Transcript of Proceedings

Date: July 24, 2013

Case: APPLEWHITE, et al. vs. COMMONWEALTH OF PA, et al.



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1		
2	IN THE COMMONWEALTH COURT OF	PENNSYLVANIA
3		CERTIFIED TRANSCRIPT
4	VIVIETTE APPLEWHITE; WILOLA SHINHOLSTER LEE; GROVER FREELAND;	:
5	GLORIA CUTTINO; NADINE MARSH; DOROTHY BARKSDALE; BEA BOOKLER; JOYCE BLOCK;	:
6	HENRIETTA KAY DICKERSON; DEVRA MIREL ("ASHER") SCHOR; THE LEAGUE OF WOMEN	:
7	VOTERS OF PENNSYLVANIA; NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF	:
8	COLORED PEOPLE, PENNSYLVANIA STATE CONFERENCE; HOMELESS ADVOCACY PROJECT,	:
9	Petitioners,	: : C.A. No.
10	vs.	: : 330 M.D. 2012
11	THE COMMONWEALTH OF PENNSYLVANIA;	:
12	THOMAS W. CORBETT, in his capacity as Governor; CAROLE AICHELE, in her	:
13	capacity as Secretary of the Commonwealth,	:
14	Respondents.	:
15		
16	TRIAL DAY EIGHT	r
17		
18	Honorable Bernard L. Mo	-
19	Harrisburg, Pennsyl	
20	Wednesday, July 24,	, 2013
21	9:30 a.m.	
22		
23		
24	REPORTED BY:	
25	Marjorie Peters, RMR, CRR	

