

Closing Argument

Jennifer Clarke,
Public Interest Law Center of Philadelphia

“elections are free and equal within the meaning of the Constitution...when the regulation of the right to exercise the franchise does not deny the franchise itself, *or make it so difficult as to amount to a denial.*”

- *Winston v. Moore*, 244 Pa. 447, 457 (1914)

“[t]he test is whether legislation [regulating elections] denies the franchise, *or renders its exercise so difficult and inconvenient as to amount to a denial.*”

- *De Walt v. Bartley*, 146 Pa. 529, 540 (1892)

- A. “somewhat more” than 1% (89,000) and “significantly less” than 9% (781,000)
- Commonwealth Court
- B. about 4-5% (320,000-400,000)
- Rebecca Oyler
- C. about 3.5% of Philadelphia voters (applied statewide 190,000)
- Secretary Carol Aichele, Petitioners’ Exhibit 1529
- D. 759,000 no matches - 150,000 returned letters = 609,000 voters
- DOS database match
- E. 500,000 expired PennDOT IDs, ineligible for voting.
- DOS analysis

- 251k registered voters not in PennDOT database at all
- 259k had a PennDOT ID but they are expired and they can't be used for voting
- 511k registered voters

F. Dr. Siskin's Conclusion: "hundreds of thousands" (511,000)

- A. “somewhat more” than 1% (89,000) and “significantly less” than 9% (781,000)
- Commonwealth Court
- B. about 4-5% (320,000-400,000)
- Rebecca Oyler
- C. about 3.5% of Philadelphia voters (applied statewide 190,000)
- Secretary Carol Aichele (Petitioners’ Exhibit 1529)
- D. 759,000 no matches - 150,000 returned letters = 609,000 voters
- DOS database match
- E. 500,000 expired PennDOT IDs, ineligible for voting.
- DOS analysis
- F. “hundred of thousands” (511,000)
- Dr. Siskin
- G. $511,000 - (68,810 - 75,655) = 366,950$
- Dr. Siskin minus Dr. Wecker

IDs issued since Act 18

3,830 DOS IDs

(2,530 since Sep. 25, 2012)

12,981 PennDOT IDs

(3,860 since Sep. 25, 2012)

- Petitioners' Exhibit 2072

LEGISLATIVE BILL ANALYSIS
2011-12 SESSION

BILL NO: HB 934

P.N.: 2873

PRIOR P.N.:

PRIME SPONSOR AND KEY CO-SPONSORS: METCALFE, AJUMENT, BARRAR, BOYD, CAUSER, CLYMER, COX, CREIGHTON, CRUZ, CUTLER, DENLINGER, DUNBAR, ELLIS, EVANKOVICH, EVERETT, GABLER, GEIST, GILLEN, GINGRICH, GRELL, GROVE, HELM, HICKERNELL, KAUFFMAN, KNOWLES, KRIEGER, MAHER, MARSHALL, MILLARD, MOUL, PEIFER, PERRY, PETRI, PICKETT, PYLE, RAPP, REED, ROAE, SACCONI, SAYLOR, SCHRODER, SIMMONS, SONNEY, STEVENSON, TALLMAN, TRUITT, VULAKOVICH AND REICHLEY

AGENCY: Department of State

AGENCY CONTACT: Pat Geho

TELEPHONE: 783-5279

DATE PREPARED: December 14, 2011

- 1. Agency's Recommended Position:** *Positions are "Support", "Support with Amendments", "Neutral", "Neutral with Amendments", "Oppose", "Oppose Unless Amended" or "No Position". Provide a rationale for the position.*

Support. Voter ID will preserve the integrity of every vote in Pennsylvania. It will detect and deter voter fraud and sends a message that voting is serious, and fraud will not be tolerated. This reform will provide an important new tool in combating election crimes and will protect Pennsylvanians by helping make sure their votes are not diluted by illegal ballots being cast.

- 2. Bill Summary:** *Provide a quick overview of the bill in non-technical terms.*

HB 934 amends the Election Code to require each voter to present proof of identification, as defined by the bill, when he or she votes at any election (not just for first time voters). The bill also requires qualified absentee electors to provide proof of identification when applying for an absentee ballot. The Secretary of the Commonwealth is required to prepare and disseminate information to the public regarding the proof of identification requirements. The bill also requires the Department of Transportation to issue a non-driver identification card, at no charge, to any voter who signs a statement declaring that he or she does not possess proof of identification and that he or she requires proof of identification for voting purposes.

A provisional ballot may be cast if the elector is unable to produce proof of identification. In this case the voter must execute an affidavit and provide proof of identification by either appearing in person at the county board of elections or by submitting such proof by electronic means, fax or copy within six calendar days following the election.

The bill permits a voter to cast a provisional ballot if they are indigent and unable to obtain proof of identification without payment of a fee or otherwise unable to obtain proof of identification. This person must appear before the county board of election or the county board of elections must receive a copy of the affirmation by electronic means, fax or copy within six days of the election to affirm his or her indigence in order to have the provisional ballot counted.

