

1 is on page 307, 3-11-10-26.2, which allows
2 early voting, this is where the clerk may use
3 an electronic voting system, but we don't see
4 anything in there that allows someone to vote
5 without a proper application, and, again, we
6 would ask that this voter's -- this voter was
7 not -- did not apply or sign the affidavit to
8 attest that they were who they said they
9 were. We have no evidence they presented an
10 identification. We have no way of knowing if
11 this voter was, in fact, Allen Rutherford,
12 and so we would ask that this ballot, through
13 the same procedure described previously,
14 because it's a walk-in absentee early vote,
15 this ballot be invalidated under Indiana
16 code. Thank you.

17 MR. CHAIRMAN: Thank you.

18 Counsel.

19 MR. BROOKS: Well, again, I guess
20 Mr. Brown's asking that we somehow
21 disenfranchise a guy who was entitled to vote
22 in House District 76 and did vote in House
23 District 76. And the procedure for early
24 voting is, you walk in; you've got to pass a
25 Republican and a Democrat, and so this

1 missing application or missing piece of paper
2 at best is an error on the part of an
3 election official, but -- but the implication
4 is that he somehow got past the Republican
5 and got past the Democrat in addition to not
6 filling out the piece of paper, so we -- we
7 suggest that this is increasing the standards
8 for disenfranchisement. I'm not sure it will
9 get worse, but we totally disagree with the
10 approach to disenfranchise a person who is
11 entitled to vote.

12 MR. CHAIRMAN: Thank you.

13 Questions from Commissioners.

14 Mr. Brown, so I understand you, you're
15 saying that there's no absentee ballot
16 application on file in the clerk's office for
17 this person?

18 MR. BROWN: We were -- no. In
19 the materials we audited, we did not see an
20 absentee ballot application for
21 Mr. Rutherford in any of those materials. We
22 did not -- we looked up his registration; we
23 did not seek for duplicate copies in the
24 clerk's office. I apologize, but...

25 MR. CHAIRMAN: So you didn't ask

1 the clerk's office where it was or anything
2 like that?

3 MR. BROWN: We did not. On the
4 -- on the day we were auditing, no, we did
5 not ask them to look and see if it had been
6 misplaced or --

7 MR. CHAIRMAN: Okay.

8 MR. BROOKS: Mr. Chairman, for --
9 can I make one other comment, please?

10 MR. CHAIRMAN: Okay. Counsel.

11 MR. BROOKS: You know, we went
12 through all these materials and, obviously,
13 the materials are impounded. The proper way,
14 as I would understand it, to show that there
15 was no application for Mr. Rutherford would
16 be to make an exhibit of all of the early
17 voting applications and represent that those
18 were all of them and say it's not in here. I
19 mean, we're just sitting here -- he didn't
20 make anything an exhibit, so now we're
21 supposed to understand that there was no
22 application when they're all locked up. He
23 should have made all of the applications an
24 exhibit to show that Mr. Rutherford wasn't in
25 there so that we'll know that, in fact,

1 Mr. Rutherford wasn't in there. I have no
2 idea and I wouldn't imagine that the
3 Commission could have any idea without seeing
4 those, and without making them an exhibit, we
5 shouldn't even be considering this argument.

6 MR. CHAIRMAN: Thank you.
7 Commissioner.

8 MR. KUZMAN: Would the -- would
9 the State Board of Accounts have the
10 applications for this precinct?

11 MR. CHAIRMAN: Mr. Rogina?

12 MR. ROGINA: I believe they're in
13 file cabinets.

14 MR. CHAIRMAN: Where?

15 MR. ROGINA: We'd have to look in
16 the precinct bag.

17 MR. KUZMAN: If they weren't in
18 the precinct bag --

19 MS. BELLAMY: That would be the
20 only way we would have them, is if they're in
21 the precinct bag.

22 MR. CHAIRMAN: Other questions
23 from Commission members?

24 MR. KUZMAN: I want to ask a
25 question to opposing counsel.

1 MR. CHAIRMAN: Yeah. Go ahead.

2 MR. KUZMAN: Wasn't this the only
3 exhibit he would have access to? He wouldn't
4 have access to anything else, would he?

5 MR. BROOKS: Oh, absolutely. We
6 went through these precincts every little
7 piece of material in those bags, so if he
8 wanted to copy them, he could have made them
9 an exhibit and didn't.