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1	A P P E A R A N C E S	1	ЕХНІВІТS
2	APPEARANCES	2	
3	On behalf of Petitioners:	3	EXHIBIT PAGE
4			PETITIONERS' OFFERED ADMITTED
	ARNOLD & PORTER, LLP:	4	1446 1241 1243
5	Michael A. Rubin, Esquire	5	
	David Gersch, Esquire		1448 1241 1243 1515 1242 1243
6	Dana Peterson, Esquire	6	1515 1243 1243 20 1428 1438
7	R. Stanton Jones, Esquire	7	25 1244 1438
'	ADVANCEMENT PROJECT:	8	1468a 1245 1245 1468d, e, f, g, h, i, j, k,
8	Marian K. Schneider, Esquire		l, m, n, o, p, q, r, s, t 1245 1245
9	PUBLIC INTEREST LAW CENTER OF PHILADELPHIA:	9	1466 1245 1245 1467 1245 1245
	Jennifer R. Clarke, Esquire	10	
10			1472 1245 1245 1472 1245
	ACLU OF PENNSYLVANIA:	11	1473 1245 1245 1470 1245 1245
11	Witold Walczak, Esquire	12	1474 1245 1245
12		13	1475 1245 1245 1476 1245 1245
13	On behalf of Respondents:	15	1476a 1245 1245
13	PENNSYLVANIA OFFICE OF ATTORNEY GENERAL:	14	
14	Timothy Paul Keating, Esquire PENNSYLVANIA OFFIC	3 15	147812451246147912451246
-	Kevin P. Schmidt, Esquire		1480 1245 1246
15		16	1481 1245 1246 1482 1245 1246
	DRINKER BIDDLE & REATH	17	1483 1245 1246
16	D. Alicia Hickok, Esquire	18	1484 1245 1246 1485 1245 1246
	Todd N. Hutchison, Esquire	10	1485 1245 1246
17 18	Ronald P. DeJesus, Esquire	19	
19		20	1476c 1245 1246 1618 1245 1438
20			1616 1249 1249
21		21	1617 1250 1250 1523 1251 1251
22		22	
23		23	
24		24	74 1437 1437 75 1437 1437
25		25	
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1	INDEX	1	_
2	WITNESS - RESPONDENT PAG	E I	
3	KELLY O'DONNELL	2 2	
	Direct Examination by Mr. Keating 12	3 3	session, Honorable Bernard L. McGinley presiding.
4	Cross-Examination by Ms. Schneider 12	1	MR. KEATING: Good morning, Your Honor.
1	Redirect Examination by Mr. Keating 12	·	
_	Redifect Examination by Mr. Reating 12.		-
5		6	THE COURT: Okay. So for next week, I am with
	KURT MYERS	7	the Court of Judicial Discipline on Monday, so we won't start
6	Direct Examination by Mr. Keating 12	9 Q	until Tuesday, and we'll start Tuesday at 9:30. But tomorrow,
	Cross-Examination by Ms. Clarke 13	1 0	•
7	(portions conducted in camera,	9	let's start at 9:00. Now, it looks like we have two for
	contained in a separate transcript)	10	Thursday, Marks and Wecker.
8		11	-
9			
10	IN CAMERA PROCEEDINGS (separate transcript) 1379 - 13	8 12	-
11		ັ 13	THE COURT: So let's start at 9:00 and that
12		14	way we can close court at about 3:00 so I can get back west on
13		15	
14		16	Now there's motions today. Is there something
15		17	that I have to look at now?
15		18	MR. RUBIN: Your Honor, this affects when
15 16			MR. RUBIN: Your Honor, this affects when
15 16 17		18	MR. RUBIN: Your Honor, this affects when Respondents call Kurt Myers this afternoon. It's the eighth
15 16 17 18 19		18 19 20	MR. RUBIN: Your Honor, this affects when Respondents call Kurt Myers this afternoon. It's the eighth day of trial. We don't have data that we can independently
15 16 17 18 19 20		18 19 20 21	MR. RUBIN: Your Honor, this affects when Respondents call Kurt Myers this afternoon. It's the eighth day of trial. We don't have data that we can independently verify and validated on who this 144 is. If Mr. Myers is
15 16 17 18 19 20 21		18 19 20	MR. RUBIN: Your Honor, this affects when Respondents call Kurt Myers this afternoon. It's the eighth day of trial. We don't have data that we can independently verify and validated on who this 144 is. If Mr. Myers is
15 16 17 18 19 20 21 22		18 19 20 21	MR. RUBIN: Your Honor, this affects when Respondents call Kurt Myers this afternoon. It's the eighth day of trial. We don't have data that we can independently verify and validated on who this 144 is. If Mr. Myers is planning on testifying to this, it is something that we
15 16 17 18 19 20 21 22 23		18 19 20 21 22 23	MR. RUBIN: Your Honor, this affects when Respondents call Kurt Myers this afternoon. It's the eighth day of trial. We don't have data that we can independently verify and validated on who this 144 is. If Mr. Myers is planning on testifying to this, it is something that we believe that Your Honor needs to address before his testimony.
15 16 17 18 19 20 21 22 23 24		18 19 20 21 22 23 24	MR. RUBIN: Your Honor, this affects when Respondents call Kurt Myers this afternoon. It's the eighth day of trial. We don't have data that we can independently verify and validated on who this 144 is. If Mr. Myers is planning on testifying to this, it is something that we believe that Your Honor needs to address before his testimony. MS. HICKOK: Your Honor, we have provided an
15 16 17 18 19 20 21 22 23		18 19 20 21 22 23	MR. RUBIN: Your Honor, this affects when Respondents call Kurt Myers this afternoon. It's the eighth day of trial. We don't have data that we can independently verify and validated on who this 144 is. If Mr. Myers is planning on testifying to this, it is something that we believe that Your Honor needs to address before his testimony. MS. HICKOK: Your Honor, we have provided an



