IDs
2 acceptable. We have worked with care facilities to
3 make their --- their photo IDs acceptable. But
4 certainly, as I said, we recommend that people get
5 photo IDs if they can get them. In their inability
6 to get them, then we provided this other one.

7 Q. Okay. Madam Secretary, I just want to hone in
8 on one point. You mentioned the college IDs. You
9 can't get those if you're not in college; right?

10 A. One would hope not.

11 Q. The PennDOT ID is what is the primary ID that
12 you expect people to be able to use to vote?

13 A. Correct. Ninety-one (91) percent of registered
14 voters in Pennsylvania already have --- we can
15 establish already have PennDOT IDs. Many, many more
16 also do because we've had this match issue. Yes.

17 Q. Madam Secretary, my question is, you're telling
18 people, the Department of State is out there and has
19 been out there for the last five months telling
20 people go get a PennDOT ID even though it requires
21 all these kinds of documents that a lot of people
22 have trouble getting and that you don't need in order
23 to vote; isn't that right?

24 A. For purposes of voting in Pennsylvania, you only
25 need to be a resident, 18 years of age or older or a

1 citizen.

2 Q. Right. So you don't need ---?

3 A. And now you need a photo ID because of the new
4 law.

5 Q. But you don't need a raised --- you don't
6 believe you need a raised seal birth certificate or a
7 Social Security card in order to vote; do you?

8 A. We are providing a form of photo ID that allows
9 people to give a last name, first name, date of birth
10 and Social Security number or --- and Social Security
11 number.

12 Q. So Madam Secretary, I take it you agree with me,
13 you don't need a raised seal birth certificate and a
14 Social Security card in order to be able to vote?

15 A. You need it to get a photo ID, and you need a
16 photo ID to get to be able to vote. That's the law.

17 Q. And that's the problem with the law; right? You
18 have just put your finger on it.

19 JUDGE SIMPSON:

20 Counsel, Counsel.

21 BY ATTORNEY GERSCH:

22 Q. Madam Secretary, that's the problem with the
23 law. The law requires that if you want the PennDOT
24 ID, you've got to produce all these kinds of
25 documents that a lot of people have trouble with and

1 you don't really need those documents in order to be
2 able to vote?

3 A. You're using that term a lot again.

4 Q. Was I right?

5 A. We will debate it.

6 Q. Madam Secretary, you would agree you don't need
7 a birth certificate to vote; right?

8 A. You need to prove your citizenship.

9 Q. My question is, you don't need a birth
10 certificate to vote; right? We went through that
11 before; right?

12 A. The law that has passed by the General Assembly
13 requires photo ID. Forms of photo ID are laid out in
14 the law. The General Assembly passed the law, so
15 today in --- if you vote in November, you need to
16 have photo ID, and our work at the Department of
17 State, the Department of Transportation, the
18 Department of Aging, the Department of Health is to
19 help Pennsylvanians get photo ID, whether it be from
20 a care facility, university, a PennDOT driver's
21 licensing center, a passport and military ID,
22 whatever.

23 Q. Madam Secretary, my question is a lot simpler.
24 My question is, you don't believe you need a raised
25 seal birth certificate to vote?

1 ATTORNEY CAWLEY:

2 Objection, asked and answered. And a
3 certain point argumentative.

4 JUDGE SIMPSON:

5 Yes. It would really be nice for you
6 to move on. I got the idea from both times here.

7 ATTORNEY GERSCH:

8 Thank you, Your Honor.

9 BY ATTORNEY GERSCH:

10 Q. Just a few more questions. Madam Secretary,
11 when you signed off on the new Department of State ID
12 that's not in existence, as you have said, that has
13 certain requirements, but it doesn't require the
14 raised seal birth certificate and it doesn't require
15 the Social Security card?

16 A. It requires --- no, it does not require the
17 card. It requires the number.

18 Q. And it doesn't require a raised seal birth
19 certificate?

20 A. It does not.

21 Q. And the point person for the Department of
22 Transportation, the operations guy on the new card,
23 that's the guy named Kurt Myers, he's the Deputy
24 Secretary of the Department of Transportation; is
25 that right?

1 A. I don't think he's a new guy.

2 Q. I'm sorry?

3 A. I don't think he's a new guy. I think he's been
4 at ---.

5 Q. If I said that, I misphrased is. The fellow at
6 the Department of Transportation ---?

7 A. Is Kurt Myers.

8 Q. He's the operation guy on this new card?

9 A. He is the point person on the photo ID.

10 Q. Point person. Very good. And the point person
11 for the Department of State on the new ID is a fellow
12 named Jonathan Marks, Commissioner for the Bureau of
13 Elections?

14 A. He is head of the Bureau of Elections. Shannon
15 Royer is really spearheading the effort to run the
16 education campaign and the outreach campaign and
17 handle --- review the media that we're going to do
18 for the education campaign.

19 Q. But at the operations level, the guy for the
20 Department of State is Jonathan Marks?

21 A. Yes. The term operations, he actually does the
22 --- he is in charge of the SURE system, so the data
23 that's entered with respect to the voter records.

24 Q. And he ---.

25 A. And he works for Shannon Royer, who in turn

1 works for me.

2 Q. And Mr. Marks and Mr. Myers, they have been the
3 point people on developing the procedures for this
4 new card?

5 A. They have. Along with many others.

6 Q. Sure. And you understand that Mr. Myers and Mr.
7 Marks that they are contemplating that --- when this
8 new card becomes available, they're contemplating
9 issuing on the order of several thousand cards;
10 right?

11 A. I haven't heard that number.

12 Q. You've not heard them say that?

13 A. No.

14 ATTORNEY GERSCH:

15 I have nothing further, Your Honor.

16 JUDGE SIMPSON:

17 You may inquire.

18 CROSS EXAMINATION

19 BY ATTORNEY CAWLEY:

20 Q. Madam Secretary, how long had you been serving
21 as the Secretary of the Commonwealth?

22 A. Since January 18th, 2011.

23 Q. Prior to becoming the Secretary of the
24 Commonwealth, did you hold a position in county
25 government?

1 A. I did.

2 Q. In that capacity, did you become aware of how
3 elections are managed at the county level in
4 Pennsylvania?

5 A. I did.

6 Q. Based on your experience at the county level, do
7 you expect that the voter ID law will cause delay and
8 confusion at the polling places?

9 A. No.

10 Q. What's the basis for your answer?

11 A. The efficiency at polling places is wholly
12 dependant on the judge of elections. I have visited
13 polling places with 4,000 registered voters that have
14 run very smoothly, no lines, even in a Presidential
15 election. I have been at polling places with less
16 than 1,500 and inexperienced judge of election and
17 there have been lines around the building. The
18 efficiency and the management of the judge of
19 elections is key to making sure that polling places
20 run efficiently.

21 Q. Switching the focus just a bit, how do you spell
22 your last name?

23 A. A-I-C-H-E-L-E.

24 Q. Do poll workers typically know how to spell your
25 name and find it in the poll book quickly?

1 A. No.

2 Q. You've had --- you had that experience?

3 A. Yes, I'll go in and they will say H what.

4 Q. And do you expect that using your driver's
5 license will facilitate that process?

6 A. Yes. I think when you have something to look at
7 in addition to hearing it, it's a teaching technique,
8 the visual and the hearing audio.

9 Q. You were asked some questions about public
10 outreach and education. Have you been personally
11 involved in getting the word out to the public about
12 voter ID?

13 A. Yes, I have.

14 Q. Can you explain for the Court what you've done
15 to date?

16 A. I can't give you a point for point. I'll give
17 you a flavor of it. I was in Philadelphia with
18 Stephanie Singer for Rock the Vote and spoke with
19 students and then a press conference, I think former
20 Governor Ed Rendell was there, a large group of
21 students from Philadelphia. I have been to senior
22 centers. I was with Representative --- one of the
23 Representatives. I was at Rosemont Presbyterian
24 Village and talked with senior citizens. I was down
25 in Gettysburg at Area Agencies on Aging and spoke to

1 them about the photo ID law. I have visited high
2 schools all across Pennsylvania and talked to seniors
3 and encouraged them to register and to vote.

4 Q. Have you discussed voter ID with any
5 organizations representing minority communities?

6 A. Yes. Clearly, I have talked to the Hispanic
7 community in Philadelphia. We've had two meetings
8 with Al Dia, and hope that they will be able to
9 produce an insert similar to one they did in 2003 to
10 reach out to the Hispanic community. I have also
11 worked --- the Rock the Vote exercise in Philadelphia
12 was certainly a mixed diverse crowd.

13 We are doing --- the Department of State is
14 going out, reaching out to other agencies. I just
15 haven't been the one that did it, but they're
16 working with Dwight Evans and his community.
17 They've gone to church groups, they've gone to civic
18 centers. They've gone to housing agencies. We have
19 a long list of requests and we're working with the
20 Bravo Group to increase that list.

21 Q. Will these efforts then continue through ---?

22 A. Yes, they will. Yes, they will.

23 Q. If the voter ID law were to not go into effect,
24 what effect would that have on your communications to
25 the public about how the election in November will be

1 operating?

2 A. We would have to tailor the message to eliminate
3 the voter ID piece. During a federal election year,
4 the Help America Vote Act provides funding for voter
5 education in federal election years. So we would be
6 doing voter education and encouraging citizens to
7 register and to vote if there were no photo ID law.
8 Because we have a new photo ID law, we've
9 incorporated that message into the education piece.

10 Q. Okay. And now you've mentioned the Help America
11 Vote Act. The Petitioners contend in this lawsuit
12 that voter ID requires the Commonwealth to spend a
13 lot of money. Does the Help America Vote Act bring
14 in any federal funding?

15 A. It does. We're accessing \$5 million through
16 federal funding for the Help America --- for the
17 education piece, the outreach piece and the --- well,
18 part of the education piece, we'll be mailing to
19 offer five million homes with voters to make sure
20 that every registered voter has at least one piece of
21 mail that reminds them to secure photo ID. One of
22 the interesting outreach issues that we're going to
23 do is --- you know, it's a crawler along the bottom
24 of the lottery announcement every night. We're going
25 to go do the crawler to remind people to do photo ID.

1 And apparently it reaches 600,000 households every
2 night, so those kind of --- there's a long list that
3 we can go through.

4 Q. We've heard testimony in this case about the
5 numbers of voters whose records matched from the
6 voter registration database and the PennDOT database.
7 Are you generally aware of reasons why a voter's name
8 might not match up between the two databases?

9 A. Yes.

10 Q. What are some of those reasons?

11 A. Well, I was told that the PennDOT database was a
12 mainframe for many years, and in mainframes you can't
13 put in apostrophes and you can't put in --- I guess
14 you don't put in spaces when you enter data. There's
15 a protocol for entering data so that data matches.
16 When we --- when citizens register in Pennsylvania,
17 the registration --- or request for registration goes
18 to one of the 67 counties and their voter
19 registration office. And many of those offices put
20 in apostrophes if your name is O'Neil, or they put in
21 a space between a McDonald or McCaffrey. And they
22 have their way of entering data.

23 When the SURE system came into play, some of
24 that data was entered uniformly, but it hasn't been
25 in place for more than --- I think it's been in

1 place for ten years. But the attention to making
2 the voter registration database exactly match the
3 PennDOT database was never part of the protocol. It
4 just didn't happen. So this matches evidence of
5 that, this lack of match.

6 Q. And you mentioned the letter that you sent out
7 and you said some of --- a number have come back. Do
8 you know the reason for letters coming back to you?

9 A. Many of the letters that are coming back are
10 addressee unknown, and those are the once that would
11 be returned to us.

12 Q. And what does that tell you about those
13 particular voters who were not matched between the
14 two databases?

15 A. They probably are inactive voters. We know that
16 they're --- we can tell from the list that there are
17 167,000 inactive voters on that list. That means
18 they have not voted in five --- I think it's five
19 elections and probably don't live in Pennsylvania
20 anymore and have moved to another state. There is no
21 way to match the Pennsylvania registration database
22 with other states in the United States. So if a
23 resident moves from Pittsburgh to Cleveland, we
24 wouldn't know that they are no longer residents of
25 Pennsylvania.

1 Q. After sending out that letter, have you learned
2 of any specific people who have a driver's license
3 but for whatever reason showed up as a non-match?

4 A. Yes, I have.

5 Q. Can you give any examples of names not matching?

6 A. Yes. Senator Yaw called me --- or spoke to me
7 almost immediately and Senator Yaw has a different
8 first name that I will not make public. It is not
9 the name he uses. It's his birth name. And when I
10 was describing the process, he looked at me and said
11 I'm not going to be in the match. He uses his birth
12 name in his --- on his PennDOT driver's license and
13 he uses Gene Yaw on his voter registration form
14 because he runs for public office as Gene Yaw.

15 The Philadelphia Inquirer reported that Jimmy
16 Tayoun, who is a known public leader in
17 Philadelphia, also got a letter from me saying that
18 he had a driver's license but was not in the
19 database. His Pennsylvania driver's license says
20 James J. Tayoun, I think it's Senior, and his voter
21 registration is Jimmy Tayoun. So apparently a
22 justice of the Supreme Court also got a letter from
23 me saying that he didn't have a driver's license,
24 but in fact, he does. Seamus McCaffery because he
25 has a space between his name in the voter

1 registration list, but he doesn't have a space
2 between McCaffrey in his driver's license.

3 Q. I would like to talk about the staff available
4 to you at the Department of State. Does the
5 Department of State have a bureau or a division that
6 investigates allegations of voter fraud at the polls?

7 A. We do not.

8 Q. Do you employ detectives or agents who conduct
9 interviews of voters or poll workers when those
10 allegations are made?

11 A. We do not.

12 Q. Have you received any sort of direction from the
13 Governor or his staff to make it more difficult for
14 any typical --- or any type of voter to obtain a
15 voter ID?

16 ATTORNEY GERSCH:

17 I object on hearsay grounds, Your
18 Honor.

19 ATTORNEY CAWLEY:

20 I believe hearsay has been offered
21 routinely through ---.

22 JUDGE SIMPSON:

23 It has been offered routinely there,
24 certainly is true, but there hasn't been an
25 objection. So once there's an objection, I need to

1 rule on it. The objection is overruled.

2 ATTORNEY CAWLEY:

3 I'll repeat the question subject to the
4 same objection.

5 BY ATTORNEY CAWLEY:

6 Q. Have you received any sort of direction from the
7 Governor or his staff to make it more difficult for
8 any voters to get a photo ID?

9 A. No, in fact, the Governor has directed not only
10 the Department of State, but all the agencies
11 involved in Pennsylvania government with respect to
12 voter ID to do all that we can to make sure that
13 citizens are registered and citizens have photo IDs.
14 We're working closely with Secretary Duke and the
15 Department of Aging. I've worked with Secretary
16 Avila, the Department of Health. Clearly there's an
17 exchange of information between the health department
18 and the Department of State that did not exist in the
19 past. We're working with PennDOT. We're working
20 with the Department of Labor. We're working with all
21 of the cabinet secretaries, and the staffs have been
22 directed to make getting photo ID to all registered
23 voters in Pennsylvania a priority, and that came
24 right from the Governor.

25 ATTORNEY CAWLEY:

1 Thank you. Those are the questions
2 that I have.

3 ATTORNEY GERSCH:

4 Nothing further, Your Honor.

5 JUDGE SIMPSON:

6 You may step down. Thank you.

7 A. Thank you.

8 ATTORNEY SCHNEIDER:

9 Your Honor, Petitioners call Lisa Gray,
10 but she's sequestered, so I'll have to go get her.

11 MR. TURNER:

12 Raise your right hand, please.

13 -----

14 LISA GRAY, HAVING FIRST BEEN DULY SWORN, TESTIFIED
15 AS FOLLOWS:

16 -----

17 MR. TURNER:

18 Thank you.

19 DIRECT EXAMINATION

20 BY ATTORNEY SCHNEIDER:

21 Q. Good morning, Ms. Gray.

22 A. Good morning.

23 Q. As you know, my name is Marian Schneider, and I
24 am here on behalf of Petitioners. Can you please
25 state your name for the record?

1 A. Lisa Gray.

2 Q. Where do you live?

3 A. 1434 Brinton Bridge Road, Chadds Ford,
4 Pennsylvania.

5 Q. And who lives with you?

6 A. No one right now. I used to live with my
7 mother, but she died about a month ago.

8 Q. I'm sorry to hear that. What are your plans for
9 your living arrangements now?

10 A. I hope to continue to live in the area, possibly
11 rent a room in a house or possibly find some kind of
12 subsidized housing.