The Attorney General has prosecutorial jurisdiction over all violations committed under this act. The district attorney of any county has concurrent powers and responsibilities with the Attorney General.

Effective date - for elections held after January 1, 2012, and prior to September 17, 2012, election officials at the polling place shall request that every elector show proof of identification. However, if the elector fails to provide proof of identification and the elector is otherwise qualified, the elector may still cast a ballot. For elections beginning September 17, 2012 proof of identification will be required to vote at every election or a provisional ballot must be cast and the elector will be required to provide proof of

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Petitioners' Trial Exhibit

1677

PA-00005426

LEGISLATIVE BILL ANALYSIS
2011-12 SESSION

BILL NO: HB 934

PRIME SPONSOR AND KEY CO-
SPONSORS: CLYMER, COX, CREIGHTON, CROFT,
EVERETT, GABLER, GEIST, GILL,
KAUFFMAN, KNOWLES, KRIEGER,
PICKETT, PYLE, RAPP, REED, RYAN,
STEVENSON, TALLMAN, TRUITT

AGENCY: Department of State

TELEPHONE: 783-5279

1. Agency's Recommended Position:
"Neutral", "Neutral with Amendments"
Provide a rationale for the position.

Support. Voter ID will preserve the integrity of the election process, prevent voter fraud and sends a message that voting is an important new tool in combating voter fraud. Their votes are not diluted by illegal

2. Bill Summary: *Provide a quick summary of the bill.*

HB 934 amends the Election Code to require voter identification at the polling place. The bill, when he or she votes at an absentee electors to provide proof of identification requirements. The driver identification card, at no cost to the voter, is not a valid form of identification if the voter does not possess proof of identification.

A provisional ballot may be cast if the voter must execute an affidavit and the county board of elections or by submitting a ballot within 10 days following the election.

The bill permits a voter to cast a provisional ballot without payment of a fee. The voter must appear before the county board of elections and make the affirmation by electronic means. The bill provides for an exemption from the fee for indigence in order to have the provision.

The Attorney General has prosecuted the district attorney of any county has

Effective date - for elections held at the polling place shall require the elector fails to provide proof of identification. For elections beginning every election or a provisional ballot

*****CO
This document contains p

- The list of acceptable ID's includes "an accredited Pennsylvania public or private institution of higher learning" ID. However, the bill requires ID's to contain an expiration date, but most ID's provided by universities do not have one. Therefore, either institutions of higher learning will have to include an expiration date on their ID's, or the students will have to get a Pennsylvania driver's license or federal government issued ID (with the ID requirements) to vote.
- The list of acceptable ID's includes an ID issued by a care facility. However, the Department has learned that most care facilities do not currently issue ID's. Therefore, individuals in a care facility will have to have another acceptable form of ID, or care facilities will have to begin providing ID's with expiration dates.
 - o If care facilities do not issue an acceptable ID, an individual who lives in a care facility and whose license (or federal government issued ID) has been expired for over a year, may have problems trying to vote if he or she is not well enough to get a new ID, but his or her polling place is located in the care facility. Therefore, the elector could not claim that he or she could not make it to the polling place, because it is in the care facility. However, the elector may not be well enough to go to a PennDOT photo ID center to get a new ID. The individual may then claim that he or she has been deprived the right to vote.

Section 2 of the bill adds a new section 206 to the Election Code, 25 P.S. § 2626, relating to requirements relating to voter identification. Subsection (a) of the new section requires the Secretary to prepare and disseminate information to the public regarding the proof of identification requirements.

- It is estimated that such an informational campaign would cost the Department approximately \$4 million dollars. Since the advertising would occur in 2012, a federal election year, the Department intends to use Help America Vote (HAVA) funds to cover the costs.

Section 2 of the bill also adds a subsection (b) to the new section 206, which requires the Department of Transportation to issue an identification card, as described at 75 Pa.C.S. § 1510(b), at no cost to any registered elector who has included with his or her application to register a statement declaring under oath or affirmation that the elector does not possess proof of identification as defined in section 102(z.5)(2) and requires proof of identification for voting purposes.

- It is necessary for the act to provide a free identification for those who do not have one, otherwise it would be viewed as a fee in order to vote.

- PennDOT has said that there are 71 photo centers around the state. Someone may challenge the law based on the fact that there are only 71 photo centers, and some people may not be able to get an ID without significant costs to get to a photo center.

- Under Article VIII, § 11 of the Pennsylvania Constitution, PennDOT motor license funds are not permitted to be used for anything that is not related to transportation. Therefore, another source of funding must be used to pay for any identification cards provided by PennDOT for voting purposes. However, most eligible Pennsylvania voters already have acceptable photo IDs. A Department analysis shows nearly 99% of eligible voters have such IDs now. The estimate to provide every eligible Pennsylvania voter who does not now have one with a photo ID is just over \$1 million.