10 MR. KUZMAN: Well, we have access
11 to them now because the State Board of
12 Accounts has them, right?

13 MR. BROOKS: Well, that's up to
14 the Commission on what the Commission wants
15 to do. My experience is that once these
16 precincts are closed -- I mean, that's the
17 whole idea of going through and marking
18 exhibits. You don't get two shots at it.

19 MS. BELLAMY: We do have the
20 applications.

21 MR. CHAIRMAN: Is there a
22 request?

23 MR. KUZMAN: I would -- I would
24 like to make a request then that if the
25 application is here it be produced by the

1 State Board of Accounts.

2 MR. CHAIRMAN: Hearing no
3 objection?

4 MR. BROOKS: I object if that's
5 your question. I mean, that's the whole --

6 MR. CHAIRMAN: I meant for
7 Commission members.

8 MR. BROOKS: Oh, I'm sorry.
9 Excuse me.

10 MR. CHAIRMAN: We'll note your
11 objection.

12 MR. BROOKS: It's like I tell my
13 kids, "Duly noted."

14 MR. CHAIRMAN: The Commission is
15 going to enter this as an exhibit.

16 I do see an original absentee ballot
17 application reportedly signed by the voter.

18 MR. SKOLNIK: Mr. Chairman, this
19 will be marked as Exhibit C1 since it's being
20 entered by the Commission.

21 MR. CHAIRMAN: Mr. Brown, do you
22 want to add anything to your argument or
23 subtract anything?

24 MR. BROWN: We withdraw upon
25 finding the application. Our watchers didn't

1 see it. I see on a notation from the State
2 Board of Accounts it was found late, so we
3 must have -- I apologize for the mistake. It
4 was not any intention to waste the
5 Commission's time with an argument that --
6 and I -- I firmly believe that is his
7 application, so...

8 MR. CHAIRMAN: I appreciate that
9 comment, Mr. Brown. And for the -- well,
10 since we're in discussion, what I will state
11 for the record, I suspect there's going to be
12 a motion made on your argument to not accept
13 your argument. I would vote for that, but
14 not because we produced this. My intention
15 for asking this line of questioning was to
16 preserve the -- or maintain the integrity of
17 the Posey County Clerk's office and make sure
18 that there was a record. Even if this didn't
19 exist, I would agree with Respondent
20 counsel's contention that that would have
21 been an error at that point and we shouldn't
22 disenfranchise the voter for it, and as such
23 -- well, the Chair should make a motion, so
24 I'll take a motion on this argument.

25 MR. DURNIL: Didn't he withdraw

1 it?

2 MR. CHAIRMAN: Did you? Oh, you
3 withdrew it?

4 MR. KUZMAN: Yeah, he withdrew.

5 MR. BROWN: I withdraw it.

6 MR. CHAIRMAN: Excuse me. Pardon
7 me. Okay. You withdrew it. Thank you.

8 Mr. Skolnik.

9 MR. SKOLNIK: Mr. Chairman, it's
10 my understanding there are no other
11 challenged or disputed ballots in precinct
12 Black 5. The tally in that precinct,
13 therefore, reflects 71 votes for Mr. Deig, 69
14 votes for Ms. McNamara.

15 MR. DURNIL: I move we accept
16 that tally as final.

17 MR. KUZMAN: Second.

18 MR. CHAIRMAN: All in favor?

19 Aye.

20 MR. DURNIL: Aye.

21 MR. KUZMAN: Aye.

22 MR. CHAIRMAN: Motion carries
23 unanimously.

24 MS. BELLAMY: Mr. Chairman, could
25 we have that back to put back in or do you --

1 MR. CHAIRMAN: Well, we have the
2 court reporter who needs a copy, so --

3 MS. BELLAMY: We can get copies.

4 MR. CHAIRMAN: -- I think the
5 original should stay with you, so if you
6 could find a copy for the court reporter for
7 C1, that would be good.

8 MS. BELLAMY: We can get copies.

9 MR. CHAIRMAN: On the other hand,
10 P2 will go to the court reporter.

11 Thank you.

12 Mr. Skolnik.

13 MR. SKOLNIK: Mr. Chairman, the
14 next precinct in Posey County is Black Number
15 6. This is another precinct in which there
16 were no disputed ballots listed on the tally
17 sheet compiled by the State Board of
18 Accounts, but that Mr. Brown indicated he had
19 a challenge or dispute.

20 MR. CHAIRMAN: Let me stop. I
21 think the State Board of Accounts has
22 something to add.

23 MR. ROGINA: Yes, Mr. Chairman.
24 There were six no votes in Black --

25 MR. CHAIRMAN: Go ahead and say

1 it loud because you don't have a mic.