13 Q. Is there a reason why you can't stay where you
14 are now?

15 A. I can't afford it.

16 Q. Is anyone staying with you now?

17 A. My aunt is staying with me right now, but she'll
18 be going back home to New York before too long.

19 Q. And do you suffer from a disability?

20 A. I do, a psychiatric disability.

21 Q. And how does that disability impact you?

22 A. I'm unable to work and I'm unable to drive.

23 Q. Do you receive any benefits for your disability?

24 A. I do.

25 Q. What benefits do you receive?

1 A. I receive supplemental security income, medical
2 assistance, food stamps.

3 Q. Okay. Ms. Gray, where were you born?

4 A. Near Stuttgart, Germany.

5 Q. And why were your parents in Germany?

6 A. My father was in the military.

7 ATTORNEY SCHNEIDER:

8 Your Honor, I'm going to mark as
9 Petitioners' Exhibit 44 a collection of documents
10 relating to Ms. Gray.

11 (Petitioners' Exhibit 44 marked for
12 identification.)

13 BY ATTORNEY SCHNEIDER:

14 Q. Ms. Gray, I've handed a packet of documents,
15 but it's also on the screen in front of you. The
16 first page of this document, what is that?

17 A. My birth certificate.

18 Q. And where did get this? How did your family get
19 this birth certificate?

20 A. My parents were given it in the hospital near
21 Stuttgart where I was born.

22 Q. And it's written in English and German; right?

23 A. Correct.

24 Q. Now, did you ever have any other record of your
25 birth?

1 A. I had what I think was a consular birth
2 certificate that had a raised red wax seal, some kind
3 of like red ribbon on it, and I believe it was
4 signed by John Foster Dulles.

5 Q. But you don't have that ---?

6 A. I don't have it anymore.

7 Q. Okay. So if you would look on the next page,
8 the second page of Exhibit 44, do you see that?

9 A. Yes.

10 Q. What is that document?

11 A. My Baptismal certificate.

12 Q. And looking at your Baptismal certificate, does
13 it have all the correct information about your birth?

14 A. It has the correct place, the correct parents.

15 Q. And the date?

16 A. The correct date, yes.

17 Q. And how old are you?

18 A. Fifty-six (56).

19 Q. Now, Ms. Gray, where did you grow up?

20 A. I grew up in Rye, New York, Manhattan and Port
21 Washington, Long Island.

22 Q. And did you go to high school?

23 A. I went to high school in Port Washington. I did
24 not graduate.

25 Q. But did you get a diploma?

1 A. I got a GED.

2 Q. And did you attend college?

3 A. I attended two years of college and then took
4 some courses at another college.

5 Q. Where did attend the two years of college?

6 A. Columbia University.

7 Q. And where had you taken other courses?

8 A. Bryn Mawr College.

9 Q. But you didn't receive a degree?

10 A. No.

11 Q. Do you have any siblings?

12 A. I have one sister.

13 Q. Where does your sister live?

14 A. Oxford, Pennsylvania.

15 Q. How far is Oxford, Pennsylvania from where
16 you're living now?

17 A. About 45 minutes by car.

18 Q. So what brought you to Pennsylvania?

19 A. My mother got a job at Dupont and had moved down
20 here, and I came to live with her.

21 Q. What did your mother do at Dupont?

22 A. She was a marketing executive.

23 Q. So when you moved to Pennsylvania, did you ever
24 get a Pennsylvania driver's license?

25 A. No.

1 Q. And why don't you drive?

2 A. I have psychiatric disability that I --- when I
3 get behind the wheel, I start to experience strange
4 changes in my body image, and when I'm on the road
5 --- I've never driven by myself. I've only driven
6 with assistance. I had sudden impulses to do
7 dangerous things.

8 Q. Okay. So you've never had a driver's
9 license ---

10 A. No.

11 Q. --- and you won't get one in any time soon;
12 correct?

13 A. I don't think so.

14 Q. Do you have your Social Security card?

15 A. No, I do not.

16 Q. Had you made any attempt to get your Social
17 Security card?

18 A. I called the Social Security office and had them
19 send me the forms I needed to fill out to get my
20 Social Security card. Then my mother had a lot of
21 health issues that were ongoing. I had to deal with
22 them. I've seemed to have lost the forms I need to
23 fill out, and I think it required some form of ID
24 that I don't have just to get the Social Security
25 card. So I want to get the forms again to try to

1 reapply for the Social Security card.

2 Q. But you think you might need a photo ID to apply
3 for it?

4 A. I might, yes.

5 Q. So turning to the third page of Exhibit 44, what
6 is represented on this page, what are those?

7 A. These are my three forms of ID. The first one
8 is my medical card, the second one is my Access card,
9 which I use to get food stamps, among other things
10 --- or it is food stamps. And the third one is a
11 YMCA identification card.

12 Q. And are you still a member of that Y?

13 A. No, I'm not.

14 Q. So that's not current; is that right?

15 A. Right.

16 Q. Had you --- do you have a U.S. passport?

17 A. No, I don't.

18 Q. Had you ever had a problem because you haven't
19 had photo ID?

20 A. Yes, I have. Trying to travel Amtrak, they were
21 reluctant to accept my YMCA photo ID when I wanted to
22 change reservation. They strongly advised me to get
23 government ID. I needed to buy Sudafed, which I need
24 sometimes. I have allergies. And it seems to come
25 up more and more, you know, unexpectedly.

1 Q. I want to talk about voting. Are you registered
2 to vote?

3 A. Yes, I am.

4 Q. When did you register to vote?

5 A. I first registered I believe in 1976.

6 Q. And do you remember what the first election is
7 that you voted in?

8 A. 1976, Carter versus Ford.

9 Q. Do you vote regularly?

10 A. Yes, I do.

11 Q. And where is your polling place?

12 A. Chadds Ford Elementary School.

13 Q. So is that close to where you live now?

14 A. It's not within walking distance.

15 Q. But ---.

16 A. I can be driven there within maybe five to ten
17 minutes.

18 Q. So why is voting important to you?

19 A. It's important to me because it's a right I have
20 as a citizen. It's my chance to --- you know, to
21 influence things that affect me as a citizen of this
22 country and to make my voice heard.

23 Q. So are you planning to vote in November?

24 A. Yes.

25 Q. So let's talk about the voter ID law. When did

1 you hear about it?

2 A. I first heard about it maybe six months ago at a
3 meeting of the Kennett Area Democrats.

4 Q. What do you know about the law?

5 A. What I understand is that in order to vote I
6 have to present one of a number of specified forms of
7 identification, none of which I have.

8 Q. But do you know what you would need to do in
9 order to get a photo ID that would be valid for
10 voting?

11 A. From what I understand, I have to present a
12 valid birth certificate, which means --- in my case
13 would be a consular birth certificate, I think two
14 forms of identification with my address and a Social
15 Security card.

16 Q. Let's talk about the consular birth certificate.
17 That's a record that the United States Department of
18 State issues for people born out of the country; is
19 that right?

20 A. As I understand it.

21 Q. And what do you know about what it would take to
22 get that?

23 A. I believe it would cost me \$50. I might have
24 difficulty getting it, because I need ID to actually
25 get it, and I don't have the ID, because that's why I

1 need the birth certificate. And it would also take
2 some time.

3 Q. Do you know approximately how much time? Could
4 you estimate?

5 A. I think at least a month.

6 Q. Okay. So turning back to trying to get an ID,
7 do you know where you would have to go in order to
8 get a photo ID for voting?

9 A. The Department of Motor Vehicles in Media or
10 Frazier.

11 Q. So are those --- and Media is in Delaware
12 County?

13 A. I think so.

14 Q. And are those about the same distance from where
15 you live?

16 A. I think they're 15 to 20 miles --- yeah, I
17 believe so.

18 Q. Okay. So how would you get to a driver's
19 license center?

20 A. I'd have to get someone to drive me.

21 Q. Do you live near --- do you have public
22 transportation available?

23 A. I'd have to be driven to even get to public
24 transportation.

25 Q. And are you eligible for any kind of shared ride

1 service?

2 A. I'm eligible for paratransit.

3 Q. And explain that eligibility. Is it for only
4 certain things?

5 A. The eligibility that I have right now is only
6 for medical appointments.

7 Q. Okay. So if you needed to get a ride somewhere
8 else, you would have to pay; is that right?

9 A. Probably, yes.

10 Q. So it would be hard for you to get a ride to the
11 PennDOT center; is that right?

12 A. Uh-huh (yes).

13 Q. So I want you to turn to the last page in
14 Exhibit 44. What is that document?

15 A. This is a letter I received in the mail about a
16 week ago from Carol Aichele, who I understand is
17 Secretary of the Commonwealth.

18 Q. And what did you --- what is this letter, what
19 did you think when you got this letter?

20 A. Well, I read it and it listed different forms of
21 acceptable ID for voting, but it did not tell me how
22 to get any of these forms of ID if I didn't have
23 them, specifically the kind that since I don't have a
24 driver's license, you know, I can't use that.

25 Q. So looking at the list of these IDs, I mean you

1 didn't serve in the U.S. military; right?

2 A. No.

3 Q. And you're not working for the state or any
4 other entity; right?

5 A. No.

6 Q. And you don't go to college?

7 A. No.

8 Q. And you don't live in a care facility?

9 A. No.

10 Q. So the only kind of ID right now that you could
11 get would be the one from the PennDOT center?

12 A. I believe so.

13 Q. Okay. Ms. Gray, what do you hope to achieve by
14 coming here and participating in this litigation?

15 A. Well, I think that the voter ID law is an
16 attempt to suppress the vote. I think that I am
17 qualified to vote and entitled to vote and that there
18 are probably --- or there are other people who have
19 similar problems to myself who should be able to
20 freely exercise their right to vote, but may be
21 prevented from doing so by basically clerical
22 stumbling blocks.

23 ATTORNEY SCHNEIDER:

24 Thank you, Ms. Gray. I don't have
25 anything further.

1 JUDGE SIMPSON:

2 You may inquire.

3 ATTORNEY CAWLEY:

4 Thank you.

5 CROSS EXAMINATION

6 BY ATTORNEY CAWLEY:

7 Q. I just have a few follow-up questions for you.
8 You indicated that you receive supplemental security
9 income?

10 A. Uh-huh (yes).

11 Q. So do you receive mail from the Social Security
12 Administration?

13 A. Sometimes, yes. Well, I receive the checks
14 every month. That's mail.

15 Q. Okay. And you receive --- you are a member of
16 the medical assistance program?

17 A. Yeah.

18 Q. So do you receive mail from Medicare or
19 Medicaid?

20 A. Sometimes, yes.

21 Q. And from the Pennsylvania Department of Public
22 Welfare?

23 A. I guess.

24 Q. If you know.

25 A. I don't really --- I guess I don't look that

1 closely at the return address, but yes, I do receive
2 things relevant to my medical assistance.

3 Q. Okay. Do these pieces of mail that I've asked
4 you about so far have your name and address on them?

5 A. They would, yes.

6 Q. And I wasn't clear from your testimony, and I
7 apologize if I missed it, but did you say that you
8 --- at some point you did have a Social Security
9 card?

10 A. Yes.

11 Q. Okay. Do you know your Social Security number?

12 A. Yes, I do.

13 Q. Okay. And did you ever have a driver's license?

14 A. No.

15 Q. Okay. There was some testimony that you gave
16 about getting rides to places. Do you get rides to
17 go to vote?

18 A. My mother used to drive me, but she died
19 recently.

20 Q. And how will you get to the poles now?

21 A. I don't know.

22 Q. And same answer for how you would get to a
23 PennDOT driver's license center?

24 A. Uh-huh (yes).

25 ATTORNEY CAWLEY:

1 Okay. Those are all the questions I
2 have. Thanks.

3 A. Okay.

4 ATTORNEY SCHNEIDER:

5 Your Honor, I have nothing further.

6 JUDGE SIMPSON:

7 Thank you. You may step down.

8 ATTORNEY GERSCH:

9 Your Honor, I'm sorry.

10 JUDGE SIMPSON:

11 Yes?

12 ATTORNEY GERSCH:

13 Your Honor, I know it may be a little
14 early, but I'm wondering if we could take a morning
15 break now. We have some witnesses who are just
16 arriving.

17 JUDGE SIMPSON:

18 Certainly. It's about 20 after 10:00.
19 We'll take a 30-minute break.

20 MR. TURNER:

21 Commonwealth Court is now in recess.

22 RECESS TAKEN

23 MR. TURNER:

24 Ladies and gentlemen, Commonwealth
25 Court is now in session.

1 JUDGE SIMPSON:

2 Before we get started, we need to ask a
3 question of Petitioners' Counsel. There had been
4 some discussion about having a witness appear at my
5 chambers, my home chambers, and using the Court video
6 interface for testimony purposes.

7 ATTORNEY GERSCH:

8 We did have that in consideration at
9 some point.

10 ATTORNEY HURLEY:

11 Sorry. Yeah, Your Honor, the witness
12 is Virginia Filardi, and we'll have to consult with
13 our Counsel. We understand that Ms. Filardi actually
14 went to the hospital yesterday morning. And so we're
15 confirming whether or not she'll still be available
16 to testify.

17 JUDGE SIMPSON:

18 Okay.

19 ATTORNEY HURLEY:

20 I'll let you know as soon as possible.
21 I apologize.

22 JUDGE SIMPSON:

23 You may call your next witness.

24 ATTORNEY RUBIN:

25 Petitioners call Madeline Rawley.

1 MR. TURNER:

2 Would you please raise your right hand
3 for me?

4 -----

5 MADELINE RAWLEY, HAVING FIRST BEEN DULY SWORN,
6 TESTIFIED AS FOLLOWS:

7 -----

8 MR. TURNER:

9 Thank you.

10 A. Sit down?

11 DIRECT EXAMINATION

12 BY ATTORNEY RUBIN:

13 Q. Yes, please sit down. Please state your full
14 name for the record.

15 A. Madeline Rawley.

16 Q. A little louder.

17 A. Madeline Rawley.

18 Q. Good morning, Ms. Rawley. As you know, I'm
19 Michael Rubin for the Petitioners. Can you please
20 tell us where you live?

21 A. I live in Doylestown. It's in Bucks County,
22 Pennsylvania.

23 Q. Now, are you a member of any voting rights
24 organizations?

25 A. Yes, I'm a member of the League of Women Voters.

1 Q. Any others?

2 A. There was a group called Coalition For Voting
3 Integrity in Bucks County. It's a local
4 organization.

5 Q. Are you familiar with the photo identification
6 law?

7 A. Yes, I am.

8 Q. I just want to be clear for the record, do you
9 have a photo ID sufficient for you to vote come
10 November?

11 A. Yes, I do.

12 Q. Can you tell me a little bit about your
13 involvement with the League of Women Voters?

14 A. I joined it about seven years ago. I retired as
15 a teacher. I taught social studies early in my
16 career. And when my mother died and grandchildren
17 had grown up and didn't need me anymore, I wanted to
18 join this organization.

19 Q. And why particularly the League of Women Voters?
20 What does voting mean to you?

21 A. Well, it's very important to me. You know, when
22 my mother was born, she couldn't vote. And actually
23 as a Girl Scout, she went around --- the leader told
24 them to convince women that they could go and vote.
25 So it's very, very important to me. And then as a

1 social studies teacher, a lot of my work was
2 educating young people about how important it is to
3 vote.

4 Q. What is your understanding of what the mission
5 is for League of Women Voters?

6 A. Their job, as I understand it, is to see that
7 every, you know, citizen who's over 18 years old has
8 a right to vote and gets to vote.

9 Q. And do you hold any offices with the League of
10 Women Voters?

11 A. No, I don't.

12 Q. So what's your role with the League of Women
13 Voters?

14 A. I'm just a very active member. I go to all
15 their programs. I work registering students in high
16 school over 18 years old. I work on an election
17 committee, when issues come up, and working on
18 voting. Any issue that the League takes up is
19 studied from the ground up by the members, and we
20 work on things like that.

21 Q. Now, specifically with respect to the new photo
22 identification law in Pennsylvania, have you done any
23 work with the League of Women Voters in connection
24 with that law?

25 A. Yes. Yes, I have.

1 Q. Can you tell me about that work?

2 A. Well, the early works was learning about it and
3 researching and everything. But recently we took a
4 table at a First Friday event in Doylestown. And I
5 created a trifold, which taught people how to
6 register to vote and what was allowed --- you were
7 allowed to vote with and what you needed to vote in
8 November, and the documents that you would need to go
9 to the driver's license center, the DMV.

10 Q. And as part of your effort with the League of
11 Women Voters and otherwise to help educate people on
12 the photo identification law, have you done anything
13 to try to gain information from the Commonwealth
14 about the requirements for the photo identification
15 law?

16 A. Yes, I have.

17 Q. What had you done? Can you just summarize it
18 for us first?

19 A. Well, I made a couple of phone calls. The first
20 phone call was to the Department of State, because I
21 had heard from someone that you couldn't go to any
22 DMV office to get the non-driver photo ID card, you
23 had to go to a specific type of office.

24 Q. And you said you called the Department of State.
25 When was that?

1 A. It was June. Let's see, June 8th. June 8th.

2 Q. And you said you called them. What number did
3 you call?

4 A. I called the --- I think it's 800-VOTESPA.

5 Q. And is that known as the Department of State's
6 help line?

7 A. I think it's a number I found on information on
8 the web, different things.

9 Q. So again, what was the purpose of that call?
10 Why did you call them?

11 A. I wanted to find out whether you could go to any
12 DMV office or if you had to go to a specific type of
13 office.