Section 2 adds a subsection (c) requiring the Secretary of the Commonwealth to prepare the form of the statement described in subsection (b) and to distribute the form to the counties and PennDOT. The Secretary of the Commonwealth, the Secretary of Transportation and the county boards of election shall disseminate information to the public regarding the availability of identification cards under subsection (b).

- The Department will have to develop the required form. The availability of the form can be part of the Department's public information campaign.

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PA-00005428

LEGISLATIVE BILL ANALYSIS
2011-12 SESSION

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PA-00005428

1 IN THE COMMONWEALTH COURT OF PENNSYLVANIA

2 - - -

3 VIVIETTE APPLEWHITE; WILOLA :
SHINHOLSTER LEE; GROVER FREELAND;
4 GLORIA CUTTINO; NADINE MARSH; DOROTHY
BARKSDALE; BEA BOOKLER; JOYCE BLOCK;
5 HENRIETTA KAY DICKERSON; DEVRA MIREL :
("ASHER") SCHOR; THE LEAGUE OF WOMEN :
6 VOTERS OF PENNSYLVANIA; NATIONAL :
ASSOCIATION FOR THE ADVANCEMENT OF :
7 COLORED PEOPLE, PENNSYLVANIA STATE :
CONFERENCE; HOMELESS ADVOCACY PROJECT, :
8

**CERTIFIED
TRANSCRIPT**

9 Petitioners, : C.A. No.

10 VS. : 330 M.D. 2012

11 THE COMMONWEALTH OF PENNSYLVANIA; :
THOMAS W. CORBETT, in his capacity as :
Governor; CAROLE AICHELE, in her :
12 capacity as Secretary of the :
Commonwealth, :

13 Respondents. :
14

15 TRIAL DAY THREE

16 Honorable Bernard L. McGinley

17 Harrisburg, Pennsylvania

18 17th day of July, 2013

19 9:26 a.m.
20

21
22 REPORTED BY:

23 Marjorie Peters, RMR, CRR
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VIVIETTE SHINHOLS GLORIA C BARKSDAL HENRIETT ("ASHER") VOTERS OF ASSOCIATED COLORED CONFERENCE

Petitioner VS.

THE COMMONWEALTH OF PENNSYLVANIA THOMAS W. GOVERNOR capacity Commonwealth

Respondent

REPORTER Marjorie

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

1 November 1st; correct?
2 A. Right. In practice, they were not issuing free IDs.
3 You would have to pay for it.
4 Q. So, the affirmation, there was a change made to the
5 affirmation, I believe, in November of this year, which said
6 that if you have an idea that's not going to be usable on
7 Election Day, even though it was not more than a year expired
8 on that particular date, you could get that ID; is that right?
9 A. That's correct, yes.
10 Q. So, and that would eliminate that problem; correct?
11 A. Correct.
12 Q. Now, the Department of State did not go to the General
13 Assembly for a statutory change to make this alteration, did
14 it?
15 A. No.
16 Q. And the Department of State did not need to promulgate
17 and pass some sort of regulation after notice and comment.
18 A. No.
19 Q. Now, to the best of your knowledge, nothing in Act 18 or
20 any other Pennsylvania statute authorizes the Department of
21 State ID; is that right?
22 A. Nothing specifically provides for it, no.
23 Q. There isn't even a mention of the DOS ID in any
24 Pennsylvania statute.
25 A. Not an explicit reference to the DOS ID. There are

1 references to the IDs issued by Commonwealth agencies but
2 beyond that, no.
3 Q. But there's no mention of the Department of State ID you
4 created and put online in August 27th, 2012.
5 A. Correct.
6 Q. And DOS has not -- the Department of state has not
7 promulgated any regulations to the rulemaking process that
8 governing how the DOS ID operates?
9 A. That's correct, yes.
10 Q. So, the Department of state unilaterally has made all of
11 the changes to the DOS ID that we have talked about earlier.
12 So, it's imposed the exhaustion requirement; correct?
13 A. Correct.
14 Q. That was a decision made by the Department of State,
15 correct?
16 A. Correct.
17 Q. It removed the exhaustion requirement, correct?
18 A. Correct.
19 Q. It imposed the residency document requirement, correct?
20 A. Correct.
21 Q. And it then removed the residency document requirement,
22 correct?
23 A. Correct.
24 Q. It directed PennDOT to make ID for people who cannot get
25 it on the first visit, correct --

1 A. Correct.
2 Q. -- to create the actual card?
3 A. Correct, yes.
4 Q. And the Department of state directed a change in the
5 affirmation for getting the DOS ID, correct?
6 A. Correct, yes.
7 Q. So, these are all choices made by the Department of
8 State on the requirements and procedures of the DOS ID;
9 correct?
10 A. They are. Most of them were made at the time of the
11 Supreme Court's ruling, but --
12 Q. But the Department of State has the authority to make
13 these choices, to establish these requirements; correct?
14 A. That's correct, yes.
15 Q. Or to eliminate the requirements, correct?
16 A. Correct.
17 Q. The Department of State controls the requirements for
18 how the DOS card is to be issued, correct?
19 A. I would say to some extent, correct yes.
20 Q. And the Department of State could also eliminate the DOS
21 ID card altogether, is that right?
22 A. Yeah. Theoretically, we could.
23 Q. All right. Let's talk about the exceptions process.
24 Now, the exceptions process is for those individuals we
25 were just talking about who go to get the DOS ID at PennDOT