2 MR. ROGINA: There were six no
3 votes in Black 5.

4 MR. SKOLNIK: My kids would say,
5 "My bad". I need to re-tally. It's a legal
6 art form in our house.

7 MR. KUZMAN: I second that.

8 MR. SKOLNIK: Let me -- let me
9 read again the tally as I have it in Black
10 Number 5 and then possibly entertain a motion
11 or a motion to modify.

12 Thank you, Mike, for bringing that to
13 our attention.

14 The tally in Black Number 5 reflects 71
15 votes for Mr. Deig, 69 for Ms. McNamara, and
16 there were six no votes tallied by the State
17 Board of Accounts.

18 MR. DURNIL: I would move to
19 modify the motion to --

20 THE CHAIRMAN: Second.

21 MR. DURNIL: -- accept that as
22 final.

23 THE CHAIRMAN: Hearing no
24 discussion.

25 All in favor?

1 MR. KUZMAN: Aye.

2 MR. CHAIRMAN: Aye.

3 Motion carries unanimously.

4 Mr. Skolnik.

5 MR. SKOLNIK: Mr. Chairman, we
6 now turn our attention to precinct Black 6,
7 and this is another one of the precincts in
8 which Mr. -- when we -- there are no disputed
9 ballots tallied on the State Board of
10 Accounts spreadsheet but that Mr. Brown
11 indicated that there was a dispute.

12 MR. CHAIRMAN: Mr. Brown.

13 MR. BROWN: Thank you,
14 Mr. Chairman.

15 Black 6, Exhibits 11 and 12 are what I
16 will reference.

17 MR. CHAIRMAN: Great. We'll get
18 those together. Thank you.

19 MR. KUZMAN: What exhibits again?
20 I'm sorry.

21 MR. BROWN: Sorry?

22 MR. KUZMAN: What exhibits again?

23 MR. BROWN: Exhibits 11 and 12.

24 MR. CHAIRMAN: There's some
25 writing on the back of these too.

1 We have some confusion, Mr. Brown, in
2 the numbering system up here, so why don't
3 you approach and let us know what you're
4 looking at so we can match up.

5 (Off the record - Mr. Brown
6 approaches the bench)

7 MR. CHAIRMAN: Okay. Thank you,
8 Mr. Brown. Go ahead.

9 MR. BROWN: Thank you,
10 Mr. Chairman.

11 These are two voters that early voted
12 but did not sign the application as required
13 by previously cited 3-11-4-2; furthermore, we
14 have -- you know, it's clearly the
15 legislature's intent through the voter ID
16 statute to do all we can to verify voters are
17 who they say they are, and to allow these
18 votes would be in direct conflict, it would
19 seem, with that legislative intent, and we
20 would ask these two early votes be
21 invalidated through the procedure described
22 previously because of the lack of signature,
23 invalid application and, therefore, an
24 invalid execution of this vote. And that is
25 our -- that's our argument. Thank you.

1 MR. CHAIRMAN: Thank you,
2 Mr. Brown.

3 Mr. Brooks.

4 MR. BROOKS: On this particular
5 State Board of Accounts summary sheet, I
6 cannot tell -- they didn't break out -- some
7 of them did and some of them didn't -- how
8 many early votes there were versus paper, but
9 the assumption is that there are a lot of
10 early ballots that were cast electronically.
11 You've got two mistakes. There's no --
12 there's not even an allegation this time that
13 these people weren't entitled to vote or that
14 they were in the wrong precinct. This is no
15 different than in his last argument where
16 somebody apparently either lost the paperwork
17 or it didn't happen. This is an error on the
18 part of an election official. If they had
19 this absentee ballot application form filled
20 out and let them go -- go by and vote without
21 signing, certainly that's an error, and it's
22 unfortunate, but those votes are now mixed
23 in. I also guess I -- there are obviously a
24 lot of different kind of voting machines, and
25 I'm not sure that -- we've had no real

1 testimony from anybody who knows these
2 machines that somehow the computer guy can go
3 in and find Clarence Crook's vote on an
4 electronic machine and somehow extract that
5 and not count it. I mean, all we're hearing
6 is Mr. Brown say that. I don't -- I
7 certainly don't believe that's true on most
8 of the electronic machines that -- that I've
9 been involved with. I'm not saying it can't
10 happen, but there's no testimony that somehow
11 we can identify some voter and that it can --
12 that vote can actually be counted. I was
13 actually thinking that that was contrary to
14 law, but I could be wrong on that, that those
15 votes are supposed to be anonymous once they
16 get in the machine.