14 Q. And why was this a question that you had?

15 A. Because I was thinking and the League and
16 different people were thinking about the need to
17 bring elderly people up to an office to get that
18 non-driver photo ID card if they didn't have it.

19 Q. Describe for us the conversation that you had
20 with the Department of State on that call.

21 A. Okay. When I called the person who answered, I
22 told them that I was calling for that purpose, you
23 know, to find out which DMV offices you would get the
24 non-driver photo ID card at.

25 Q. And was the Department of State person able to

1 answer your phone call --- answer your question,
2 rather?

3 A. No. She said that I should call PennDOT and she
4 gave me the number for PennDOT.

5 Q. And did you then try to call PennDOT?

6 A. Yes.

7 Q. And tell us what happened.

8 A. Well, you have to push buttons. The first one
9 for English. And then you have to push --- you got
10 six choices in the menu. And then I tried different
11 choices, and I couldn't find anybody, so I decided
12 I'll call back the Department of State.

13 Q. And did you get the same person at the
14 Department of State or was it someone new?

15 A. I'm not sure. I don't know.

16 Q. Describe that conversation for us.

17 A. She said, well, I can't help you because I don't
18 know what, you know --- I don't know the answer to
19 your question. So I said, well, maybe --- I said, I
20 saw that there had been a press release that the
21 libraries they're going to cooperate with the
22 Department of State. If I went to my library, would
23 I get any information there?

24 Q. And what did the person --- was it a man or a
25 woman?

1 A. I think this was a man.

2 Q. So what did he tell you?

3 A. He said that there wouldn't be anything in the
4 libraries until the end of summer.

5 Q. Did he explain why there wouldn't be anything in
6 the libraries until the end of summer?

7 A. He said they were busy doing forms and trying to
8 get forms changed.

9 Q. And what did you say in response?

10 A. I said, well, that would really be too late for
11 people who had to get in an out-of-state birth
12 certificate.

13 Q. And what was his response?

14 A. His response was, well, that's not my fault.

15 Q. And what did you say in response to that?

16 A. I said, well, it's not my fault either.

17 Good-bye.

18 Q. And you hung up then?

19 A. I did, yeah.

20 Q. So having called the Department of State's help
21 line, did you feel that you got the information you
22 were looking for?

23 A. No.

24 Q. Did you do anything else to obtain information
25 about the photo ID law and to get your questions

1 answered?

2 A. No. I decided I would try and call PennDOT
3 again.

4 Q. When was that?

5 A. That was the following Friday. I think it was
6 the 15th.

7 Q. Okay. And tell us what happened on that phone
8 call.

9 A. Well, I had the same, you know, going through
10 all these buttons and all of it. But then there was
11 one said --- I think it was in response to where the
12 centers were. The second choice was --- you could
13 call and talk to someone in the Harrisburg office, so
14 I decided to try that.

15 Q. Okay. So I just want to be clear, when you
16 called this, was it an 800 number?

17 A. Yes.

18 Q. You don't happen to remember what that number
19 was is, do you?

20 A. 934 ---.

21 Q. That's fair enough. I didn't think you would.
22 But when you called that 800 number, was there an
23 option for you to reach your local driver's license
24 center?

25 A. No. No.

1 Q. Was there an option only to go to Harrisburg?

2 A. That's the only way I knew to talk to a human
3 being when I heard that you could talk to somebody in
4 Harrisburg.

5 Q. Have you seen any information, either from your
6 phone calls or otherwise, of how you could ever call
7 the local PennDOT facility, for example, if you were
8 elderly or disabled, if you wanted accommodation at
9 the PennDOT facility, to say I'm coming, can you help
10 me out?

11 A. No. I think I read --- I don't know if it was
12 on the PennDOT website or somewhere, that there's
13 only an 800 number and you cannot call the local
14 offices.

15 Q. And that's consistent with what happened ---

16 A. Yes.

17 Q. --- when you dialed?

18 A. Uh-huh (yes).

19 Q. And did you, in fact, get connected to someone
20 live in Harrisburg?

21 A. Yes.

22 Q. Tell us what happened on that conversation.

23 A. Well, I told him that I was trying to find out
24 what kind of DMV offices would I be able to bring
25 elderly people who needed a non-driver photo ID card

1 for voting purposes too.

2 Q. And what did he say?

3 A. He said, well, you have to go to a full service
4 driver's license center. You can't go to a photo
5 licensing center because they only take pictures for
6 photos.

7 Q. Before he gave you that information and answered
8 your question in that way, did he tell you anything
9 about his ability to answer your questions?

10 A. Well, he said that --- he said, well, I can give
11 you general information, but I can't guarantee that
12 it's accurate.

13 Q. Okay. So without --- putting aside whether ---
14 the guarantee of the accuracy or not, what else did
15 he tell you about getting an ID for voting purposes?

16 A. He said that you could --- a person had to bring
17 a birth certificate and a Social Security card and
18 two identities.

19 Q. Anything else?

20 A. I mean, residency.

21 Q. Did he say you needed to bring anything else?

22 A. He said \$13.50. And then I said --- because I
23 knew that you could get it free, I said don't ---
24 can't you get it free.

25 Q. And what did he say?

1 A. He said, well, you have to sign an oath or
2 affirmation that you're going to use it for voting.

3 Q. Did he tell you where you could get that oath or
4 affirmation?

5 A. No.

6 Q. Did he tell you whether it would be available at
7 the driver's license centers?

8 A. Well, he said to me it would be better to
9 download it if I was bringing these people, because
10 he couldn't guarantee that it would be in every
11 driver's license center, which I now know is the
12 phrase everyone's using. He was correct. But you
13 needed --- and he cautioned me to have not let the
14 person sign it, though, because they had to sign it
15 in the office, in the center.

16 Q. Okay. And this was on June 15th; is that right?

17 A. Yes.

18 Q. Now, if this Court has heard testimony from
19 PennDOT officials that after early April, April 5th
20 or 8th all PennDOT customer service technicians and
21 agents had been instructed to volunteer that for
22 voting purposes, these IDs are free, is that
23 consistent with what you were told on the phone
24 call ---

25 A. No.

1 Q. --- on June 15th?

2 A. No.

3 Q. Did you have occasion to actually go to a
4 PennDOT facility?

5 A. Yes.

6 Q. When was that?

7 A. I went on June 26th.

8 Q. So about a month ago?

9 A. Yeah. Yeah.

10 Q. And about three months after the photo ID law
11 had been passed?

12 A. Yes.

13 Q. Now, which PennDOT facility did you go to?

14 A. I went to the one that's closest to my home.
15 It's in Dublin, Pennsylvania, Bucks County.

16 Q. And is this --- was it one of the driver's
17 license centers that you were told about?

18 A. Yes.

19 Q. Now, how did you get there?

20 A. I drove up with my husband.

21 Q. And how long did that take you?

22 A. Twenty (20) minutes.

23 Q. Where is that generally located at, this
24 facility?

25 A. It's off of --- it's in --- I guess it's a State

1 Route, 313.

2 Q. Are you aware of any public transportation that
3 would get you there?

4 A. No.

5 Q. Now, you said it was June 26th. What time did
6 you arrive?

7 A. 1:00, 1:30. It was after lunch, because we had
8 lunch in the restaurant next to it.

9 Q. Fair enough. What was the purpose of the visit?

10 A. My purpose was to sort of do a trial run. I
11 wanted to see if we started bringing these elderly
12 people, what would happen when they went there.

13 Q. And can you set the scene for us? Describe what
14 you found when you got to the PennDOT center.

15 A. Well, when you go, it's in like a strip mall.
16 It's an office. And when you go in, there's --- it's
17 just one big room with a lot of plastic chairs.

18 Q. Now, is there any type of greeter that comes to
19 you when you walk in the door to see why you're
20 there?

21 A. No.

22 Q. Information booth?

23 A. No.

24 Q. Anyone that you could ask questions of?

25 A. No.

1 Q. So was there any signage posting about the photo
2 ID law and what you needed to do?

3 A. I didn't see any.

4 Q. Did you look around for some?

5 A. I did.

6 Q. And you didn't see any signage?

7 A. No.

8 Q. So what did you do?

9 A. Well, I figured out what --- I tried to figure
10 out how I --- what I did. So I noticed there was a
11 ticket dispenser in the front of the room, and I went
12 up there. And it has three buttons to push. And one
13 said like license permits I think. One was for
14 photos. And the third button, and last button, was
15 for others, so I pushed that.

16 Q. Were there any instructions that you saw
17 anywhere at the site that said push C for photo ID
18 for voting purposes?

19 A. No.

20 Q. So what did you do after you pushed the C
21 button? What happened?

22 A. Well, I took my number and I looked around. And
23 then I saw that there was a rack with pamphlets and
24 things. So I went over there and looked at that,
25 what was there.

1 Q. How big was this rack of pamphlets?

2 A. About this big (indicating), I guess. Yeah,
3 about that big.

4 Q. So your arms' length?

5 A. Yeah, about that big (indicating).

6 Q. And how tall?

7 A. This tall (indicating).

8 Q. Okay. And what type of pamphlets were
9 available?

10 A. You know, I don't remember. There were
11 different --- oh, I don't know. I guess there were
12 safe driving tips, things like that is the one that
13 comes to mind.

14 Q. Can you describe them? Were they --- what did
15 these pamphlets look like?

16 A. They were like a trifold, you know, this size
17 (indicating) coming down.

18 Q. Okay. It's like a piece of paper folded into
19 thirds?

20 A. Yeah, about that size.

21 Q. Where they --- looked like they were
22 professionally published?

23 A. Oh, yes. Yes.

24 Q. From PennDOT documents?

25 A. I don't know where they come from. I don't

1 know.

2 Q. Was there any type of those pamphlets about
3 photo identification law requirements?

4 A. No, but there was one multi-page thing that was
5 hanging over because it didn't fit, hanging over.
6 And I picked that up and that was --- it looked like
7 a download, a computer download, from the Department
8 of State. I think it said something about photo ID
9 law or something.

10 Q. So after you saw those pamphlets, what --- how
11 long did you have to wait before you talked to
12 somebody?

13 A. It was about 25 minutes.

14 Q. And where did you wait?

15 A. I waited on a chair in that place.

16 Q. Tell us about the chairs. Were they very
17 comfortable?

18 A. No, they were plastic, not padded in any way,
19 as I remember.

20 Q. You said you arrived between 1:00 and 1:30; is
21 that accurate?

22 A. Yes.

23 Q. And how crowded was it at that time?

24 A. It was --- I think just about --- maybe there
25 were five or six empty seats, but there were about 30

1 people there.

2 Q. And how long did you have to wait?

3 A. Twenty-five (25) minutes.

4 Q. So eventually your number was called and you
5 went up and talked to someone; is that right?

6 A. Uh-huh (yes).

7 Q. Tell us what happened when you did that.

8 A. Well, I said that I was there because I was
9 going to be bringing up some elderly people to get a
10 voter ID card, a non-driver photo ID card for voting,
11 and I just wanted to see what the process was going
12 to be so that we could accomplish it.

13 Q. Did you give the person any additional
14 information about the elderly people that you wanted
15 to bring up for a photo ID card for voting?

16 A. Well, I said that one of them had an expired
17 license and the other had never driven.

18 Q. And what did the clerk tell you about the person
19 who had the expired license?

20 A. He said that they could --- that person could
21 just come. She didn't have to bring anything, and
22 she'd have to pay \$13.50 for the non-driver photo ID
23 card.

24 Q. And what about the other person who had never
25 had a driver's license?

1 A. He said that she would have to bring a birth
2 certificate and a Social Security card and two proofs
3 of residency.

4 Q. Did he say anything about whether the person had
5 to pay?

6 A. Oh, yes. And he said \$13.50, and I think it had
7 to be money order or a check.

8 Q. And so what happened next?

9 A. I said, well, could you give me a piece of paper
10 to write down, because I hadn't brought any paper or
11 pencil to write down what the person has to bring.
12 And he reached into a drawer and he handed me two
13 forms, circling where it had to be signed. And he
14 said it's on the back of this form. You can read
15 what has to come.

16 Q. Okay.

17 ATTORNEY RUBIN:

18 Can I have Exhibit --- I think it's
19 Exhibit 45.

20 (Petitioners' Exhibit 45 marked for
21 identification.)

22 BY ATTORNEY RUBIN:

23 Q. I've handed you Exhibit --- what's been marked
24 for identification as Exhibit 45. Do you recognize
25 that document?

1 A. Yes.

2 Q. What is that document?

3 A. It's an application for initial photo
4 identification card.

5 Q. And how does that compare to the document that
6 the person at PennDOT gave you?

7 A. It looks like the same thing.

8 Q. And just so the record's clear, this isn't the
9 version that was actually handed to you where he
10 circled things. This is a copy of it?

11 A. Yes.

12 Q. Have you read that document?

13 A. I skimmed it.

14 Q. Is there anything on there that indicates that
15 photo identification for voting purposes is free?

16 A. I don't remember seeing anything like that.

17 Q. Now, there is --- if I can direct your attention
18 under section two there, does say the word free
19 there. Do you see that?

20 A. Yes.

21 Q. And can you tell us what the --- what qualifies
22 for free ID, according to the form?

23 A. I currently hold a Pennsylvania driver's license
24 and am applying for a non-driver photo identification
25 card for the following reasons. I'm surrendering my

1 driving privilege for health reasons that may affect
2 my ability to safely operate a motor vehicle. I
3 understand that my license will not be reissued until
4 I successfully complete the appropriate examination.
5 If you have not already surrendered your driver
6 license learning permit, please attach it to this
7 application.

8 Q. And is it fair to say that everywhere else on
9 here it says it's \$13.50?

10 A. Yes.

11 Q. And is that consistent with what the technician
12 at PennDOT told you?

13 A. Yes.

14 Q. In all of your interactions with PennDOT, did
15 anyone tell you and volunteer to you, before you
16 asked, that for voting purposes, the ID would be
17 free?

18 A. No.

19 Q. When you were at the PennDOT center, did the
20 clerk tell you that you would also need to have the
21 person sign an affirmation or oath in order to get a
22 free ID?

23 A. No.

24 Q. Did they give you a copy of any type of
25 affirmation or oath to have people sign?

1 A. No.

2 Q. Did they tell you to print it out from the
3 website because they might not have it at the PennDOT
4 center?

5 A. No.

6 Q. Now, again, if the Court's heard testimony from
7 PennDOT officials that after early April of this
8 year, customer service agents and technicians at
9 PennDOT were volunteering to anybody asking for a
10 photo ID, that it's free for voting purposes, is that
11 consistent with your experience when you went to
12 PennDOT itself?

13 A. No.

14 Q. Have you heard about recently-announced plans
15 for a new Department of State identification for
16 voting purposes?

17 A. Yes.

18 Q. What's your understanding of --- well, how did
19 you hear about that?

20 A. I read a newspaper article on it. And I had
21 people call me up because they know I'm interested in
22 it, and they said oh, your problem's solved. You
23 don't have to worry about getting documents for
24 people or anything because after the end of August,
25 people will be able to go and get this special card.

1 Q. Have you done anything to try to obtain
2 additional information about the Department of State
3 ID that's coming out supposedly at the end of August?

4 A. Yes.

5 Q. Tell us what you've done.

6 A. Well, first, I download the press release from
7 the website, and I read that.

8 Q. And what was your reaction to the press release?

9 A. I was confused. I had more questions.

10 Q. Why were you confused?

11 A. It said something about preserving voters
12 needing to --- I don't remember exactly right now,
13 but it was --- I had questions in my mind about what
14 the process was.

15 Q. Did you do anything to try to get those
16 questions answered?

17 A. Yes, I did.

18 Q. What did you do?

19 A. I was --- Bucks County started an educational
20 advisory workgroup to see what they should do to
21 supplement what the state was doing to inform voters
22 about the new law. And two of the meetings, it was
23 open to the public and I went to each meeting. There
24 were three meetings. And the second meeting, Megan
25 Sweeney, who was an assistant to Secretary Aichele,

1 came down and Shannon Royer, who is another
2 Department of State official. And at the third
3 meeting, she gave me her card because I had
4 questions, and she said you can call me up with any
5 questions you have. I decided to call her up about
6 this question.

7 Q. What was the timing? When did these meetings
8 happen, approximately?

9 A. Those meetings started, I think, mid-June. I
10 think there were two in June and one in July. July
11 12th was the last one.

12 Q. And you said you called Ms. Sweeney?

13 A. Yes.

14 Q. When was that?

15 A. July 23rd.

16 Q. And tell us about that conversation.

17 A. I told her that I was confused because I read
18 the press release and that newspaper reports ---
19 there was confusion. So I asked her what --- you
20 know, what the process was, was it true that anybody
21 could go and get documents --- without documents
22 after the end of August. And she said that
23 Pennsylvania voters still had to do the regular
24 thing, that it was --- it was an ID of last resort
25 for people who couldn't get a birth certificate from

1 places like Puerto Rico where they don't issue any
2 more birth certificates or southern states. But that
3 people who were born in Pennsylvania had to go
4 through the routine and out-of-state people had to
5 try to get the birth certificate.