1 and, for whatever reason, are not given an ID when they go
2 there. So, they leave without an ID; correct?
3 A. That's correct.
4 Q. So, there's a separate process to identify those people
5 and track those people who are denied an ID when they go the
6 first time --
7 A. That's right, yes.
8 Q. -- correct? So, people in that exceptions process would
9 be somebody like Nadine Marsh. Are you familiar with Miss
10 Marsh?
11 A. That name does sound familiar.
12 Q. She is a Petitioner, or I guess was a Petitioner, in
13 this case; is that right?
14 A. I believe so, yes.
15 Q. Are you familiar with her story?
16 A. A little bit. Sometimes I mix up the players, so you
17 might have to remind me.
18 Q. Okay. Let's look at Exhibit 2071.
19 MS. HICKOK: Your Honor, Your Honor, can we go
20 off the record just a moment. I haven't had verification on
21 something on this document.
22 (A DISCUSSION HELD OFF THE RECORD AMONG
23 COUNSEL.)
24 MR. WALCZAK: Your Honor, thank you for the
25 indulgence in having a sidebar with Miss Hickok.



Source: Trial Day 3,
July 17, 2013,
576:12-22 (Marks)

VIVETTE SHINHOLS GLORIA C

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Commonwealth, :

13 Respondents. :
14 :

15 TRIAL DAY FOUR

16 Honorable Bernard L. McGinley

17 Harrisburg, Pennsylvania

18 Thursday, July 18, 2013

19 9:25 a.m.
20

21

22

23

24 REPORTED BY:

24

Marjorie Peters, RMR, CRR

25

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6 VOTERS OF PEN
ASSOCIATION F
7 COLORED PEOP
CONFERENCE; H

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10 THE COMMONWEA
11 THOMAS W. COR
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12 capacity as S
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13 Respondents

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22 REPORTED BY

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24 Marjorie Pe
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Page 779

1 A. No.
2 Q. And that would be an easy ad to run, wouldn't it?
3 A. No.
4 Q. Why not?
5 A. Because the message is very confusing. All of our
6 messaging indicates that if people want a free ID for voting
7 purposes, television, radio, web advertising, phone calls to
8 the Department of State, information about the law, and if you
9 need a free ID for voting purposes, contact us. We'll give
10 you the information. We'll provide the detailed information.
11 Our website has an entire section on the homeless, for
12 example, for people who want to information.
13 That is a more reasonable way to communicate that
14 message.
15 Q. You don't think it would be easy to add in on the bottom
16 of the ads, if you're indigent, you don't need photo ID to
17 vote, would that be too hard?
18 A. I'm not a marketing professional. I don't know that
19 that would be an effective message.
20 Q. I put it to you that one reason you have no ads that say
21 that is because it's not enough merely to be indigent to vote
22 without ID. You also have to be able to say truthfully that
23 the reason you can't vote, or the reason you don't have ID, is
24 because you couldn't afford it; isn't that right?
25 A. I'd have to look at the law to say exactly, to look at

Page 780

1 exactly what it said and how it defines an indigent voter.
2 Q. All right. You have got -- you paid for some radio ads
3 also, right?
4 A. That is correct, for the production and placement of
5 ads.
6 Q. Not one of those radio ads says anything about a
7 Department of State ID, right?
8 A. No. It directs people to the website and phone number,
9 and also says you can get a free ID from PennDOT, if you need
10 it.
11 Q. When you said no, you're agreeing that not one of the
12 radio ads says anything about the Department of State ID,
13 correct?
14 A. Yes. We didn't want to confuse voters by putting out a
15 message that the ID that most people have never heard of would
16 somehow be needed for voting, and therefore, causing
17 confusion.
18 Q. You also talked about the bus ads; do you recall that?
19 A. Yes.
20 Q. About \$125,000, roughly, spent on that.
21 A. Somewhere in the neighborhood.
22 Q. Sure. Those don't mention the Department of State ID,
23 either?
24 A. They do not.
25 Q. Now, the ads are before the Court, so I'm not going to