17 MR. CHAIRMAN: Thank you,
18 Mr. Brooks.

19 Questions from Commission members.

20 I'll let -- let you respond. Go ahead,
21 Mr. Brown.

22 MR. BROWN: Thank you,
23 Mr. Chairman.

24 If this voter had showed up to early
25 vote and did not present an ID, they would

1 either have to cast a provisional vote or
2 attempt to go and vote at the polls without
3 an ID.

4 If you can look at the form here, it's
5 clearly not marked by any human. Those
6 markings -- well, somebody's got a lot
7 straighter handwriting than I do. Those
8 markings definitely seem to be computer
9 generated. I don't have verification of
10 that, but it definitely looks that way.
11 Everything on this form looks preprinted. We
12 have no way of knowing these two voters are
13 who -- you know, these two voters actually
14 showed up and voted that day.

15 And in response to the system, the
16 Posey County Clerk is here. She will
17 testify. And we went through this.
18 Mr. Brooks was present. We went through it
19 with the computer technician during the audit
20 process. We went through it with both clerks
21 in Vanderburgh and Posey where these machines
22 appear. This can be done. We've talked
23 about it on more than one occasion. And so
24 I'm happy to bring for the Commission the
25 Posey County Clerk to verify that these votes

1 can be identified. And the anonymity was an
2 issue that we clearly -- you know, as you --
3 as you said, Mr. Chairman, it just happens
4 this is a public meeting and we -- we
5 identified these voters by name. We're not
6 going to in any way want to identify how they
7 voted; we simply ask that the -- that the
8 numbers that match up these voters, not by
9 name, but by serial number between the voter
10 and the ballot be used to invalidate the
11 ballot. We have no idea how these two voters
12 voted and, frankly, we're not asking to find
13 out; we're just asking that, because we
14 cannot verify that these two voters actually
15 showed up to vote that these two people
16 actually were the ones that cast that vote
17 that day --

18 MR. CHAIRMAN: Okay.

19 MR. BROWN: -- that they be
20 invalidated.

21 MR. CHAIRMAN: Thank you.

22 Commission, questions?

23 Mr. Kuzman.

24 MR. KUZMAN: If you show up to
25 early vote, you have to present an ID; is

1 that correct? Is that correct?

2 MR. BROWN: Yes.

3 MR. KUZMAN: Okay. So we have no
4 idea if this person -- what you're trying to
5 say is that whoever -- whether these two
6 people, whoever named person, it could be
7 anybody that voted without signing under the
8 penalties of perjury.

9 MR. BROWN: Correct.

10 MR. CHAIRMAN: And just for our
11 nomenclature, I'd like us to get in the habit
12 of not calling it early voting --

13 MR. KUZMAN: Okay.

14 MR. CHAIRMAN: -- because we
15 don't have that here in Indiana. We have
16 absentee voting in person. And that leads me
17 to my question and -- and perhaps comment.

18 Absentee voting in the state of Indiana
19 is a special dispensation in that you have to
20 have a special set of statutorily prescribed
21 -- one of a set of statutorily prescribed
22 reasons for voting absentee and, otherwise,
23 it's my understanding that you have to
24 closely abide by the procedure, if not
25 exactly follow it, in order to avail yourself

1 of that special dispensation.

2 I find it on its face very
3 disconcerting, I will say, that there's no
4 signatures here when there's been a request
5 on this form to swear or affirm under the
6 penalties of perjury that these people are
7 who they say they are. And maybe we can
8 resolve that here and explain this and --
9 through testimony or something else, but I'm
10 also going to want to hear from our counsel
11 as to whether or not I'm right on that, on
12 that point, but I can say before any motions
13 are presented that I do not like what I see
14 here.