6 Q. And what did you say in response to that
7 information?

8 A. I said, well, that's not general --- I don't
9 think that's what the public understands or it's not
10 in the newspapers that way. And there are going to
11 be people who will be coming in September or October
12 without documents, and they're going to be at a
13 disadvantage because they don't know. So how --- you
14 know, what happens? How do they explain that they
15 don't have a birth certificate, or what happens?

16 Q. And what did she say?

17 A. She said that they would --- that it wasn't
18 available to everybody, and that the people would
19 have to sign an oath. She said --- actually, she
20 said it's to people's advantage to get the regular
21 photo ID, because they have more --- they can do more
22 things with it. And I said, well, the people ---
23 it's not easy for elderly people to do that and
24 they're to be thinking that they can come in
25 September or October and get this. And what do they

1 have to show to show that they actually tried to get
2 a birth certificate?

3 Q. And could she answer that question?

4 A. She said that they wouldn't have to get a letter
5 or anything. And then she said let me talk to the
6 lawyers. She says I'll call you back.

7 Q. And did she then call you back later?

8 A. Yes.

9 Q. Same day or ---?

10 A. Same day, yeah, within a few hours.

11 Q. Okay. And so what new information, if any, did
12 she give you?

13 A. She said that the Pennsylvania voters still had
14 to go through the regular thing and that an
15 out-of-state voter would have to sign an oath. You
16 know, first they have to sign the oath about that
17 they don't have acceptable ID, and then they have to
18 sign an oath saying that they had tried to get an ID
19 and couldn't get it. And then they fill out a form
20 that would say why they couldn't get it.

21 Q. And what did you say in response?

22 A. I said that I thought that that needed to be
23 publicized, that they should put that both out, and
24 the forms, so that people would get the information.
25 And she said that they --- it wasn't ready yet. They

1 weren't ready yet. They were doing the forms.

2 Q. Is there anything else about the conversation
3 that you haven't told us yet?

4 A. I don't think so.

5 Q. How did the conversation end?

6 A. I said, well, you know this really worries me
7 because I think people are going to show up and what
8 do they do at that point when they find out that they
9 --- you know, they now can't get it because they
10 didn't try to get one and they're not eligible for
11 that one.

12 Q. And how did the conversation end?

13 A. Good-bye.

14 Q. Okay. Now, this new Department of State ID,
15 what's your understanding of where you have to go and
16 get it?

17 A. The new one, you have to go to the driver's
18 license center, I guess. I didn't ask her that. I
19 didn't get that one. I think it's the same as if you
20 have to --- if you're going to get the non-photo
21 (sic) ---

22 Q. And is that the ---?

23 A. --- ID card.

24 Q. Sorry about that.

25 A. Yeah, it's the same process, I guess. You have

1 to go to the same type of place that you go to get
2 your non-photo --- PennDOT driver --- photo ID card.

3 Q. And the same type of people that you interacted
4 with at the PennDOT center?

5 A. Yeah.

6 Q. Now, you told us at the beginning of your
7 testimony about some of the volunteer efforts you
8 personally are doing to try to get the word out and
9 get information out. Do you think that your effort
10 and the efforts of the League are going to be
11 sufficient to get the word out to everybody that
12 needs to know about this photo identification law and
13 what the requirements are between now and the
14 November election?

15 A. No.

16 Q. Why not?

17 A. Well, first, we have to find out who needs the
18 non-driver's photo ID card. And I don't know how
19 we're going to go do that. But we're, you know,
20 trying. The League did a table at a First Friday
21 Night in Doylestown, you know, showing all the
22 information, the acceptable ID that you need and the
23 documentation that you will need. And they're
24 planning to do another one at Grange Fair. But we
25 really don't know what to do, to be honest.

1 Q. How has your experience with asking questions of
2 the Department of State and PennDOT affected your
3 ability to get accurate information out to voters
4 between now and November to help them vote?

5 A. Well, things keep changing, so you never know.
6 I've had to revise things a couple of times, because
7 it changes.

8 Q. Sitting here today with all the efforts that
9 you've made, do you think you personally have a
10 complete and full understanding of what's going to be
11 required for people to actually be able to get an ID
12 and be able to vote in November?

13 A. At this very moment?

14 Q. Yes.

15 A. I think I understand, but I'm not sure what's
16 happening, what's going to happen. But I understand,
17 because I've been working on it for --- you know,
18 trying to dig out information. I don't think that
19 it's getting out to the general public, if that's
20 what your question meant.

21 ATTORNEY RUBIN:

22 Thank you. That's all the questions I
23 have.

24 A. Thank you.

25 ATTORNEY RUBIN:

1 Mr. Cawley may have some questions for
2 you.

3 JUDGE SIMPSON:

4 You may inquire.

5 CROSS EXAMINATION

6 BY ATTORNEY CAWLEY:

7 Q. Good morning, Ms. Rawley.

8 A. Good morning.

9 Q. My name's Patrick Cawley. I just have some
10 follow-up questions ---

11 A. Okay.

12 Q. --- for you.

13 A. Thank you.

14 Q. You mentioned at the beginning of your testimony
15 some organizations that you have belonged to with
16 regard to voting; right?

17 A. Uh-huh (yes).

18 Q. That's a yes?

19 A. Yes. I'm sorry.

20 Q. And as part of those organizations, you are a
21 critic of the voter ID law; is that correct?

22 A. A critic?

23 Q. You don't favor the voter ID law, do you?

24 A. No. No.

25 Q. And you've also been outspoken against

1 electronic voting machines; right?

2 A. Yes.

3 Q. And you've testified about the efforts that
4 you've undertaken to get information about the voter
5 ID law and what is required. If you get the
6 information that you've been requesting, will you
7 continue to conduct those outreach efforts?

8 A. Yes. We want everyone to vote, everyone's who
9 is eligible and registered to be able to vote.

10 Q. And you do use the internet; right?

11 A. Yes.

12 Q. And so did you visit the PennDOT website?

13 A. Yes.

14 Q. Okay. And did you look --- or visit the PennDOT
15 website to find information about the locations of
16 driver license centers?

17 A. There is a button you can push I found
18 eventually, I think. I'm trying to remember.

19 Q. You discussed your visit, along with your
20 husband, to a driver's license center in Dublin?

21 A. Uh-huh (yes).

22 Q. And you described this as a trial run before you
23 brought other people ---

24 A. Right.

25 Q. --- with you; right?

1 A. Right.

2 Q. Was this an organized effort before you went?

3 And by that, I mean were there other people doing
4 trial runs at PennDOT driver's license centers?

5 A. Yes.

6 Q. And who organized that effort?

7 A. I think it was --- I'm trying to remember. I
8 belong to the Pennsylvania Voter Coalition, which is
9 a group of about 70 organizations that are interested
10 in voting issues.

11 Q. Okay. So there was --- I'm sorry. Did you have
12 more to answer?

13 A. No. So I got an e-mail from somebody about
14 that.

15 Q. Okay. So an e-mail went out to organize people
16 to go out to driver's license centers to see if
17 PennDOT would provide certain information?

18 A. Yes.

19 Q. And when you went in, did you have a form in
20 hand to know which information you're supposed to be
21 looking for?

22 A. Yes.

23 Q. I'll hand you a document that we can mark as
24 Respondents' Exhibit Four.

25 (Respondents' Exhibit Four marked for

1 identification.)

2 BY ATTORNEY CAWLEY:

3 Q. Please take a moment and review that exhibit.

4 A. Uh-huh (yes).

5 WITNESS REVIEWS EXHIBIT

6 A. Yes.

7 BY ATTORNEY CAWLEY:

8 Q. Is this the form that you had when you went to
9 do the trial run at PennDOT?

10 A. Yes.

11 Q. Did you end up actually bringing anyone, as far
12 as the elderly voters you mentioned, to PennDOT to
13 get the photo IDs?

14 A. Not yet.

15 Q. So you haven't brought anyone there who was
16 turned away for not having the documents that they
17 need?

18 A. No.

19 Q. And you haven't brought anybody there who's had
20 to pay a fee for an ID?

21 A. No.

22 ATTORNEY CAWLEY:

23 Those are all the questions I have.

24 Thank you.

25 A. Thank you.

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JUDGE SIMPSON:

Mr. Rubin, anything further?

ATTORNEY RUBIN:

Nothing further, Your Honor.

JUDGE SIMPSON:

Thank you. You may step down.

A. Thank you.

ATTORNEY RUBIN:

The Petitioners call Steve Jarrell, who is being detained in the sequestration room.

MR. TURNER:

Please raise your right hand.

STEVEN JARRELL, HAVING FIRST BEEN DULY SWORN,
TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY ATTORNEY RUBIN:

Q. You may be seated. Good morning.

A. Morning.

Q. Please state your full name for the record.

A. Steven Allen Jarrell.

Q. Where do you live?

A. Chambersburg, Pennsylvania.

Q. And what county is Chambersburg?

1 A. Franklin County.

2 Q. And where is Franklin County compared to here?

3 A. It's about 45 minutes south of here, down 81.

4 Q. Are you familiar with the photo identification
5 law that was recently adopted in Pennsylvania?

6 A. I am.

7 Q. And I just want to make --- for the record to be
8 clear, do you have a photo identification that will
9 let you vote in November?

10 A. I do.

11 Q. Are you a veteran?

12 A. I am.

13 Q. And where did serve?

14 A. I served in the United States Air Force for four
15 years.

16 Q. What do you do currently? Where do you work?

17 A. I currently work for SCIU Local 668 as a
18 business agent.

19 Q. And is that a temporary position?

20 A. It is temporary. My normal job is I work
21 through the Commonwealth through the Department of
22 Public Welfare. I'm a caseworker.

23 Q. And what does the Department of Public Welfare
24 do?

25 A. In the County Assistance Office where I work, we

1 issue benefits to Pennsylvania's most vulnerable
2 citizens, the elderly, the children. We do food
3 stamps, medical, cash assistance.

4 Q. Do you or does the department issue cards to
5 these individuals?

6 A. We do. The department issues what is commonly
7 referred to as an EBT, or electronic benefits
8 transfer, card.

9 Q. Do those have photos on them?

10 A. They do not.

11 Q. Could they be added?

12 A. Absolutely, they could be added.

13 Q. Has anyone, as far as you know, requested that
14 they be added to the card?

15 A. There has been a lot of discussion about adding
16 photos to the electronic benefits transfer card, yes.

17 Q. Has any of those discussions occurred as a
18 result of the photo identification law, as far as you
19 know?

20 A. Yes, at one time that was one of the IDs that
21 they were requesting be added to the list of
22 acceptable IDs to be used for voting.

23 Q. And what was the outcome of those discussions?

24 A. That did not happen. They decided not to put
25 the photo on the card.

1 Q. Do you have any understanding as to why?

2 A. Cost, as far as I'm aware.

3 Q. Now, you are a state employee; is that right?

4 A. I am.

5 Q. A Commonwealth employee? Do you have a
6 Commonwealth state ID?

7 A. I do.

8 Q. And does it have a photo ID on it?

9 A. It does not.

10 Q. Does it have an expiration date?

11 A. It does not.

12 Q. If you didn't have another ID for voting
13 purposes, would that ID from the department that you
14 work for the Commonwealth be acceptable, as far as
15 you understand for voting purposes?

16 A. It would not be acceptable.

17 Q. Now, have you done any volunteer work with
18 respect to the photo identification law?

19 A. I have.

20 Q. And how have you gotten involved in that law?

21 A. I recently was asked by my union to do a site
22 visit to the Franklin County PennDOT building, the
23 DMV down there, to go in and just check on things to
24 see how --- you know, were they following policy as
25 far as issuing the IDs.

1 Q. So this request from your union, was this
2 specific to you or was it a broader request?

3 A. It was a broader request. It was sent out to
4 most of the business agents in the union, looking for
5 volunteers to go down and do these site visits.

6 Q. And why did you decide to volunteer?

7 A. Well, because one of the sites that was on the
8 list was in my hometown, and I wanted to know if they
9 were following the law the way they should be.

10 Q. Do you have any particular interest in the photo
11 identification law issue?

12 A. Well, I'm against the photo ID law.

13 Q. And why are you against that law?

14 A. Because it takes away your God-given right as a
15 United States citizen to vote in this country.

16 Q. Now, did you actually go and visit the PennDOT
17 facility?

18 A. I did. I went down on July 3rd, and I did a
19 site visit at the local PennDOT building in
20 Chambersburg.

21 Q. And where is that? Not the specific address.
22 If you have it, that's fine. But generally, where it
23 is located?

24 A. It's on Mill Road in Chambersburg.

25 Q. And how did you get there?

1 A. I drove.

2 Q. And how long did it take you to get to the
3 facility?

4 A. From my house to get to the facility was about
5 ten minutes.

6 Q. And is there a public transportation to get you
7 there?

8 A. Not --- no. No. Public transportation, maybe I
9 could call a cab, but there's no free public
10 transportation for me to get there.

11 Q. What time did you go down to the PennDOT
12 facility?

13 A. It was around 8:00 a.m. I got there a little
14 earlier than when they opened.

15 Q. And they opened at what time?

16 A. They opened --- I believe it was 8:30. I got
17 there about eight o'clock. There was a line out
18 there, about 10, 12 people standing in line waiting
19 for the building to open.

20 Q. Can you describe the building for us?

21 A. Sure. It's a small standalone building. It's
22 got maybe four rooms in it, a long hallway. You
23 know, kids come in and take their driver's license
24 test in the back. It's just a real small office.

25 Q. So you arrive there. It wasn't open yet.

1 There's a line?

2 A. There was a line. I waited for it to open.
3 When it opened, I went inside, stood in the hallway,
4 stood in line for probably about 45 minutes waiting
5 for my turn. You know, while I was there, I was kind
6 of looking around to see if I could find any
7 information on the voter ID law, you know, signs,
8 brochures, handouts, things like that. So I looked
9 around for the 45 minutes I'm waiting. I finally
10 found two photocopied pieces of paper that were kind
11 of folded up and stuffed in a bin of brochures along
12 a wall that I had to practically dig through all the
13 brochures just to find them. But other than that,
14 there was no information about the voter ID law at
15 all in that office. I had to actually wait the 45
16 minutes to get in and speak to the person behind the
17 counter.

18 Q. Okay. And I want to talk to you about that
19 conversation in a minute. But before we do that,
20 when you got to the building and you're waiting in
21 line, are there any greeters?

22 A. There were no greeters, no. There were two
23 people behind the desk that take your photograph.
24 There was one person at the desk that was handling
25 everything else, other than photographs. There were

1 no greeters. You just walk in the door and stand in
2 line and hope you're in the right line, so that they
3 don't send you to the next one.

4 Q. Is there any type of waiting area?

5 A. Not so much a waiting area. Like I said, it's
6 just a long hallway. They had maybe one, two seats
7 in the hall, just, you know, like small chairs that
8 you could sit in. But there is no lobby there.

9 Q. And when you said you had to --- you were
10 standing in line for 45 minutes, were you literally
11 standing that time?

12 A. I was literally standing in line for 45 minutes.

13 Q. And there are only one or two chairs, is that
14 what you said?

15 A. That is correct, yes. And with 12 people there,
16 you know, you take your chance of whether you get a
17 chair or not.

18 Q. Fair enough. So you finally get up to the front
19 of the line?

20 A. Right.

21 Q. Tell us what happened.

22 A. They called me up to the front of the line. I
23 sat down. You know, of course, the gentleman asked
24 me what I was there for. I told him I was interested
25 in obtaining information about the new photo ID law

1 and how it worked. You know, I was curious how one
2 would go about getting the photo ID. The gentleman
3 proceeded to tell me that the cost of the photo ID
4 was \$13.50. I would have to fill out a form and
5 request that ID. Well, knowing what I know about the
6 voter ID law, I asked the gentleman, you know, well,
7 it's my understanding that if I sign an affidavit
8 saying it's for voter ID purposes, I get a free ID
9 for that. The gentleman proceeded to tell me that
10 that was not the case. That you only received the
11 free photo ID if you had never had a photo ID in the
12 State of Pennsylvania before.

13 So of course, that bothered me, so I said to him
14 --- I said, well, wait a minute. So if my
15 grandmother comes in here who has had a driver's
16 license her whole life and she loses it for whatever
17 reason, the doctor takes it away, whatever, and she
18 needs to come in here and apply for an ID card on a
19 fixed income, you're telling me she has to pay for
20 that card. And his word was yes, that is correct.
21 The photo ID card is for --- the free photo ID card
22 is for people that, say, move in from out of state
23 that have never had a Pennsylvania driver's license.
24 They can complete the affidavit. They can apply for
25 the free photo ID. But everybody else must pay for

1 it.