Page 781

1 run through all of them.
2 A terrific number of them don't mention the Department
3 of State ID. You would agree with that, right?
4 A. Well, the mailing that we sent to every household in the
5 state, 5.8 million households, which was every household with
6 a registered voter, every registered voter was able to see
7 that mailing, if they decided to look at it, did in fact
8 mention the Department of State ID.
9 Q. That says it in really small print, and it doesn't
10 explain what it is, right? If you need to see it, I'll bring
11 it up.
12 A. I would like to see a copy of the postcard. Could you
13 repeat the question, please.
14 Q. Sure. I just asked on Exhibit -- let's -- Exhibit 115.
15 That's the postcard we're talking about, right?
16 A. That is correct.
17 Q. Okay. The mention of the Department of State ID that's
18 in small print in the middle of that lighter block of text,
19 right?
20 A. The Department of State ID is mentioned as one of the
21 IDs people can use for voting purposes. This in essence is
22 the standard laundry list of IDs that we put in this postcard
23 and newspaper advertising, certainly on our website. This is
24 a bit more detailed information than we're able to provide in
25 any television or radio ad or any website banner kind of a

Page 782

1 thing.
2 So, it is included in that list, and again this went to
3 every household in the state with a registered voter.
4 Q. You would agree with this is small print where it says
5 Department of State ID for voting.
6 A. Well, I can read it. I don't know what you mean by
7 small.
8 Q. Okay. It will be whatever it is.
9 It doesn't explain what a Department of State ID is,
10 right?
11 A. It does not.
12 Q. It certainly doesn't say the Department of State ID is
13 intended to allow people who can't get PennDOT ID to obtain ID
14 without having to produce all of information that's required
15 by PennDOT?
16 A. It is true that this mailing does not do that.
17 Q. As you testified, people don't know what the Department
18 of State ID is, right?
19 A. People who need an ID for voting purposes and were to
20 get information by calling us or going to our website would
21 find all of that information out.
22 Q. Okay. But as you testified before, most people don't
23 know what the Department of State ID is?
24 A. No, I didn't say that. What I said was we didn't want
25 to make the Department of State ID the centerpiece of an



Source: Trial Day 4,
July 18, 2013,
780:11-17 (Royer)

1 IN THE COMMONWEALTH COURT OF PENNSYLVANIA
 2 - - -
 3 VIVIETTE APPL
 SHINHOLSTER L
 4 GLORIA CUTTIN
 BARKSDALE; BE
 5 HENRIETTA KAY
 ("ASHER") SCH
 6 VOTERS OF PEN
 ASSOCIATION F
 7 COLORED PEOP
 CONFERENCE; H
 8

Page 779
 1 A. No.
 2 Q. And that would be an easy ad to run, wouldn't it?
 3 A. No.
 4 Q. Why not?
 5 A. Because the message is very confusing. All of our
 6 messaging indicates that if people want a free ID for voting
 7 purposes, television, radio, web advertising, phone calls to
 8 the Department of State, information about the law, and if you
 9 need a free ID for voting purposes, contact us. We'll give

Page 781
 1 run through all of them.
 2 A terrific number of them don't mention the Department
 3 of State ID. You would agree with that, right?
 4 A. Well, the mailing that we sent to every household in the
 5 state, 5.8 million households, which was every household with
 6 a registered voter, every registered voter was able to see
 7 that mailing, if they decided to look at it, did in fact
 8 mention the Department of State ID.
 9 Q. That says it in really small print, and it doesn't

11 Q. When you said no, you're agreeing that not one of the
 12 radio ads says anything about the Department of State ID,
 13 correct?
 14 A. Yes. We didn't want to confuse voters by putting out a
 15 message that the ID that most people have never heard of would
 16 somehow be needed for voting, and therefore, causing
 17 confusion.

23 REPORTED BY
 24 Marjorie Pe
 25



13 correct?
 14 A. Yes. We didn't want to confuse voters by putting out a
 15 message that the ID that most people have never heard of would
 16 somehow be needed for voting, and therefore, causing
 17 confusion.
 18 Q. You also talked about the bus ads; do you recall that?
 19 A. Yes.
 20 Q. About \$125,000, roughly, spent on that.
 21 A. Somewhere in the neighborhood.
 22 Q. Sure. Those don't mention the Department of State ID,
 23 either?
 24 A. They do not.
 25 Q. Now, the ads are before the Court, so I'm not going to



13 intended to allow people who can't get PennDOT ID to obtain ID
 14 without having to produce all of information that's required
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 20 get information by calling us or going to our website would
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 22 Q. Okay. But as you testified before, most people don't
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Source: Trial Day 4,
 July 18, 2013,
 780:11-17 (Royer)

1 IN THE COMMONWEALTH COURT OF PENNSYLVANIA

2 - - -

3 VIVIETTE APPLEWHITE; WILOLA :
SHINHOLSTER LEE; GROVER FREELAND; :
4 GLORIA CUTTINO; NADINE MARSH; :
DOROTHY BARKSDALE; BEA BOOKLER; :
5 JOYCE BLOCK; HENRIETTA KAY :
DICKERSON; DEVRA MIREL ("ASHER") :
6 SCHOR; THE LEAGUE OF WOMEN VOTERS :
OF PENNSYLVANIA; NATIONAL :
7 ASSOCIATION FOR THE ADVANCEMENT :
OF COLORED PEOPLE, PENNSYLVANIA :
8 STATE CONFERENCE; HOMELESS :
ADVOCACY PROJECT, :

**CERTIFIED
TRANSCRIPT**

9 Petitioners, : C.A. No.

10 vs. : 330 M.D. 2012

11 THE COMMONWEALTH OF :
12 PENNSYLVANIA; THOMAS W. CORBETT, :
in his capacity as Governor; :
13 CAROLE AICHELE, in her capacity :
as Secretary of the Commonwealth, :

14 Respondents. :
15 _____ :

16

17

18 Videotape Deposition of PATRICIA NORTON

19 taken at 27 Front Street

20 Womelsdorf, Pennsylvania

21 Wednesday, June 26, 2013

22 2:27 p.m.