15 Response from both sides, starting with
16 Mr. Brooks.

17 MR. BROOKS: I certainly agree,
18 Mr. Chairman, that it's somewhat
19 disconcerting and we are not pleased about
20 it, just like some of the other allegations
21 that Mr. Brown has made. I mean, one, we
22 didn't have a form at all. It would appear
23 that this person, for whatever reason, was on
24 -- is -- is clearly a registered voter, went
25 through -- the dates of the signing -- or the

1 date signed numbers match the clerk's
2 certification, so at some point -- and these
3 are voted in the clerk's office, so unless we
4 think that the clerk somehow generated these
5 on her own, the assumption is that they did
6 go through some process in order to get --
7 get there. They're certainly registered.
8 It's unfortunate, but I don't -- you know,
9 I'm not very comfortable with this let's call
10 the guy in Texas, computer guy, and see if he
11 can, in fact, extract some vote for some
12 particular voter, and I just -- I just think
13 it's another error. They went through the
14 clerk's office, clearly, and the clerk's
15 people didn't have them sign and, you know,
16 how -- how -- how old are those people? Do
17 we have the poll book?

18 MR. CHAIRMAN: Quickly from --

19 MR. BROOKS: So, anyway, that's
20 such an argument.

21 MR. CHAIRMAN: Quickly, Mr. Brown,
22 anything in response just to what he said
23 last? If not, I'm going to go to my counsel.

24 I'd like to hear from Counsel on this,
25 this whole matter, starting with Brad.

1 MR. KING: Mr. Chairman and
2 members of the Commission, the Chair is
3 correct in stating that absentee ballot
4 applications are required to be signed, that
5 under 3-11-4-2 they are signed under the
6 penalties of perjury if an application for an
7 absentee ballot is received by a County
8 Election Board. The legislature enacted a
9 law in 2005 -- It's Indiana code
10 3-11-4-18.5 -- which specifics that upon
11 receipt of an absentee ballot application, a
12 member of the County Election Board, which
13 would be a member of either of the two major
14 parties, or a member of the Absentee Voter
15 Board, those employees in the clerk's office
16 who process it, may challenge the application
17 on one of several grounds. The one that
18 would be applicable under these facts would
19 appear to be A3, has not been executed in
20 accordance with Indiana law. If, in fact,
21 the affidavit is filed, the County Election
22 Board conducts a hearing to rule on the
23 matter and then acts to refer to the
24 appropriate prosecuting attorney any
25 violation of election law that they find.

1 In my opinion, this -- this procedure
2 could have been employed in this case, but
3 was not. The absentee ballot application
4 was, therefore, accepted and the absentee
5 ballot apparently issued. There's no
6 procedure other than that spelled out for --
7 for dealing with the challenge to the
8 application itself.

9 MR. CHAIRMAN: Thank you.

10 Counsel, if -- if you have anything to
11 add.

12 MS. BARNES: Thank you,
13 Mr. Chairman.

14 While Mr. King is right that
15 3-11-4-18.5 permits a member of the County
16 Election Board or Absentee Board to challenge
17 applications, that statute applies to
18 applications that are mailed in. The --
19 these applications that you have before you,
20 while they can be used by voters who want to
21 vote by mail, the voters, by checking box B
22 as in box on the form have indicated that
23 they were voting in the -- in the clerk's
24 office.

25 In 2008 in November, the Marion County

1 Republican party brought a lawsuit to permit
2 individuals -- for applications to be able to
3 be challenged. On Election Day the ballots
4 would have been treated provisionally. The
5 Indiana Supreme Court agreed those ballots --
6 if the challenges were proven to be valid,
7 then those ballots would not be counted.
8 That is why we have a procedure that ballots
9 that are counted on an electronic voting
10 system can be identified and pulled. The
11 procedure that -- that's been talked about by
12 Counselor Brown where if a voter dies, that's
13 not the only procedure in which a ballot can
14 be withdrawn. If -- if the County Election
15 Board or in this case the Recount Commission
16 determines that a ballot was invalidly cast,
17 that's the proper procedure to identify the
18 ballot and withdraw it from the vote total.

19 MR. CHAIRMAN: Okay. Thank you.

20 Do we know in -- or are we going to
21 have to call a witness to discover the
22 procedure used to withdraw the ballots if
23 that's how we end up voting? Is there a way
24 that we know this already as a matter of law
25 or fact?

1 Counsel? Brad?

2 MR. KING: No, Mr. Chairman. I
3 think you would have to receive evidence
4 regarding that before the Commission rules.

5 MR. BROOKS: Mr. Chairman.

6 MR. CHAIRMAN: Yeah.

7 MR. BROOKS: These are computer
8 generated. Obviously the -- the voters
9 didn't fill any of it out, it would appear.
10 It's all typed and appears to be the same.