2 Q. How did the conversation end?

3 A. Well, I wasn't there to, obviously, you know,
4 argue with the gentleman. I was just there to get
5 some information. So I told him thank you for his
6 time, and I got up and I walked out of the building.

7 ATTORNEY RUBIN:

8 Thank you. We have no further
9 questions of this witness at this time.

10 JUDGE SIMPSON:

11 You may inquire.

12 CROSS EXAMINATION

13 BY ATTORNEY CAWLEY:

14 Q. Sir, you testified that --- about the EBT card
15 and that they decided not to put a photo on that
16 card. Who is they?

17 A. That would be the state legislator.

18 Q. Okay. So you --- did you discuss that issue of
19 putting photos on the electronic benefits transfer
20 card with a legislator?

21 A. If that conversation was had, yes. I mean, my
22 union has had that conversation from the beginning
23 with these legislators when they were trying to pass
24 this law. I mean, this is not the --- the voter ID
25 is not the first time we've asked them to put a photo

1 on that card.

2 Q. But the legislator told you that it was a matter
3 of cost, and it wasn't going to be on there?

4 A. He did not tell me specifically face-to-face.
5 We had that discussion with our union. We have a
6 legislative director that meets regularly with the
7 legislature.

8 Q. You testified about the 45-minute wait and the
9 10 to 12 people who were there before you arrived at
10 the PennDOT center in Chambersburg. You decided to
11 get there a half an hour before the office opened;
12 right?

13 A. I like to be on time, yes. And that 45 minutes
14 did not include the time I sat in my car waiting for
15 them to open.

16 Q. Okay. So the 45 minutes is when the door
17 opened?

18 A. That is correct.

19 Q. With the 10 to 12 people in front of you?

20 A. That is correct.

21 Q. And you have a driver's license; right?

22 A. I do.

23 Q. You drove to the PennDOT office; right?

24 A. Correct.

25 Q. Were you expecting that with a driver's license,

1 you would also be entitled to a free photo ID?

2 A. I wasn't going there with the intention of them
3 actually issuing me an ID card. I was going there
4 to ---

5 Q. That was my question.

6 A. --- collect information.

7 Q. Okay.

8 ATTORNEY CAWLEY:

9 Those are the questions I have. Thank
10 you.

11 ATTORNEY RUBIN:

12 Nothing further, Your Honor.

13 JUDGE SIMPSON:

14 Thank you. You may step down.

15 ATTORNEY FRANKEL:

16 Good morning, Your Honor.

17 JUDGE SIMPSON:

18 Morning.

19 ATTORNEY FRANKEL:

20 We'd like to call Janice Horn. She's
21 in sequestration, so she is on her way.

22 MR. TURNER:

23 Please raise your right hand for me.

24 -----

25 JANICE HORN, HAVING FIRST BEEN DULY SWORN, TESTIFIED

1 AS FOLLOWS:

2 -----

3 MR. TURNER:

4 Thank you.

5 DIRECT EXAMINATION

6 BY ATTORNEY FRANKEL:

7 Q. Good morning, Ms. Horn.

8 A. Good morning.

9 Q. As you know, my name is Rachel Frankel. I am
10 Counsel for the Petitioners in this case. Now, can
11 you please state your name for the record?

12 A. Yes, Janice Horn.

13 Q. And where do you live?

14 A. Clarion, Pennsylvania.

15 Q. What county is that in?

16 A. Clarion.

17 Q. And what do you do for a living?

18 A. I'm retired.

19 Q. What did you do for a living prior to retiring?

20 A. I was a librarian at Clarion University.

21 Q. Now, are you a member of any of the
22 organizational Petitioners in this case?

23 A. Yes. I'm a member of the League of Women
24 Voters.

25 Q. How long had you been a member of the League of

1 Women Voters?

2 A. About 45 years.

3 Q. Do you know what the League's mission is?

4 A. Yes, it's to promote education for good
5 citizenship, for voting and we're a non-partisan
6 organization. We do not support or oppose any
7 candidates or political parties.

8 Q. And do you agree with that mission?

9 A. Yes, I do.

10 JUDGE SIMPSON:

11 Could you pull the microphone a little
12 bit closer to you, please?

13 A. Sure.

14 JUDGE SIMPSON:

15 Thank you.

16 BY ATTORNEY FRANKEL:

17 Q. Do you hold any offices with the League?

18 A. Yes, I do. I'm on the state board, and I have
19 been an officer in the local League for most of the
20 time that I've been a member.

21 Q. Now, as the holder of that office, what do your
22 responsibilities entail?

23 A. On the state board, I joined with the rest of
24 the board members, there are nine of us, making
25 decisions about the governance of the League of Women

1 Voters of Pennsylvania. And my personal
2 responsibility is that I'm the healthcare specialist
3 for the state League and I am also the editor for the
4 newsletter.

5 Q. How often do you --- does the League publish a
6 newsletter?

7 A. Three times a year.

8 Q. And where is that newsletter distributed?

9 A. Well, besides all the members, it's distributed
10 to all the members of the legislature and other
11 interested parties.

12 Q. Okay. Now, are you familiar with the --- well,
13 I'm sorry. Has the League or the newsletter
14 addressed the photo ID law?

15 A. Yes, it has.

16 Q. And what generally has the newsletter --- the
17 League had to say about the photo ID law?

18 A. We provided information about it, and noted that
19 it wasn't a necessary law.

20 Q. Now, are you familiar with the photo ID law?

21 A. Yes, I am.

22 Q. Now, to be clear, do you have a photo ID that's
23 valid ---

24 A. Yes, ---

25 Q. --- for voting purposes?

1 A. --- I do.

2 Q. So what has --- other than assisting with the
3 newsletter, has there been any other involvement on
4 your end with the photo ID law?

5 A. Yes, I was asked to --- well, all the presidents
6 of the Leagues were asked to visit their driver's
7 license centers to find out if information was
8 available for the voter ID. I did do that. We have
9 also tried to get information out to the citizens
10 about what the Act entails and what they would need
11 to do to have photo ID for voting.

12 Q. Okay. Let's talk a little bit about --- more
13 about your being asked to visit a photo ID location.
14 Who asked you to do that?

15 A. The request came from the Pennsylvania ---
16 excuse me. I have it right here.

17 Q. If you don't know offhand, that's fine.

18 A. Pennsylvania Budget Policy Center. They sent it
19 through the League.

20 Q. So it was sent through the League?

21 A. Right.

22 Q. To all of the presidents ---

23 A. Yes.

24 Q. --- of the various departments and whatnot in
25 the League?

1 A. That's right.

2 Q. So why did you volunteer to do one of these
3 visits?

4 A. The request I received said in caps urgent
5 request, so I decided I would comply.

6 Q. Okay. So you did --- did you actually go to ---

7 A. Yes, I did.

8 Q. --- a PennDOT location? And what was the
9 purpose of your going to that location?

10 A. To find out how much information they had
11 available, what they would tell me, what they had
12 posted about it.

13 Q. It being the photo ID?

14 A. Yes, that's correct.

15 Q. Which PennDOT location did you visit?

16 A. The one in Clarion County.

17 Q. And where generally, if you know, is that
18 located?

19 A. It's in the Clarion Mall, which is just outside
20 the Borough of Clarion.

21 Q. Okay. What date did you --- do you know what
22 date you visited?

23 A. Yes, July 6th, which was a Friday.

24 Q. So that was less than a month ago?

25 A. That's right.

1 Q. But it was at least three months after the photo
2 ID law was passed?

3 A. Yes.

4 Q. About what time did you go to visit the ---?

5 A. I think it was about three o'clock in the
6 afternoon.

7 Q. Okay. Was it busy at that time?

8 A. No. There was somebody getting his driver's
9 license renewed, and that was it.

10 Q. How did you get to the Clarion County ---?

11 A. I drove.

12 Q. You drove?

13 A. Yeah.

14 Q. Was this your car?

15 A. Yes.

16 Q. How long did it take you to get to the ---?

17 A. About five to ten minutes.

18 Q. Do you know if someone does not have a car, is
19 there other access to that location, for instance,
20 via public transportation?

21 A. If they live in the area of the Clarion Borough,
22 there is a public bus that they could take. If they
23 live outside the borough, they could call a taxi,
24 which they would have to pay for.

25 Q. And the bus, does that have to be paid for as

1 well, if you know?

2 A. I think for the elderly it is free. For others,
3 there's a small fee.

4 Q. Do you know generally if the majority of the
5 population in Clarion County lives in the borough or
6 lives outside?

7 A. No, definitely not. The borough is 6,000,
8 approximately. There are --- and then the students
9 at the university, approximately 6,000. But the
10 total population of the county, I think, is 35,000 to
11 40,000.

12 Q. So most of the county's population lives ---

13 A. Outside.

14 Q. --- outside of access to this bus, public
15 transportation?

16 A. Yes.

17 Q. So let's talk about what happened when you went
18 into the licensing center. You said it was in a
19 mall?

20 A. Yes.

21 Q. Did you have to --- how were you able to access
22 the center? Did you have to walk through the mall?

23 A. Yes, there would be two ways to get through it,
24 either at the main entrance and then going down the
25 hall to get to it, or going through a department

1 store and get to it.

2 Q. And can you tell me a little bit about how the
3 center looked?

4 A. It's the size of a small store in a small mall.
5 There are seats on the left-hand side for people to
6 wait for the processing for their --- well, for the
7 tests and --- for the driver's license tests, both
8 written and driving, and also waiting for the renewal
9 of their photo IDs, if that's what they're there
10 for.

11 Q. Did you notice whether there were any signs
12 talking about the photo ID law throughout the ---?

13 A. I looked around for that, because that was one
14 of the questions on the survey form and there were
15 none.

16 Q. And that survey form was the one that you
17 received from the League --- through the League of
18 Women Voters?

19 A. Yes.

20 Q. What about any pamphlets or papers or other
21 documents that might tell you? Were there any
22 sitting around about the photo ID law?

23 A. I couldn't find any.

24 Q. And did you look for some?

25 A. Yes.

1 Q. Now, you mentioned that there was one person
2 waiting to, I believe, renew their driver's license
3 when you arrived.

4 A. Yes.

5 Q. How many employees were there?

6 A. One.

7 Q. For the entire store?

8 A. Yes.

9 Q. What did you do when you entered the store and
10 saw that there was someone standing at the counter?

11 A. I just waited for my turn ---

12 Q. Okay.

13 A. --- to ask a question.

14 Q. And approximately how long did that take?

15 A. Five minutes.

16 Q. Okay. So when you approached the counter, what
17 happened?

18 A. I asked for information on the voter photo ID.
19 And the person working there said she could not give
20 me any verbal information about it, but she had a
21 handout she could give me.

22 Q. She could not give you any verbal information
23 about it?

24 A. That's right.

25 Q. Did she say why she could not give you any

1 verbal information about the photo ID?

2 A. Nothing, except that it wasn't her
3 responsibility to give that out to the people.

4 Q. Did she say whose responsibility it was?

5 A. It would be the responsibility of PennDOT
6 employees and she was not a PennDOT employee.

7 PennDOT had subcontracted the photo ID renewals to
8 Keystone Blind, and she was an employee of Keystone
9 Blind.

10 Q. So just to be clear, you went to a PennDOT
11 location where there was one employee and the only
12 employee was not a PennDOT employee?

13 A. That's what I understand.

14 Q. Okay. So did she say when you might be able to
15 speak to a PennDOT employee?

16 A. I could speak to a PennDOT employee on
17 Wednesdays, because that's when they're there to give
18 the driver's license exams and also to take care of
19 photo IDs.

20 Q. Does that mean that you --- a person can only
21 get a photo ID for purposes of voting on Wednesdays?

22 A. That's correct.

23 Q. Do you know how many other days this center is
24 open?

25 A. Yes, it's open four more days, Tuesday through

1 Saturday.

2 Q. But only one of them is open for purposes of
3 getting a photo ID to vote?

4 A. That's right.

5 Q. So you said that employee was unable to provide
6 you with any verbal information, but did that
7 employee tell you that an ID for voting purposes was
8 free of charge?

9 A. No. I asked that, and she almost gave an
10 answer. She said, well, technically it's not free,
11 but she didn't go on to explain. She went on to say,
12 I have to get the information for you.

13 Q. And that information was that --- that was paper
14 information?

15 A. That's right.

16 Q. But she couldn't speak verbally about the cost
17 of the photo ID for voting?

18 A. No.

19 Q. Now, if this Court has heard testimony that
20 after early April of this year, 2012, that all
21 PennDOT employees, technical service, customer
22 service representatives voluntarily tell persons
23 coming in to get a photo ID, that if they're getting
24 photo ID for voting purposes, it's free of charge,
25 would that be consistent with your experience with

1 the PennDOT location in Clarion?

2 A. I did not get that information there.

3 Q. And is that ---?

4 A. Now, technically maybe she's not an employee of
5 PennDOT.

6 Q. Uh-huh (yes).

7 A. But there were no PennDOT employees there who
8 would give --- who could give me that information.

9 Q. And she couldn't give you any verbal information
10 about the law?

11 A. That's what she said.

12 Q. Because it wasn't Wednesday?

13 A. Because it was --- she was an employee of the
14 subcontractor, and they did not have that
15 responsibility to give that information.

16 ATTORNEY FRANKEL:

17 Thank you, Your Honor. I have no
18 further questions at this time.

19 JUDGE SIMPSON:

20 You may inquire.

21 ATTORNEY CAWLEY:

22 I have no questions, Your Honor.

23 JUDGE SIMPSON:

24 You may step down.

25 A. Thank you.

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JUDGE SIMPSON:

Please call your next witness.

ATTORNEY FRANKEL:

Petitioners call Joann Tosti-Vasey.
She is also being sequestered and is being sought.
Joann Tosti-Vasey, J-O-A-N-N, T-O-S-T-I, hyphen,
V-A-S-E-Y.

MR. TURNER:

Please raise your right hand.

JOANN TOSTI-VASEY, HAVING FIRST BEEN DULY SWORN,
TESTIFIED AS FOLLOWS:

MR. TURNER:

Thank you.

A. It's cold in here.

DIRECT EXAMINATION

BY ATTORNEY FRANKEL:

Q. Good morning.

A. Good morning.

Q. Can you please state your name for the record?

A. Joann Tosti-Vasey.

Q. And where do you live?

A. In Bellefonte, Pennsylvania.

Q. Is that near Penn State?

1 A. Twelve (12) miles north of it.

2 Q. So what do you do for a living?

3 A. I'm job hunting. I'm the former president of
4 Pennsylvania NOW.

5 Q. And what is Pennsylvania NOW?

6 A. National Organization For Woman.

7 Q. What does the National Organization For Woman
8 do?

9 A. It's a civil rights organization seeking full
10 equality for woman here in the United States.

11 Q. And what was your responsibility with
12 Pennsylvania NOW?

13 A. Just about everything. Community organizing,
14 press releases, legislative reviews, policy analysis,
15 assisting communities in developing ordinances,
16 disability rights.

17 Q. Pennsylvania NOW, did it have anything to do
18 with the voting rights, the new Voter ID Act?

19 A. No.

20 Q. Are you a member of any organizations that have
21 something to do with the Voter ID Act?

22 A. Not that I know of. I know people in them, but
23 I'm not a member.

24 Q. Are you familiar with the new photo ID law?

25 A. Yes, I am.

1 Q. And do you have a photo ID that's valid for
2 voting purposes?

3 A. Yes, I do.

4 Q. Have you been involved with the photo ID law at
5 all?

6 A. Yes. Last year I did some advocacy opposing it
7 and as well personally, after I stepped down from
8 Pennsylvania NOW through the passage. And then in
9 April --- no, May was when the primary was. The
10 primary was in April. I went into the poll and I
11 used an ID that according to my reading of the law
12 was not valid, and they accepted it.

13 Q. What ID did you use?

14 A. I used my lobbyist badge, which was issued by
15 the state, which has my photo on it and which has a
16 valid expiration date on it, but it was not an
17 employee government issued ID.

18 Q. So as a lobbyist, you're not an employee of the
19 state?

20 A. That's correct.

21 Q. Now, you said you've done some advocacy against
22 implementation of the law. Was that your own
23 personal work or was it associated with any
24 organization?

25 A. It was both. Prior to my stepping down as

1 president, it was on behalf of Pennsylvania NOW, and
2 then after I stepped down, on a personal basis.

3 Q. And what sort of work did that entail?

4 A. Letters basically.

5 Q. To the legislature?

6 A. Yeah. And to the Governor before he signed it
7 on December 22nd.

8 Q. Did you ever receive a response from any of
9 those letters?

10 A. No.

11 Q. Was there anything else that you did to be
12 involved with the photo ID law?

13 A. Other than going to the photo ID center.

14 Q. You went to a photo ID center?

15 A. Yes.

16 Q. What was the purpose of going to photo ID
17 center?

18 A. To find out what the process was for people who
19 didn't have --- don't have IDs in order to see what
20 happens. And I have a friend who does not drive and
21 so --- and would have to take public transportation,
22 so I went out there to see what would be needed so
23 she could get an ID, so I could give her that
24 information at the request of Pennsylvania Budget ---
25 Budget and Policy Center.