23

24

25 Gail L. Inghram Verbano, CSR, RDR, CRR



Source: Norton transcript,
June 26, 2013, 25:23-26:3

1 IN THE COMMONWEALTH CO
2 - -
3 VIVIETTE APPLEWHITE; WILOLA
SHINHOLSTER LEE; GROVER FRE
4 GLORIA CUTTINO; NADINE MARS
DOROTHY BARKSDALE; BEA BOOK
5 JOYCE BLOCK; HENRIETTA KAY
DICKERSON; DEVRA MIREL ("AS
6 SCHOR; THE LEAGUE OF WOMEN
OF PENNSYLVANIA; NATIONAL
7 ASSOCIATION FOR THE ADVANCE
OF COLORED PEOPLE, PENNSYLV
8 STATE CONFERENCE; HOMELESS
ADVOCACY PROJECT,
9
10 Petitioners,
11
12 vs.
13 THE COMMONWEALTH OF
PENNSYLVANIA; THOMAS W. COR
in his capacity as Governor
14 CAROLE AICHELE, in her capa
as Secretary of the Commonw
15 Respondents.



18 Videotape Deposition of PATRICIA NORTON

19 taken at 27 Front Street

20 Womelsdor

21 Wednesday

25 Gail L. Inghram

23 same spot I'm in that you just -- you people who
24 drive, we don't -- when you can drive, you don't
25 think about it. You just do it. You hop in and
1 you go.

2 And you don't understand the problems
3 it creates when you can't do that. You hate to be

* Numbers modified to reflect 7/3/13 testimony in closed court.

Assuming the "Exceptions" Spreadsheet Is Fully Accurate¹

The information in paragraphs 1 through 4 below derives from the Department of State's "exceptions" spreadsheet and assumes that it accurately reflects people who went to PennDOT and applied for a DOS ID, but were unable to get a DOS ID while at PennDOT.

The spreadsheet lists 613 total "exceptions" since the DOS ID first became available on August 27, 2012, 140 of which were under Respondents' initial procedures for issuing DOS IDs. Under Respondents' new procedures, in effect since September 25, 2012, out of approximately 2530 people who applied for a DOS ID:

1. 473 applicants for a DOS ID were unable to obtain a DOS ID while at PennDOT
 - a. 238 of those applicants still have not received a DOS ID (either because they have not been mailed the ID, or the ID was mailed but returned to sender)¹
2. ~~130~~¹²⁸ valid voters (registered on or before October 9, 2012) went to PennDOT for a DOS ID before the November 6, 2012 election, but did not receive a DOS ID by election day
 - a. 49 of those valid voters received a DOS ID by mail after the election (10 of those voters received the DOS ID on or before November 12, 2012)²
 - b. ~~81~~⁷⁹ of those valid voters still have not received a DOS ID³
3. ~~188~~¹⁶⁹ applicants were sent letters instructing them to return to PennDOT to get a DOS ID⁴
4. 146 voters were not given a DOS ID at PennDOT because their registration could not be verified in the SURE database, even though they were registered at the time⁵

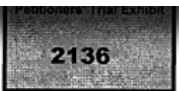
¹ All of the information in this stipulation derives from the Department of State's "exceptions" spreadsheet, except that, where possible, the Department of State's call log (admitted as Petitioners' Exhibit ##) was used to determine the date on which each applicant went to PennDOT; otherwise, the "Created Date" on the "exceptions" spreadsheet was used.

Assuming All 144 Were Mistakenly Included on the "Exceptions" Spreadsheet

The information in paragraphs 5 through 8 below also derives from the Department of State's "exceptions" spreadsheet, but accepts, *arguendo*, that all 144 voters identified by Respondents during trial received an acceptable PennDOT driver's license or PennDOT ID and thus should not have been included on the Department of State's "exceptions" spreadsheet.