11 MR. CHAIRMAN: So you agree
12 with opposing counsel on that point?

13 MR. BROOKS: It would appear to
14 me that there's not --

15 MR. CHAIRMAN: Okay.

16 MR. BROOKS: -- a lot --

17 MR. CHAIRMAN: I'd like the
18 record to show that you guys agreed on
19 something today. I appreciate that.

20 MR. BROOKS: Oh, we'll -- we'll
21 agree on lots of stuff, not -- not perhaps
22 during this proceeding.

23 But I would ask that if we're going to
24 actually consider disenfranchising these
25 people that we look through the applications

1 for absentee ballot to see that if, in fact,
2 there are not ones that -- by these same
3 voters that are signed so that this isn't
4 simply a computer-generated duplicate.

5 MR. CHAIRMAN: Yeah. And I was
6 going to take testimony on that, too, from
7 the clerk and see if she can explain the
8 situation, but if you want to take a couple
9 of minutes to go through the evidence,
10 documentary evidence, I'm happy to do that.

11 MR. BROOKS: And I'm confused
12 about -- actually, I'm now -- now confused
13 about the procedure. All -- all of these are
14 pre-typed with the exception of -- so I don't
15 know. Are they pre-generated by the clerk's
16 office and then somebody gets to fill them
17 in? I mean, it's a little odd that all of
18 these are apparently computer generated ahead
19 of time. How would you know whether
20 somebody's going to come in --

21 MR. CHAIRMAN: So the question
22 is, were they actually used or not.

23 You want to take five minutes to review
24 documents? Do you want to --

25 MR. BROOKS: Sure.

1 MR. CHAIRMAN: -- hear from the
2 clerk? Want to try the documents first?

3 MR. BROOKS: Either way.

4 MR. CHAIRMAN: Why don't you guys
5 take five minutes. We'll break for five
6 minutes, look at the documents and then we'll
7 reconvene within five minutes. Thank you.

8 (Off the record - Break)

9 MR. CHAIRMAN: Thank you. The
10 Recount Commission is -- is back in order.

11 It looked like from the perspective of
12 the Chair that the parties were making a
13 little bit of progress, so I let it go on a
14 little bit longer than five minutes. That's
15 not a precedent.

16 Mr. Brown, do you have anything to add
17 in the way of documents to this debate?

18 MR. BROWN: No other documents.
19 We have -- well, we have an Absentee Activity
20 Report where both voters are listed as
21 voting, which is a report generated from the
22 computer tally. It was -- and I can enter
23 this as an exhibit. This is just a -- and
24 I'll note for the Commission the names
25 quickly.

1 MR. CHAIRMAN: Go ahead and speak
2 in the microphone.

3 MR. BROWN: I'm sorry. I'll note
4 on the report the names for the Commission
5 members.

6 MR. SKOLNIK: Mr. Chairman,
7 Counsel for Petitioner has just handed --
8 handed me proposed Exhibit P3.

9 MR. CHAIRMAN: Thank you.
10 Counsel.

11 MR. BROWN: Yes. You'll see
12 within -- I starred in pen within the first
13 few pages. If you look -- it's alphabetical
14 by last name -- you could see those voters
15 are listed on the activity report as voting.
16 And there's a walk-in -- a notation that they
17 voted walk-in in the column. I think it's
18 the fourth column.

19 MR. CHAIRMAN: Is that it?

20 MR. BROWN: That's it.

21 MR. CHAIRMAN: Okay.

22 Counsel.

23 MR. BROOKS: Yes. Let me -- I
24 mean, we can call the clerk, but here's what
25 I understand the procedure to be. If I want

1 to in-person absentee vote -- thank you -- I
2 -- I go into the clerk's office; they ask for
3 my photo ID; I sign the log. If you look on
4 the exhibits, in the upper-right hand corner,
5 each -- that is a code for this person.

6 MR. CHAIRMAN: No. Ours is cut
7 off, actually.

8 (Off the record - Correcting
9 exhibit)

10 MR. CHAIRMAN: Okay. Counsel.

11 MR. BROOKS: So in any event, I
12 show my ID; I sign the log. And this
13 handwritten number in the upper right-hand
14 corner is the log, which I think somebody is
15 trying to get for us. Then -- then a clerk's
16 employee is sitting at a computer; she looks
17 them up in voter registration, and that's why
18 all these forms are -- they look like they're
19 prefilled out because they are filled out at
20 the computer at the time.

21 So you've already got a voter that
22 showed ID; they've signed this log, and --
23 and if there's no signature, it seems a whole
24 lot more likely to me that for some reason
25 they just weren't handed back. Why would