1 Q. The Pennsylvania Budget and Policy Center
2 requested that you go to a center on behalf of your
3 friend or ---?

4 A. They asked me to go out to see what information
5 was that I could glean. And I felt, well, if I'm
6 doing this, I might as well get it for my girlfriend
7 as well.

8 Q. Now, how did the Pennsylvania Budget and Policy
9 Center contact you?

10 A. Through e-mail.

11 Q. Did they contact you out of the blue or through
12 your affiliation with some other organization?

13 A. I suspect they sent it to me because of my
14 affiliation with Pennsylvania NOW. That came from
15 Kate Atkins who works for them and she sent an e-mail
16 to me.

17 Q. Why did you volunteer to go visit PennDOT?

18 A. Because I was interested in seeing what was
19 actually happening.

20 Q. Now, which center did you visit?

21 A. I visited the one in Pleasant Gap, which is in
22 Centre County.

23 Q. Do you know roughly where that is?

24 A. What do you mean?

25 Q. I'm sorry. When did you visit the ---?

1 A. July 5th.

2 Q. Of this year?

3 A. Yes.

4 Q. So that was less than a month ago?

5 A. Correct.

6 Q. But three months after the law had passed?

7 A. Correct.

8 Q. What time roughly did you go to the center?

9 A. It was after lunch, so it was probably 1:30 or
10 so.

11 Q. Was it busy at that time?

12 A. The place where they take the photos was not.
13 The place where they do the examinations had a very
14 long line.

15 Q. How did you get to the PennDOT --- how did you
16 get to PennDOT?

17 A. I drove.

18 Q. Was it your car that you drove?

19 A. Yes.

20 Q. How long did it take you roughly to get there?

21 A. About 15 minutes.

22 Q. Now, if someone does not have a card, are you
23 aware of any way that that individual can get to this
24 PennDOT licensing center?

25 A. It depends on what part of the county you're in.

1 If you're in the central region, which includes State
2 College, Bellefonte, Pleasant Gap and Boalsburg, you
3 can get there by the CATA bus system. Everywhere
4 else in the county you would have to find either a
5 taxi or find someone that could take you by car.

6 Q. Now, are you at all familiar with the --- how
7 frequently buses go to that location?

8 A. Yes. The center is open until 4:15, except the
9 examining office is close on Monday. And then
10 Thursday it goes to six o'clock, I think. But the
11 examiners stop at 4:15. So 4:15 is I think the
12 critical issue. There are three buses. The bus
13 system has lots of buses in State College, but they
14 only go out as far as the mall. At that point there
15 is one bus that goes to Bellefonte and Pleasant Gap
16 and that is very limited service. There are three
17 buses around eight o'clock in the morning, there are
18 two buses about noon, one o'clock. The rest of the
19 buses arrive at the center, I believe, I'm not
20 absolutely sure, at least an hour after the center
21 closes.

22 Q. So if someone didn't have a car and they wanted
23 to get to the center, they either have to call a taxi
24 or take a bus at eight o'clock in the morning or a
25 bus around noon or 1:30?

1 A. Correct.

2 Q. And those are the only times that they could get
3 there?

4 A. Right, during the week.

5 Q. Are there additional --- is the bus schedule
6 different during the weekends?

7 A. Yes, the bus doesn't start until one o'clock and
8 it's only on Saturday and there are two buses and
9 that's it.

10 Q. And do those buses arrive during the opening?

11 A. There are two buses that are about one o'clock.
12 The other buses would arrive over an hour after the
13 center closes.

14 Q. Now, let's talk a little bit about the actual
15 PennDOT location that you visited. Can you describe
16 that for the Court?

17 A. It sits out on the edge of Pleasant Gap. It's a
18 building probably about half the size of this room.

19 Q. Okay.

20 A. When you walk in, there's --- on the left are
21 two desks with two rows of people taking photos. On
22 the right there are some stands. It looks like it
23 could be people there. I've never ever seen anybody
24 on the right side, so I don't know what they're there
25 for. And then if you go straight back is where the

1 examiners sit. There is no information desk.

2 Q. There is no information desk. Is there any
3 greeter or person that welcomes you to the center and
4 asks ---

5 A. No.

6 Q. --- what you might be there for?

7 A. No.

8 Q. Now, on these --- did you look around at all for
9 any information about the voter ID law?

10 A. When I came in, I looked to see if there were
11 any signs or anything about voter ID. There was a
12 table next to the area where the photo IDs were that
13 had an 8 and a half by 11 sheet of paper printed out
14 that said voter ID identification and sitting under
15 that there was a three tier inbox. The top one had a
16 pamphlet that looked like probably about quarter of
17 an inch thick saying information on photo ID. The
18 second one had, I'm not sure which order these were
19 in, but one of them had an affirmation saying if you
20 didn't have a photo ID and the other one was --- oh,
21 it was for someone who was born in Pennsylvania and
22 an alternative way to get their birth certification.

23 Q. Did these forms --- or did these documents in
24 this three tier bin, did they appear to be
25 professionally printed or were they just printouts

1 from a computer?

2 A. It looked like computer printouts.

3 Q. What about the sign, did that appear to be
4 professional?

5 A. That was definitely something that we take Word
6 and they fill out the font and stick it on a wall.

7 Q. So now there was no information desk?

8 A. Correct.

9 Q. What did you do after you entered the center?

10 A. Well, I looked around and said where do I go
11 now? And one of the photo IDs says is there anyone
12 here that needs to have a photo done, because he was
13 not busy and I said, no, but I do have some
14 questions. He's says, well, come over here and I'll
15 answer them for you, so I went and talked to him.

16 Q. And can you describe the conversation that you
17 had with that person?

18 A. Yes, I told him I was looking for information on
19 getting a voter ID and he goes, well, yes, you can
20 get it here. And I said, well, what needs to be
21 done? And he said --- well, he turned around and
22 picked up a piece of paper that was very official
23 looking, came from the state that was an application
24 for photo ID. He says you fill this out, get a blank
25 check and you take it over to the guy on the other

1 side of the room. He will certify you to pay your
2 money and come back and you may get your ID here.

3 Q. And did you say anything in response?

4 A. I don't remember.

5 Q. Did the fact that that employee said you needed
6 to bring a blank check, was that consistent with your
7 understanding of the law?

8 A. No, the law says that if you're getting an ID
9 for voting purposes only it will be free. The other
10 thing I did notice is that the form he gave me, there
11 is nowhere on there, that form that's created by
12 PennDOT, that says there was a free photo ID. The
13 only thing that was free is if you were willing to
14 return your driver's license permanently, that you
15 could get a free ID.

16 ATTORNEY FRANKEL:

17 Kelby, could we pull up Exhibit 45?

18 This is a prior exhibit.

19 BY ATTORNEY FRANKEL:

20 Q. So I handed you what had been previously marked
21 as Exhibit 45. Is this the application that the
22 PennDOT employee gave you?

23 A. Yes.

24 Q. Now, just to confirm because this is not the
25 exact application, is this a copy of that

1 application?

2 A. Yes.

3 Q. And the box number two under B where it says
4 free, is that what you were referring to?

5 A. Correct.

6 Q. And what does it say is owed for any other type
7 --- in order to get any other type of ID?

8 A. All the other ones say it will cost you \$13.50.

9 Q. Okay. Now, just to be clear, did you tell the
10 clerk at that time that you were there for an ID for
11 voting purposes?

12 A. Yes, I did.

13 Q. So he gave you this form and he said you should
14 go across the exam --- to the other side of the exam
15 center. Did you do that?

16 A. Yes, I went and stood at the end of the line
17 which took me an hour to get through.

18 Q. The line took an hour?

19 A. Yes.

20 Q. Were you standing during that whole time?

21 A. Yes.

22 Q. Were there any chairs around?

23 A. No.

24 Q. Do you know approximately how many people were
25 in front of you in the line, if you know?

1 A. No, I didn't count.

2 Q. Do you know how many PennDOT employees were at
3 the desk that you were in line for?

4 A. There were two.

5 Q. Okay. So after you waited for an hour and you
6 approached the desk, can you tell the Court what
7 happened?

8 A. One of the examiners asked me to come up and I
9 said to him I was there to get some information about
10 voter ID. And I understood from the guy on the other
11 side of the room that he was the person I needed to
12 talk to. And he said well, yes, that's correct. He
13 said you need to fill out that same form that you
14 have on the screen, you need to bring a form of --- I
15 don't exactly remember, I did have some notes.

16 Q. Let's step back for one second. The form on the
17 screen that you referenced, that's Exhibit 45, the
18 application for an initial photo ID?

19 A. He gave me a copy of that as well.

20 Q. Okay. Did that clerk know about the law?

21 A. Yes, he knew about the law. He knew that it was
22 --- that you could get the photo ID there and that it
23 had to be free.

24 Q. So unlike the other employee, this employee knew
25 that the law was --- that the ID was available?

1 A. Yes.

2 Q. Now, did this employee volunteer that
3 information or did you have to ---?

4 A. Yes, he volunteered that information. I did ask
5 him about that free one. I said this doesn't say
6 anything about a free ID for voting purposes, and I
7 didn't get much of a response from him.

8 Q. Okay. Now, while you were in line waiting to
9 get up to this clerk, were there any other
10 observations that you made?

11 A. Yes. There were two people that were standing
12 in line, one of them was a man who was wanting to
13 change his address and get a new ID, the other was a
14 woman who just had gotten married and she wanted to
15 get the name changed on her photo ID.

16 Q. And do you know what happened?

17 A. With both of them, when they got up to the same
18 examiner that I talked to, he looked at the materials
19 and he said, well, you have two alternatives, you can
20 pay to have a replacement ID or I can just give you
21 the sheet of paper noting that you have had a change
22 to what's written on your driver's license and you
23 can just take that along with you and that will take
24 care of everything.

25 Q. Now, the woman that was there you said she was

1 trying to change her name because she had gotten
2 married?

3 A. Correct.

4 Q. Did you feel there was any significance to the
5 fact that the clerk said you could take this piece of
6 paper?

7 A. I thought, well, that might work for driving
8 around, but according to my understanding of the
9 voter ID law, having a separate sheet of paper with a
10 name that is different than on a driver's license
11 would not be acceptable.

12 Q. Okay. Now, if this Court has heard testimony
13 that in early April of this year, 2012, that all
14 PennDOT employees, technicians and customer service
15 personnel affirmatively volunteer that seeking an ID
16 --- a photo ID for voting purposes is free, would
17 that be consistent with your experience?

18 A. No.

19 Q. Okay. And if the Court ---.

20 ATTORNEY FRANKEL:

21 No further questions at this time, Your
22 Honor.

23 CROSS EXAMINATION

24 BY ATTORNEY CAWLEY:

25 Q. Hello.

1 A. Hi.

2 Q. I just have some follow-up questions for you.

3 You testified about your involvement with the

4 National Organization of Women?

5 A. For Women. We're not discriminatory.

6 Q. For Women. Did I get that wrong?

7 A. Correct.

8 Q. Thank you for clarifying. You were also a

9 member of the Democratic State Committee for about

10 eight years?

11 A. I was a member of the Democratic State Committee

12 for eight years and I was elected last year. So I'm

13 in my third terms of eight years being on the State

14 Committee.

15 Q. Okay. And you ran as a Democratic candidate for

16 the General Assembly?

17 A. Correct.

18 Q. I have a question for you about what you said

19 about the use of your lobbying badge in the primary.

20 You now work as a lobbyist?

21 A. No. But that badge is valid until middle of

22 August.

23 Q. Okay. And did you obtain that badge as part of

24 your work for the --- for NOW Pennsylvania?

25 A. Yes.

1 Q. And are you registered as a registered lobbyist
2 under the lobby ---?

3 A. Yes.

4 Q. Let me finish my question.

5 A. Okay.

6 Q. Are you a registered lobbyist under the Lobbying
7 Disclosure Act?

8 A. Yes.

9 Q. So you were issued the badge that goes to all
10 lobbyists who are so registered?

11 A. Yes.

12 Q. And who issues that card?

13 A. The Department of State, I believe.

14 Q. Okay. So it's issued by the Commonwealth and it
15 has your photo on it?

16 A. Yes.

17 Q. It has an expiration date?

18 A. Yes.

19 Q. And it has your name on it?

20 A. Yes.

21 Q. And you believe that that's not effective under
22 --- as an acceptable form of ID under the voter ID
23 law?

24 A. Correct.

25 Q. And you believe that because you ---?

1 A. Because I'm unemployed.

2 Q. Okay. And you said you have read the voter ID
3 law?

4 A. Yes.

5 Q. And doesn't the voter ID law say that any
6 identification meeting those three criteria issued by
7 the Commonwealth is effective?

8 A. But it says as an employee ID. It does not say
9 any --- the way I read it it says an employee ID,
10 this is not an employee ID.

11 Q. So you understand that the Commonwealth cannot
12 issue IDs except as to employees for them to work?

13 A. For voting purposes, that's correct.

14 Q. I just have a couple of questions about your
15 visit to the PennDOT centers. You said at one point
16 that you looked over and there were PennDOT employees
17 in certain areas and you said I've never ever seen
18 any people over there. How many times have you been
19 to this PennDOT location?

20 A. Let's see. Let's see, I've been in Centre
21 County since 1980 and you get your ID every four
22 years, so that's probably 10, 12 times.

23 Q. Same location?

24 A. Uh-huh (yes).

25 Q. And you talked about after you were finished you

1 observed other people asking for information and a
2 woman who had been married was asking about changing
3 her name for purposes of her photo ID?

4 A. For her driver's license.

5 Q. For her driver's license?

6 A. Yes.

7 Q. Did she say anything about voting to the PennDOT
8 employee?

9 A. No.

10 Q. And the PennDOT employee gave her options about
11 the information he could provide?

12 A. Yes.

13 Q. So when you went to the PennDOT driver's license
14 center, this was part of an organized effort so that
15 there were other people doing the same thing
16 elsewhere?

17 A. Yes.

18 Q. And is there any organized effort among the same
19 people to assist others in obtaining photo ID in
20 advance of November?

21 A. Yes, as far as I know, yes.

22 Q. You will be involved with such efforts?

23 A. Yes. I have actually asked people about their
24 IDs when I'm out talking, so yes.

25 Q. So there is such an effort in Centre County?

1 A. Yes.

2 ATTORNEY CAWLEY:

3 Great. Those are all the questions I
4 have, thanks.

5 ATTORNEY FRANKEL:

6 Just a few questions, Your Honor. Can
7 you please bring up Exhibit 19, please?

8 REDIRECT EXAMINATION

9 BY ATTORNEY FRANKEL:

10 Q. Ms. Tosti-Vasey, I'm showing you what has
11 previously been marked as Exhibit 19. Do you
12 recognize this document?

13 A. Yes, this is the one that was in the top of the
14 inbox at the photo ID center.

15 Q. So this is one of the documents that you picked
16 up when you were at the center?

17 A. This was only one copy there.

18 Q. There was only one copy?

19 A. That's correct.

20 Q. Did you have a chance to look at it while you
21 were there?

22 A. I quickly scanned it, but I didn't look at it in
23 detail.

24 Q. Can you turn to page one, please?

25 A. One, okay.

1 Q. Second page of the document, but listed as page
2 one.

3 A. Okay.

4 Q. Now, do you see the box that says what is an
5 acceptable form of ID?

6 A. Yes.

7 Q. And can you read the first carrot under the
8 right-hand side of that box?

9 A. A person who is registered to vote but does not
10 have an acceptable form ---.

11 Q. I'm sorry. I think we're on the wrong page
12 here. Are you on page one of six?

13 A. One of six at the bottom, it says what if a
14 voter does not have an acceptable form of ID.

15 Q. The box just above that?

16 A. Okay.

17 Q. It says what is an acceptable ID on the left and
18 on the right it starts out all IDs must contain ---.

19 A. Okay.

20 Q. Can you read that?

21 A. All IDs must contain a name, a photo and an
22 expiration date that is current unless noted
23 otherwise. Acceptable IDs include photo IDs issued
24 by the U.S. government or the Commonwealth including
25 Pennsylvania driver's license and PennDOT photo ID

1 card, U.S. passport, U.S. military ID.

2 Q. Sorry, let me stop you right there. Is your
3 lobbying badge that you used during the primary ---
4 it does have, as you went over with Mr. Cawley, your
5 name, a photo and an expiration date that's current
6 on it; correct?

7 A. Correct.

8 Q. Is that lobbyist badge issued by the U.S.
9 government?

10 A. No, it was not issued by the U.S. government.

11 Q. Was that lobbying badge issued by the
12 Commonwealth of Pennsylvania?

13 A. Yes.

14 Q. Is it a driver's license?

15 A. No.

16 Q. Is it a PennDOT photo ID?

17 A. No.

18 Q. Is it a U.S. passport?

19 A. No.

20 Q. Is it a U.S. military ID?

21 A. No.

22 Q. Now, can you please read the second form of
23 acceptable ID underneath that?

24 A. Employee photo identification issued by federal,
25 Pennsylvania, Pennsylvania county or Pennsylvania

1 municipal government.