Excluding the 144 voters, the exceptions spreadsheet lists 469 "exceptions" since the DOS ID first became available on August 27, 2012, 139 of which were under Respondents' initial procedures for issuing DOS IDs. Under Respondents' new procedures, in effect since September 25, 2012, out of approximately 2530 people who applied for a DOS ID:

5. 330 applicants for a DOS ID were unable to obtain a DOS ID while at PennDOT
 - a. 95 of those applicants still have not received a DOS ID (because they have not been mailed a DOS ID, or the DOS ID was mailed but returned to sender)⁶
6. ~~58~~⁵⁶ valid voters (registered on or before October 9, 2012) went to PennDOT for a DOS ID before the November 2012 election, but did not receive a DOS ID by election day
 - a. 49 of those valid voters received a DOS ID by mail after the election (ten of those voters received the DOS ID by November 12, 2012)⁷
 - b. ~~9~~⁷ of those valid voters still have not received a DOS ID⁸
7. ~~45~~²⁶ applicants were sent letters instructing them to return to PennDOT to get a DOS ID⁹
8. 71 voters were registered when they visited PennDOT, but were not given a DOS ID because their registration could not be verified in the SURE database¹⁰



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* Numbers modified to reflect 7/3

Assuming the "Ex

The information in paragraphs 1
"exceptions" spreadsheet and assumed
and applied for a DOS ID, but were v

The spreadsheet lists 613 total "
August 27, 2012, 140 of which were
Under Respondents' new procedures
2530 people who applied for a DOS

1. 473 applicants for a DOS ID
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voters received the D
 - b. ~~81~~⁷⁹ of those valid vote
3. ~~188~~¹⁶⁹ applicants were sent lett
4. 146 voters were not given a l
verified in the SURE databas

¹ All of the information in this stip
"exceptions" spreadsheet, except that
(admitted as Petitioners' Exhibit ##)
went to PennDOT; otherwise, the "C

Assuming All 144 Were Mistakenly Included on the "Exceptions" Spreadsheet

The information in paragraphs 5 through 8 of the Department of State's "exceptions" spreadsheet, but accepts Respondents during trial received an acceptable PennDOT driver's license or PennDOT ID and thus should not have been included on the "exceptions" spreadsheet.

Excluding the 144 voters, the exceptions spreadsheet lists 529 "exceptions" since the DOS ID first became available on August 27, 2012, 139 of which were under Respondents' new procedures for issuing DOS IDs. Under Respondents' new procedures, in effect since September 25, 2012, out of approximately 2530 people who applied for a DOS ID:

- 5. 330 applicants for a DOS ID were unable to obtain a DOS ID while at PennDOT
 - a. 95 of those applicants still have not received a DOS ID (either because they have not been mailed the ID, or the ID was mailed but returned to sender)¹¹
- 6. ~~58~~⁵⁶ valid voters (registered on or before October 9, 2012) went to PennDOT for a DOS ID before the November 6, 2012 election, but did not receive a DOS ID by election day
 - a. 49 of those valid voters received a DOS ID by mail after the election (10 of those voters received the DOS ID on or before November 12, 2012)¹²
 - b. ~~9~~⁷ of those valid voters still have not received a DOS ID¹³
- 7. ~~45~~²⁶ applicants were sent letters instructing them to return to PennDOT to get a DOS ID¹⁴
- 8. 71 voters were not given a DOS ID at PennDOT because their registration could not be verified in the SURE database, even though they were registered at the time¹⁵

Assuming 84 of the 144 Were Mistakenly Included on the "Exceptions" Spreadsheet

The information in paragraphs 9 through 12 below also derives from the Department of State's "exceptions" spreadsheet, but accepts, *arguendo*, that 84 of the 144 voters identified by Respondents during trial received an acceptable PennDOT driver's license or PennDOT ID and thus should not have been included on the Department of State's "exceptions" spreadsheet.

With respect to 60 of the 144 voters, (a) the Notes field indicates that 7 voters had no ID on election day (ID # [REDACTED]); (b) the Notes field for 11 voters makes a conclusory assertion that the voter would have had ID on election day but no issue date or other information is given (ID # [REDACTED]); and (c) the information given is insufficient to verify an assertion that 43 voters had ID on election day because the issuance date is not between 8/27/12 and 11/6/12, and no notes indicate why these voters were at PennDOT in late September or October 2012 (ID # [REDACTED]).

Excluding only those 84 of the 144 voters, the exceptions spreadsheet lists 529 "exceptions" since the DOS ID first became available on August 27, 2012, 139 of which were under Respondents' initial procedures for issuing DOS IDs. Under Respondents' new procedures, in effect since September 25, 2012, out of approximately 2530 people who applied for a DOS ID:

- 9. 390 applicants for a DOS ID were unable to obtain a DOS ID while at PennDOT
 - a. 155 of those applicants still have not received a DOS ID (either because they have not been mailed the ID, or the ID was mailed but returned to sender)¹¹
- 10. ~~91~~⁸⁹ valid voters (registered on or before October 9, 2012) went to PennDOT for a DOS ID before the November 6, 2012 election, but did not receive a DOS ID by election day
 - a. 49 of those valid voters received a DOS ID by mail after the election (10 of those voters received the DOS ID on or before November 12, 2012)¹²
 - b. ~~42~~⁴⁰ of those valid voters still have not received a DOS ID¹³
- 11. ~~108~~⁸⁹ applicants were sent letters instructing them to return to PennDOT to get a DOS ID¹⁴
- 12. 105 voters were not given a DOS ID at PennDOT because their registration could not be verified in the SURE database, even though they were registered at the time¹⁵

¹ ID # [REDACTED]

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* Numbers modified to reflect 7/3

Assuming the "Ex"

The information in paragraphs 1 through 4 of the Department of State's "exceptions" spreadsheet and assume Respondents during trial received an acceptable PennDOT driver's license or PennDOT ID and thus should not have been included on the "exceptions" spreadsheet.

The spreadsheet lists 613 total "exceptions" since the DOS ID first became available on August 27, 2012, 140 of which were under Respondents' new procedures for issuing DOS IDs. Under Respondents' new procedures, in effect since September 25, 2012, out of approximately 2530 people who applied for a DOS ID:

- 1. 473 applicants for a DOS ID were unable to obtain a DOS ID while at PennDOT
 - a. 238 of those applicants still have not received a DOS ID (either because they have not been mailed the ID, or the ID was mailed but returned to sender)¹¹
- 2. ~~130~~¹²⁸ valid voters (registered on or before October 9, 2012) went to PennDOT for a DOS ID before the November 6, 2012 election, but did not receive a DOS ID by election day
 - a. 49 of those valid voters received a DOS ID by mail after the election (10 of those voters received the DOS ID on or before November 12, 2012)¹²
 - b. ~~81~~⁷⁹ of those valid voters still have not received a DOS ID¹³
- 3. ~~188~~¹⁶⁹ applicants were sent letters instructing them to return to PennDOT to get a DOS ID¹⁴
- 4. 146 voters were not given a DOS ID at PennDOT because their registration could not be verified in the SURE database, even though they were registered at the time¹⁵

¹ All of the information in this spreadsheet, except that admitted as Petitioners' Exhibit ##, went to PennDOT; otherwise, the "C"

1 IN THE COMMONWEALTH COURT OF PENNSYLVANIA

2 - - -

3 VIVIETTE APPLEWHITE; WILOLA :
SHINHOLSTER LEE; GROVER FREELAND; :
4 GLORIA CUTTINO; NADINE MARSH; :
DOROTHY BARKSDALE; BEA BOOKLER; :
5 JOYCE BLOCK; HENRIETTA KAY :
DICKERSON; DEVRA MIREL ("ASHER") :
6 SCHOR; THE LEAGUE OF WOMEN VOTERS :
OF PENNSYLVANIA; NATIONAL :
7 ASSOCIATION FOR THE ADVANCEMENT :
OF COLORED PEOPLE, PENNSYLVANIA :
8 STATE CONFERENCE; HOMELESS :
ADVOCACY PROJECT, :

**CERTIFIED
TRANSCRIPT**

9 Petitioners, : C.A. No.

10 vs. : 330 M.D. 2012

11 THE COMMONWEALTH OF :
12 PENNSYLVANIA; THOMAS W. CORBETT, :
in his capacity as Governor; :
13 CAROLE AICHELE, in her capacity :
as Secretary of the Commonwealth, :

14 Respondents. :
15 _____ :

16

17

18 Videotape Deposition of PATRICIA NORTON

19 taken at 27 Front Street

20 Womelsdorf, Pennsylvania

21 Wednesday, June 26, 2013

22 2:27 p.m.

23

24

25 Gail L. Inghram Verbano, CSR, RDR, CRR



Source: Norton transcript,
June 26, 2013, 23:1-9

1 IN THE COMMONWEALTH OF PENNSYLVANIA
2
3 VIVIETTE APPLEWHITE; SHINHOLSTER LEE; GROWNEY, JR.;
4 GLORIA CUTTINO; NADINE BARKSDALE; BIRNBAUM;
5 JOYCE BLOCK; HENRIETTA DICKERSON; DEVRA MIRSCHER;
6 SCHOR; THE LEAGUE OF WOMEN OF PENNSYLVANIA; NATIONAL
7 ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, P
8 STATE CONFERENCE; HOPE FOR THE HOMELESS; ADVOCACY PROJECT,
9
10 Petitioners,
11 vs.
12 THE COMMONWEALTH OF PENNSYLVANIA; THOMAS J. CORbett,
13 in his capacity as Governor; CAROLE AICHELE, in her capacity
14 as Secretary of the Commonwealth;
15 Respondents.



JUN 26 2013 14:49:58

Videotape Deposition of PATRICIA NORTON

Page 23

19 taken at 2
20 Womelsdorf,
21 Wednesday,
22 2:
23
24
25 Gail L. Inghram V

1 Q Okay. Is voting important to you?
2 A Yes, it is.
3 Q Could you tell me why.
4 A I think it should be important to all
5 of us. We all have a stake in what's going on in
6 our life, and we need to respect the people who
7 went before us and went through all kinds of grief
8 to give us that right. We need to take advantage
9 of it.



Source: Norton transcript,
June 26, 2013, 23:1-9