2 Q. Now, I think this is where --- what Patrick was
3 asking about. Now, do you believe that Patrick was
4 confused about the law when he asked you if your
5 lobbyist badge was valid?

6 JUDGE SIMPSON:

7 Mr. Patrick meaning Mr. Cawley?

8 ATTORNEY FRANKEL:

9 Yes, I'm sorry. Mr. Cawley.

10 BY ATTORNEY FRANKEL:

11 Q. Do you believe that Mr. Cawley was confused
12 about the --- when he asked if your lobbying badge
13 was valid?

14 A. Yes, if he thinks that a lobbyist badge is an
15 employee badge, then I do.

16 Q. So your lobbyist badge is not an employee badge?

17 A. That's correct.

18 Q. Even though it was issued by the Commonwealth of
19 Pennsylvania?

20 A. Correct.

21 ATTORNEY FRANKEL:

22 Thank you. No further questions.

23 ATTORNEY CAWLEY:

24 If you could leave the exhibit up, I
25 just have two very brief questions.

1 RE CROSS EXAMINATION

2 BY ATTORNEY CAWLEY:

3 Q. So at the very top where it says a photo ID is
4 issued by the Commonwealth of Pennsylvania, so far
5 your lobbying badge is included there; right?

6 A. Yes.

7 Q. It is issued by the Commonwealth of
8 Pennsylvania?

9 A. Right.

10 Q. And it says including, and offers some examples,
11 but lobbying badge is not one of them; right?

12 A. That's correct.

13 Q. Do you read that to be --- those are all of the
14 ways that a Commonwealth issued ID will satisfy the
15 law?

16 A. That's the way I read it, yes.

17 Q. It says including, and you think those are all
18 of the examples that it could possibly be?

19 A. Yes.

20 Q. Okay. And just ---.

21 JUDGE SIMPSON:

22 I've got the point. I really have the
23 point.

24 ATTORNEY CAWLEY:

25 Sure. And just one final question.

1 BY ATTORNEY CAWLEY:

2 Q. This frequently asked questions form from the
3 Department of State was available at the PennDOT
4 driver's license center?

5 A. Just the one copy, yes.

6 ATTORNEY CAWLEY:

7 Those are all the questions I have.

8 JUDGE SIMPSON:

9 So I have a question. What is the
10 Pennsylvania Budget and Policy Center?

11 A. It's an economic research group that provides
12 information, usually on budgetary information.
13 They're associated with the Keystone Research Center.
14 I don't know which one's the bigger one and which
15 one's the lower one, but they work together.

16 JUDGE SIMPSON:

17 Were you gathering any financial or
18 economic information from your visit?

19 A. No.

20 JUDGE SIMPSON:

21 I'm still mystified about this, but I
22 don't have any other questions of this witness.

23 ATTORNEY CAWLEY:

24 I have no questions either, Your Honor.

25 ATTORNEY FRANKEL:

1 No questions, Your Honor.

2 JUDGE SIMPSON:

3 Thank you. You may step down.

4 A. Thank you.

5 JUDGE SIMPSON:

6 You may call your next witness.

7 ATTORNEY CLARKE:

8 The Petitioners call John Jordan.

9 MR. TURNER:

10 Would you raise your right hand, sir?

11 -----

12 JOHN JORDAN, HAVING FIRST BEEN DULY SWORN, TESTIFIED
13 AS FOLLOWS:

14 -----

15 MR. TURNER:

16 Thank you.

17 DIRECT EXAMINATION

18 BY ATTORNEY CLARKE:

19 Q. Good afternoon, Mr. Jordan.

20 A. Good afternoon.

21 Q. Would you please introduce yourself?

22 A. I'm John Jordan. I'm the Director of Civic
23 Engagement for the Pennsylvania NAACP.

24 Q. And where do you live, Mr. Jordan?

25 A. I live in Bucks County, Croydon, Pennsylvania.

1 Q. How long have you held the position of Director
2 of Civic Engagement for the Pennsylvania NAACP?

3 A. Since March 14.

4 Q. And how long have you been involved in the NAACP
5 generally?

6 A. Since 1990.

7 Q. And what did you do --- when you were involved
8 with the NAACP since 1990, were you actually employed
9 by the NAACP?

10 A. No, strictly volunteer. I held the office of
11 president of Bucks County's NAACP. I held the
12 vice-president position with the NAACP state. I held
13 the position of treasurer with the NAACP state. I
14 worked as direct action chair under the leadership of
15 the president of the state, and most recently this
16 past March is when I got the offer from the national
17 office to lead the civic engagement here in the
18 state.

19 Q. Okay. And before you had the paid job of
20 leading the civic engagement strategy, did you have a
21 paid job prior to March of this year?

22 A. Yes. Since 1989 I was in the finance industry
23 as vice-president of SunBank, Commerce Bank and TD
24 Bank.

25 Q. Now, the Pennsylvania NAACP is a Petitioner in

1 this case, is that your understanding?

2 A. That is correct.

3 Q. Could you explain for the Court what the
4 Pennsylvania NAACP is?

5 A. The Pennsylvania NAACP is one of about 2,300
6 branches of the NAACP nationwide. In Pennsylvania,
7 we advocate for --- I'll just tell you the mission of
8 the NAACP if that will help. The mission of the
9 NAACP is to ensure the economic, political, social
10 and education equality of all people and to eliminate
11 racial hatred and racial discrimination.

12 Q. Now, is the NAACP in Pennsylvania organized in
13 chapters?

14 A. Yes, chapters and branches. We have 43 branches
15 across the state which is --- we have a president and
16 then we have an executive committee and then we have
17 sectional directors one in the west, one in the
18 central and one in the east. And then we have
19 college and youth chapters across the state also, in
20 high schools and in colleges across the Commonwealth.

21 Q. And how many members does the NAACP of
22 Pennsylvania have statewide?

23 A. Close to 10,000.

24 Q. So when you were first hired last winter in
25 order to be the director of civic engagement, what

1 was the plan for you? What work were you intended to
2 do?

3 A. Well, when they brought me in to Washington,
4 D.C., the plan was strictly voter registration, voter
5 mobilization and voter protection. And, of course,
6 there was an educational component as far as voter
7 education under, you know, getting issues out to
8 potential voters, getting information about
9 candidates out, and that was the main mission. But
10 the primary focus was registration, registration,
11 registration.

12 Q. And did you have targets that you established to
13 meet in terms of voter registration?

14 A. Absolutely.

15 Q. And what were those targets?

16 A. Ten percent of the unregistered
17 African-Americans in the Commonwealth, which were
18 close to 250,000, with the state goal of 25,000.

19 Q. And in terms of the education, was this a ---
20 was there a partisan aspect of the educational ---?

21 A. Not at all, just strictly non-partisan.

22 Q. And can you explain a little more what the
23 education was that was planned for you to do when you
24 first were hired?

25 A. Well, if there's an issue in a county, if

1 there's an issue on the state level, just to bring
2 attention to that issue so when a person goes into
3 that polling booth they're making an intelligent
4 decision in their community about that particular
5 issue. And the candidates, whether Republican or
6 Democrat, to get enough information about those
7 candidates out to all of the people in the community
8 so once again the voter can make an intelligent
9 decision when they walk in the polling booth.

10 Q. Now, just about the time that you were starting
11 your job, the photo ID law or Act 18 was enacted. Do
12 you recall that?

13 A. Yes. I recall being part of a group of
14 organizations when it was just a bill and the
15 organizations were --- is it okay to mention
16 organizations?

17 Q. Yes.

18 A. AARP, Pennsylvania Voice, the ACLU, numerous
19 organizations that we logged --- Penn Action was
20 another organization where we got 10,000 signatures
21 and we brought it into the rotunda of the State
22 Capital and held a press conference expressing, you
23 know, whatever you guys do, please, don't vote this
24 thing in. And within a week or two it got voted in.

25 Q. Okay. So when it got voted in, did your

1 responsibilities or your focus change?

2 A. Immensely.

3 Q. Immensely. Can you just describe generally how
4 your responsibilities and focus changed from the
5 voter registration piece that you described?

6 A. Well, the way it hit the papers and hit the news
7 was that this new ID had come out and you would need
8 this new ID to vote. So we had confusion in the
9 community that, you know, for people who had driver's
10 licenses, people who had non-photo driver's licenses,
11 that they had to go get this new piece of ID. So
12 that was the first hurdle.

13 And then we started holding what we call ID
14 clinics all across the state and as far west as Erie
15 and Pittsburgh and as far east as Morrisville,
16 Pennsylvania and we just started holding ID clinics
17 and in the community center that would allow us in,
18 or any church that would allow us in, and then it
19 kind of shifted where we were no longer the ones
20 doing the --- asking could we hold an ID clinic, the
21 phones started ringing and it just totally got ---
22 it blew up. It just blew up and I think a lot of it
23 blew up when we were starting Pennsylvania voter ID
24 coalition. We were one of the founding
25 organizations and just sitting around the room as to

1 what can we do to educate the community and those
2 were the conversations everyone was having.

3 So as each organization brought their resources
4 to the table, we set up trainings where people were
5 trained as speakers to go out and talk about the ID
6 and all of the things that were involved with the
7 new photo ID law. We also kept ---.

8 Q. Let me just stop you and follow-up on some of
9 the things that you said. You said the phone started
10 ringing. When you say the phone started ringing, was
11 that from voters who had questions?

12 A. Voters that had questions, community groups that
13 had questions. I've been in front of Asian
14 communities, Latino communities. We just did a major
15 thing with a group called Elements, which is gay,
16 lesbian, transgender communities, and they all just
17 --- you know, they called and want someone to come
18 out and do a Q and A with their people about the law.

19 Q. In terms of the kinds of activities that you've
20 undertaken, you've answered questions, you've gone
21 out and given presentations. And have there been ---
22 have you also trained people ---

23 A. Yes.

24 Q. --- in terms of how to go and train other
25 people?

1 A. Well, we brought three people on board to help
2 us out because it was just getting to be a bit
3 overwhelming. And we have a young lady on ground in
4 Pittsburgh and we have two young ladies on the ground
5 in Philadelphia. Along with that and with our
6 partner, and I have to call them our partner, because
7 that's what they've been, the Pennsylvania Voter ID
8 Coalition. I'm one of the --- I served on a
9 speaker's panel and I served on the media outreach.
10 In that role with the PA Coalition, we hold
11 trainings. I think we've had about five or six
12 trainings where we brought in lots of people and
13 these are the trainers trainers. So what happens we
14 get an e-mail almost weekly which has about anywhere
15 from 6 to --- I think the most I've ever seen was
16 about 10 to 12 locations where they want people to
17 come out and do trainings.

18 Q. Now, at the trainings and the sessions that
19 you've gone to, do you hear that people are beginning
20 --- do you hear that there is confusion among the
21 public about what the details of the law actually
22 are?

23 A. It's lot of confusion and I have to keeping
24 going back to the partnership with the other
25 organizations. It started out as about 25, but now

1 it's somewhere around a hundred organizations. The
2 pressure that we've applied to the state --- and I
3 truly believe that if the NAACP and others were not
4 applying pressure to the state that the law probably
5 would still be in its original writing. But because
6 of that there is constant changes, constant revisions
7 being made, and by the time we get something printed
8 up, we have to go back to the drawing board and print
9 it up, but that original information is still out
10 there in masses so it's constantly changing.

11 Q. And let's just talk about some of the changes.
12 One of the changes that --- clarifications that was
13 issued early on was that if your --- if you had a
14 PennDOT ID and it was expired, you could go back to
15 PennDOT and get a free ID. Is that one of the
16 changes that you are referring to?

17 A. That's one.

18 Q. And so when that change was announced, did you
19 have to go back and refine all --- or change all your
20 materials?

21 A. It's been that one. It's been quite a few.
22 There's been about five or six revisions.

23 Q. And are you worried that there's --- all the old
24 stuff's still out there?

25 A. The old stuff is definitely still out there.

1 When I do my travels across the state, I might walk
2 into a facility or into a community center --- a few
3 weeks ago I was in Pittsburgh and I was at a group in
4 church and they had the original information from
5 March 12 still out on the table, or March 14, I
6 forget which date the law became the law. But they
7 still had that original information on the table.
8 This past weekend I was doing a voter ID clinic in
9 south Philadelphia and there was some old information
10 there, and I had just got some new information from
11 the ACLU and I brought that with me and I was able to
12 ask the people to remove that and use this because
13 this was the latest version.

14 And to talk about the confusion, one of the
15 invited guests at this past weekend's event was a
16 PennDOT employee and the PennDOT employee was being
17 asked questions repeatedly about the affidavit or
18 affirmation that you had to sign. And the people in
19 the audience were disturbed about the writing on the
20 bottom of it where it says \$1,000 fine or two years
21 imprisonment if you use his ID for anything other
22 than voting purposes. And so, you know, a lot of
23 people in the audience were angry saying, you know,
24 you're telling me that if my mom decides to use this
25 at the pharmacy, you know, just to show that she is

1 who she is that she could be arrested and who's
2 going to enforce it. And the PennDOT guy said, no,
3 this is strictly Department of State, I don't have
4 anything to do with it. If it was left up to us, it
5 wouldn't be here.

6 Q. Let me just stop you. What I want to do now is
7 get you to --- I'm gathering from your testimony that
8 you have a lot of examples of specific people
9 throughout the last four months who have had
10 confusion and issues and problems?

11 A. Well, let me just say this.

12 Q. Is that right?

13 A. Let me just say this.

14 JUDGE SIMPSON:

15 Hang on. You need to answer questions.

16 A. Okay. All right.

17 BY ATTORNEY CLARKE:

18 Q. It's hard, I know, to take four months of
19 experience and instill it into a few minutes of
20 testimony.

21 A. I understand.

22 Q. So we recognize that. What I'd like to do now
23 is ask you about --- we're now throwing in the mix of
24 all this confusion to ask you about the new ID that
25 the Department of State has said it's going to issue

1 at the end of August. You're aware of that
2 announcement?

3 A. Yes, yes.

4 Q. And do you have an understanding of what that is
5 such that you are able to train people or educate
6 people about what that is?

7 A. Well, I've read the press release, but I have,
8 you know, a lot of questions. We have a little
9 research team that's set up that kind of sends those
10 questions in to the state. The only thing I see that
11 new ID doing is creating even more confusion in a
12 very, very small amount of time before a major
13 election and I just see it being a total nightmare.

14 Q. And why is that?

15 A. Because there's enough confusion on the streets
16 right now, and to add another caveat that is supposed
17 to be an end all be all, I just don't see it
18 happening. And I'm out here in the trenches daily
19 and I just don't see it happening.

20 Q. Now, how much of your time now are you spending
21 working on educating people on the voter ID law, your
22 time personally?

23 A. I do about 50 hours a week. And maybe 30 to 35
24 is on education, just around this ID. And, you know,
25 there's so many different components. If we remove

1 the ID clinics, there's --- you know, we said
2 recently with the Chancellor of Higher Education and
3 Chancellor Cavanaugh, and you know, sitting down
4 hammering out how the 14 state funded universities
5 are going to have either stickers on their IDs when
6 the students return, or in the case some universities
7 are producing totally brand new IDs and that's a
8 whole other burden, just make sure that hundreds of
9 thousands of college students are empowered when they
10 come back.

11 Q. So 30 of 50 hours of your time a week roughly
12 you're spending on the voter ID material?

13 A. Yes.

14 Q. And you mentioned working on getting colleges
15 and universities stickers. Today not all colleges
16 and universities in Pennsylvania are getting stickers
17 so far; right?

18 A. To my knowledge, not all of them are, but we ---
19 the battle is not over. So we're still working with
20 every university that we hear about and every college
21 that we hear about that is not compliant and has no
22 game plan to be compliant. We're talking to that
23 president or the powers that be to try to get them
24 there. And our target date is Tuesday after Labor
25 Day to every single university and college.

1 Q. Now, how confident are you at this point that
2 with all the efforts that you're making, all the
3 efforts that you're going to make, that every person
4 in Pennsylvania who needs to have an ID knows about
5 it and is able to get it?

6 A. Not confident at all.

7 Q. And why is that?

8 A. When I go in to certain urban areas in
9 Philadelphia, Pittsburgh, Chester, the information is
10 just not getting out quick enough. You know, the
11 progressive communities, you know, they're starting
12 to get it and there's confusion there, but in some of
13 the other areas, it's bad, it's real bad.

14 Q. Now, we've heard testimony throughout this trial
15 about efforts that the Department of State is making
16 to get the word out. You're kind of down there in
17 the weeds; right?

18 A. Well ---.

19 Q. And have you seen the efforts of the Department
20 of State or have you seen the results of the
21 Department of State?

22 A. No. And I have to be honest with you, I'm not
23 seeing any literature from the Department of State
24 unless one of the organizations that are involved has
25 put it out. I'm not going into any of the facilities

1 where this stuff should be listed and seeing it.
2 It's just not out there yet. And, you know, we try
3 to be proactive, and when they came out with the
4 voter ID --- Department of State voter ID
5 questionnaire, we posted it on our website, but I
6 mean, how many people are going to go to our website.
7 You know, we're trying, but there's no way this can
8 be done.

9 Q. Now, in your travels and all of the work that
10 you're doing, are you also hearing about problems
11 that people are having in getting the appropriate ID
12 to vote?

13 A. Veterans who don't have --- I hear from
14 veterans, I hear from seniors that were born in
15 southern states that, we call them, behaved badly
16 back in the day, a lot of the Hispanic population,
17 very, very concerned about the fact that --- you
18 know, I met a school teacher recently and she is an
19 Hispanic school teacher, but yet she can't get her
20 birth certificate. Seniors who have tried and tried
21 repeatedly to get this information, and some started
22 as early as like 1985 and 1990 and, you know, they
23 keep paying the money, keep paying the money, but
24 they're not getting the results. They keep getting
25 decline letters from these offices of vital

1 statistics in Alabama and Mississippi and Tennessee
2 and Georgia and places like that.

3 Q. And has this hearing about problems occurred up
4 until very recently, up until last weekend even?

5 A. Yes.

6 Q. Did you have an example that you had just last
7 weekend?

8 A. Same situation, the lady didn't have access to
9 her birth certificate, says she had tried and she
10 said she had been to PennDOT and she had everything
11 but the birth certificate and was hoping that she
12 could talk to a manager, whatever. And thankfully
13 there was a PennDOT representative there and he was
14 at the event and so he took her number and she took
15 his number, and he said he would see what he could do
16 to help streamline the process and help her out. But
17 how lucky can you be to actually just be in the event
18 where there is a PennDOT rep or someone like that?

19 Q. And how many times had that individual been to
20 PennDOT did she say?

21 A. She said four times and she was getting ready to
22 go her fifth.

23 Q. Now, if you weren't doing all of this voter
24 education for the voter ID law, what would you be
25 doing?

1 A. Well, I won't have this hammer on my head about
2 my registrations being so low. I'd be out there, you
3 know, registering people to vote. I would have my
4 teams on the streets registering people to vote. We
5 would be at all of the community events and festivals
6 and concerts and all the major venues where you see
7 registration going on. We would be able to take over
8 major street corners in areas like Pittsburgh and
9 Philadelphia. And my teams would be doing strictly
10 registration, registration, registration.

11 Q. And how are you doing with that benchmark that
12 we talked about at the beginning?

13 A. It's a sad number. I don't want to talk about
14 it. If you really want an answer, we're probably
15 around 2,000, 3,000.

16 Q. Now, why has the NAACP decided to be a
17 Petitioner in this case and to spend to divert these
18 resources to doing education on the voter ID law?

19 A. Well, you know, from the way it was written and
20 when we researched the numbers and our Washington
21 advocacy group did the research on the numbers, we
22 felt that the way the law was written it
23 disenfranchised the largest voting populations of
24 2008. When students 18 to 25 and seniors, those were
25 your three largest groups that voted in 2008, and the

1 way this thing is written it disenfranchises each
2 group. So that's the reason NAACP looked at those
3 numbers and looked at those disparages and said, hey,
4 wait a minute, this is strategic, and then after
5 Turzai's comments, we now know it was targeted.

6 Q. And was NAACP in deciding to be a Petitioner in
7 this case and spending its resources on this
8 education also trying to make sure that the members
9 and the people that it represents are able to vote?

10 A. Absolutely.

11 ATTORNEY CLARKE:

12 I have no further questions.

13 JUDGE SIMPSON:

14 Please proceed.

15 ATTORNEY SCHMIDT:

16 Thank you, Your Honor.

17 CROSS EXAMINATION

18 BY ATTORNEY SCHMIDT:

19 Q. Good afternoon, Mr. Jordan.

20 A. Good afternoon. How are you?

21 Q. Very well. My name's Kevin Schmidt. I
22 represent the Respondents. I just have a few
23 follow-up questions for you. The NAACP, that's a
24 membership driven organization; is that correct, sir?

25 A. That's correct.

1 Q. And do the members pay dues?

2 A. Yearly or --- yearly or buy a lifetime
3 membership. And we have three lifetime levels, it
4 would be silver, which is 750, it could be bronze, it
5 could be gold.

6 Q. What are the annual dues in Pennsylvania?

7 A. \$30 a year per adult.

8 Q. And are all the members, all the 10,000 members
9 in Pennsylvania that you referenced earlier, are they
10 all adults, sir?

11 A. Do they all vote?

12 Q. Are they all adults?

13 A. Oh, yes, you have to be over 18. Yes.

14 Q. Thank you. Now, you talked about this
15 tremendous educational campaign that you have
16 currently ongoing for the voter ID law and you're
17 going to continue to do that; is that correct?

18 A. Yes.

19 Q. And you're going to continue to do that up until
20 the day of the election?

21 A. Yes.

22 Q. And do you believe, and is it your testimony
23 here today, that that education and this tremendous
24 effort you're making is part of your mission and
25 objectives at the NAACP?

1 A. Well, yes. And what I mean by that is our
2 educational efforts are not to be centered around an
3 ID piece. It's to be centered around issues and
4 educating of candidates. That's what we've been
5 doing for 103 years, issues and education of
6 candidates, not having to go through all this with a
7 law that we don't support.

8 Q. But you'd agree with me that you also put forth
9 extreme efforts to compel people to register to vote;
10 is that correct, sir?

11 A. Absolutely.

12 Q. And would you see your education process for the
13 voter ID in the same light as getting people to
14 register to vote?

15 A. We feel like it is just an extra burden that's
16 been put upon us. I mean, as far as we're concerned
17 registering people to vote, mobilizing them to the
18 polls and educating them about the candidates are the
19 most important issues.

20 Q. Would you agree with me that registration as
21 well as education on the voter ID law is encouraging
22 your membership or the public to vote?

23 A. Well, what we're getting is we're getting a lot
24 of angry folks. You know, they're registering just
25 because they're angry. They're registering because

1 they feel like their voting rights are under attack,
2 and I just have to just listen to all of the anger,
3 all of the anguish, so it's --- you know, it would be
4 real nice if they were registered because, you know,
5 it's an election and they're excited about the
6 candidates. But no, they're registering because
7 they're angry about the fact that they feel that
8 they're being personally attacked.

9 Q. And are all 10,000 members across the state ---
10 are they involved in the registration process and the
11 voter ID education process?

12 A. We would like to think that, yes, but not all of
13 them are.

14 Q. You encourage them to be; is that correct, sir?

15 A. Yes.

16 Q. Now, I notice that along with the speaking
17 engagements that you referenced earlier, you've done
18 those all across the state; is that correct, sir?

19 A. That's correct.

20 Q. And how long have you been doing those for?

21 A. On a continuous basis since the first week of
22 April.

23 Q. And you also referenced ID clinics across the
24 state; is that correct, sir?

25 A. One and the same.

1 Q. Okay. And I thought that you testified that at
2 the beginning your organization was running the ID
3 clinics; is that correct?

4 A. We were being contacted by our community, so to
5 speak, African-American community. Once we were out
6 on the front running with this thing, that's when
7 other communities started contacting us and then we
8 just started going wherever we were asked to go and
9 it didn't matter. Like in Bucks County, for
10 instance, the Bucks County Voter ID Task Force was
11 started because of the pressure that we put on the
12 County Commissioners in Bucks County along with Penn
13 Action. So wherever we can apply the pressure to get
14 more educational information out that's what we've
15 been trying to do.

16 Q. And are you involved --- is your organization
17 involved with every ID clinic that's ongoing out
18 there or have some ---

19 A. No.

20 Q. --- communities taken the role themselves?

21 A. We couldn't be involved in every ID clinic
22 that's happening. I mean, the Women League of
23 Voters, they're doing clinics and workshops, Penn
24 Action, Pennsylvania Voice. I mean, there's a lot of
25 civic organizations that are doing voter ID work.

1 We're not the only ones.

2 Q. So there is a wide array of organizations out
3 there educating the potential voters in Pennsylvania
4 about ---?

5 A. They're attempting to.

6 Q. How successful would you say your ID clinics
7 have been?

8 A. Only as successful as the next piece of
9 revisions that come from the Department of State.

10 Q. So is it your testimony that you are educating
11 the people about the law and about what's needed to
12 be done to vote?

13 A. Yes.

14 Q. What's the typical attendance at these ID
15 clinics, sir?

16 A. Oh, it varies from --- I've been in rooms where
17 there's been hundreds, I've been in rooms as low as
18 25, 30 people.

19 Q. Since you started, how many people do you think
20 you've reached?

21 A. Thousands.

22 Q. Now, you also mentioned that you have some
23 information on the NAACP Pennsylvania State
24 Conference website; is that correct, sir?

25 A. Yes.

1 Q. And some of that information is, in fact,
2 directly referencing voting in the upcoming election;
3 is that correct, sir?

4 A. Well, we have information up there. We have
5 pictures from our rally that we held last week in
6 opposition of this law. We have --- we try to keep
7 up with the latest revisions and update the website
8 accordingly so if some --- you know, because
9 everybody doesn't want to talk and everybody doesn't
10 want to come to an ID clinic, and so in a real savvy
11 world, especially with young folks, they just want to
12 go on the website, check out what they need, that's
13 what we want to happen.

14 Q. And the website has a whole section dedicated to
15 voting education; is that correct?

16 A. I see you've been to our website.

17 Q. I have. I was very impressed. And included in
18 there is sections about the simplified method of
19 obtaining an ID; is that correct, sir?

20 A. If that's what you saw, I mean, I --- I just
21 tell the webmaster what to put up, and if that's one
22 of the pieces, that's one of the pieces.

23 Q. Okay. Are you very familiar with the website,
24 sir?

25 A. I'm pretty familiar with it. I mean, the

1 simplified piece, I don't see anything simplified
2 about this voter ID law, so I can't say that there's
3 anything simplified on our website.

4 Q. But you don't have a section on your website
5 that says that?

6 A. That's dedicated to voting.

7 Q. Correct.

8 A. That's all it says is voting, it's a voting tab.
9 Nothing says simplified.

10 Q. And there is also --- sir, there's also sections
11 on there about a voter ID campaign being forwarded by
12 your organization; is that correct?

13 A. Correct.

14 Q. And could you explain that for me?

15 A. The voter ID campaign is just pretty much what
16 I've been talking about. Just making sure that as
17 branch presidents --- that each one of our branch
18 presidents in each one of our areas knows the
19 information, that you have information at your branch
20 meetings, because branch meetings are not attended
21 just by members. Branch meetings are attended by the
22 community also. And so it's there and not just for
23 the people who visit the site, but for our leadership
24 to reference real quickly before they go speak and
25 before they do something that they'll be able to pull

1 down the information that they need.

2 ATTORNEY SCHMIDT:

3 Thank you, sir. I have no further
4 questions for you. Thank you, Your Honor.

5 ATTORNEY CLARKE:

6 No further questions.

7 JUDGE SIMPSON:

8 Thank you. You may step down.

9 A. Thank you.

10 JUDGE SIMPSON:

11 You're ahead of me actually. He's
12 ready to go. Do you have anybody else to question
13 for the morning session?

14 ATTORNEY CLARKE:

15 No, Your Honor.

16 JUDGE SIMPSON:

17 What are your plans for this afternoon?

18 ATTORNEY GERSCH:

19 Your Honor, that concludes the
20 witnesses we have for today. For tomorrow we have
21 --- we may be losing a couple of witnesses. We have
22 three witnesses who we're planning to call, that
23 would be Professor Minnite, who is an expert on
24 fraud, Olivia Thorne from the League of Women Voters
25 and Jorge Santana, who's an election official. We

1 also had two additional folks who we may be in the
2 process of losing, both of whom who are witnesses who
3 have had experiences trying to get identification.
4 One of whom is ill and we would not be seeking to go
5 through Your Honor's chambers if we were able to get
6 her to testify. I think we would go through an
7 alternative method and still have her testify by
8 video. And the other is a woman who's had a death in
9 the family and we'll know later tonight what their
10 situation is. And those are the end for us.

11 JUDGE SIMPSON:

12 Do you have anybody? You could maybe
13 even call out of order.

14 ATTORNEY CAWLEY:

15 We will not be calling further
16 Commonwealth witnesses, no.

17 JUDGE SIMPSON:

18 So we're finished for the day, is that
19 the message I'm getting here?

20 ATTORNEY RUBIN:

21 Just for housekeeping, Your Honor,
22 Exhibits 43 through 45.

23 JUDGE SIMPSON:

24 Let me make sure I got this right.
25 We're going to adjourn for the day and reconvene

1 tomorrow at 9:00. Is that --- you don't need me
2 anymore today?

3 ATTORNEY GERSCH:

4 We always need you, Your Honor, but we
5 are prepared to ---.

6 JUDGE SIMPSON:

7 It's a leading question, I know. Let's
8 deal with the exhibits then. I have from today's
9 session, let's see, 44, 45 ---.

10 ATTORNEY RUBIN:

11 And you should have 43 which is an
12 e-mail, Your Honor, which was during the Secretary's
13 testimony.

14 JUDGE SIMPSON:

15 I see that that was the template for
16 the care ---.

17 ATTORNEY RUBIN:

18 That's correct.

19 JUDGE SIMPSON:

20 That was because it was before the
21 morning break, let me find it here.

22 ATTORNEY RUBIN:

23 We do have a copy, Your Honor.

24 JUDGE SIMPSON:

25 Here's the problem. The number isn't

1 written in the manner that I recognize. This is 43
2 right here. It looked like 47 to me. I have 43, 44
3 and 45 and I have unmarked Commonwealth --- I'm
4 sorry, Respondents' Exhibit which I believe is going
5 to be Number Four.

6 ATTORNEY CAWLEY:

7 Correct, Your Honor.

8 JUDGE SIMPSON:

9 And are you going to put a sticker on
10 this?

11 ATTORNEY CAWLEY:

12 I believe we do have a marked copy
13 here, but I could put a sticker on it for you if you
14 would like.

15 JUDGE SIMPSON:

16 That would be great. But 43, 44 and 45
17 are moved?

18 ATTORNEY RUBIN:

19 Yes, Your Honor.

20 JUDGE SIMPSON:

21 And is there an objection?

22 ATTORNEY CAWLEY:

23 No, Your Honor.

24 JUDGE SIMPSON:

25 They're received.

1 ATTORNEY CAWLEY:

2 And I would move for the admission of
3 Respondents' Four.

4 JUDGE SIMPSON:

5 Any objection?

6 ATTORNEY RUBIN:

7 No, Your Honor.

8 JUDGE SIMPSON:

9 It's received. Thank you. There being
10 no further ---.

11 ATTORNEY CLARKE:

12 Your Honor, we thought as long as we
13 had a minute, we might do another housekeeping
14 matter, which would be to move --- to offer and move
15 into evidence a portion of the amended Answers of
16 Respondents to our First Set of Interrogatories and
17 the portion would be the first page, the answer to
18 Interrogatory Number One and the verification.

19 JUDGE SIMPSON:

20 Do you have it redacted or sort of
21 streamlined?

22 ATTORNEY CLARKE:

23 We just have it streamlined. Yes, we
24 just have the answer to Interrogatory One which is
25 the document that we are moving to admit along with

1 the first page to the verification.

2 JUDGE SIMPSON:

3 Any objection?

4 ATTORNEY CAWLEY:

5 No, Your Honor.

6 JUDGE SIMPSON:

7 It is received. Is this marked?

8 ATTORNEY CLARKE:

9 We have just marked it as Exhibit 46.

10 (Petitioners' Exhibit 46 marked for
11 identification.)

12 JUDGE SIMPSON:

13 It's received.

14 ATTORNEY CLARKE:

15 Thank you, Your Honor, I think that is
16 everything.

17 JUDGE SIMPSON:

18 Anything else today?

19 ATTORNEY GERSCH:

20 No, Your Honor.

21 JUDGE SIMPSON:

22 So we are finished until tomorrow at
23 9:00. And do you anticipate that tomorrow is the
24 last day of evidence?

25 ATTORNEY CLARKE:

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Yes, Your Honor.

ATTORNEY CAWLEY:

Yes, Your Honor.

JUDGE SIMPSON:

Mrs. Simpson will be happy to hear that. And we are adjourned and I look forward to seeing you tomorrow.

MR. TURNER:

Commonwealth Court is now adjourned.

* * * * *

HEARING CONCLUDED AT 1:02 P.M.

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CERTIFICATE

I hereby certify, as the stenographic reporter,
that the foregoing proceedings were taken
stenographically by me, and thereafter reduced to
typewriting by me or under my direction; and that
this transcript is a true and accurate record to the
best of my ability.

Made Amato