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	Page 1237		Page 1239
1	have been working very hard to work with Petitioners to meet	1	specific question, the 500 people on this spreadsheet after
2	their demands. In fact, we have asked a non-party to work	2	supposedly were accessed, those are people who went to PennDOT
3	through the weekend and through the night to get us answers on	3	asking for a DOS ID and were not given one, and he agreed
4	their questions.	4	unequivocally, yes.
5	We have also, as you know, told them that	5	The December email which was produced in April
6	because the PennDOT database was accessible to their expert	6	does not give any information about who the 144 people were,
7	that they could independently verify through him; and they	7	does not indicate that these people were on the DOS exceptions
8	indeed have told Your Honor that they would like to bring that	8	spreadsheet, gave us no reason to believe they were even
9	person who has done that independent verification here to	9	linked; and when Mr. Marks assured us that it wasn't, there
10	testify.	10	was no reason to follow up.
11	So, the idea that this is something that has	11	THE COURT: We have Mr. Myers scheduled for
12	not been addressed and indeed was addressed by PennDOT at your	12	this afternoon.
13	Court's at the Court's request, I just I don't see the	13	MS. HICKOK: That's correct, Your Honor.
14	grounds for this motion.	14	THE COURT: Is he part of the mystery of the
15	MR. RUBIN: Your Honor, the information that	15	144?
16	our expert has from PennDOT is very limited. It is not the	16	MS. HICKOK: He is the Department of
17	information that PennDOT has. We do not have the information	17	Transportation's witness, Your Honor.
18	that PennDOT has. What we have is a doc chart that has	18	MR. RUBIN: That doesn't necessarily answer
19	information on 81 out of 144 by our count. That information	19	the question of whether he can testify as to 144, being the
20	is not anything that's actual business records. It is a	20	Department of Transportation's witness does not mean that he
21	it's conclusions, characterizations, whether by counsel or	21	has personal knowledge of the 144, that he has done this work.
22	whether by PennDOT working with counsel, we don't know; but by	22	The work, whatever it is, he has not done
23	their own characterization, it is not at all a business	23	THE COURT: We'll find out later on. We'll
24	record. It's not what we're entitled to have.	24	put him on for direct, Mr. Keating.
25	MS. HICKOK: Your Honor, you asked us to come	25	MR. KEATING: Your Honor, Mr. Marks my
1	Page 1238	1	Page 1240
1	to an agreement as to the 144, and you asked us to reach out		understanding, is going to testify about the 144, and that he was asked to review those documents, and we anticipate that he
2	to PennDOT in order to get the information to do that. As we	2	· •
3	have said repeatedly, PennDOT is under very strict privacy	3	will testify as to how many of those 144 actually did have
4	requirements.	4	IDs, to his understanding.
5	We had talked to Petitioners about the need to	5	MR. RUBIN: And that's precisely the
6	anonymize any information that we provided to them. They	6	information we don't have.
7	agreed to the anonymization. They did not agree to put the	7	THE COURT: You will get it, you will have a
8	other exhibit under seal, which meant that we had to put	8	chance to talk to Mr. Marks tomorrow.
9	whatever we provided under seal; and we have worked	9	MR. RUBIN: Well, is it Mr. Marks or Mr. Myers
10	desperately to try to come to an agreement.	10	that will testify to that?
11	If you will look at the email traffic that	11	MR. KEATING: I'm sorry. I meant Mr. Myers.
12	follows our answer to the motion, you will see that what we	12	MR. RUBIN: I believe it's Mr. Myers.
13	were assured consistently is that what we were providing was	13	THE COURT: Let's see what happens. If you
14	helpful and useful, and that indeed, they had been able to	14	need some time before you begin your cross, we'll give you
15	verify a number of people as not being in the exceptions	15	some time; but I have got to get this thing moving. We're way
16	process, just as was contended, and just as was supported by a	16	behind schedule.
17	document that had been produced back in April, and that they	17	MR. RUBIN: Can we have a standing objection
18	chose not to question about.	18	to any of this testimony, Your Honor?
19	MR. RUBIN: Your Honor, that is not an	19	THE COURT: Certainly.
20	accurate statement of the record. We chose to question	20	MR. RUBIN: Okay.
21	Mr. Marks about the spreadsheet at his July deposition. He	21	THE COURT: Okay. First witness.
22	was asked specifically whether there was any reason to believe	22	MR. KEATING: Your Honor
23	that the spreadsheet was inaccurate. His unequivocal answer	23	MR. JONES: Before they start, we have final
24	was no. That's page 189 of his deposition in July.	24	housekeeping matters, some written documents that we would
25	In the June deposition, he was asked the	25	like to move into evidence before the Respondents begin their



Pages 1241..1244 Page 1243 Page 1241 case. exhibits into evidence. 1 1 First, we would offer into evidence, 2 2 MR. KEATING: Your Honor, we don't object 3 Petitioners' Exhibits 1446, 1447, and 1448. These are 3 moving them into evidence. They have no relevance to the 4 Exhibits to a stipulation that the parties entered into on 4 issue before the Court, but the letters are what they are. 5 5 June 6th, 2013. MR. JONES: Next, we move into evidence 6 These three documents are correspondence 6 Petitioners' Exhibit 1515, which is the affirmation that 7 7 voters have been asked to sign in order to try to obtain a either to or from representative Darryl Metcalf who was a 8 principal sponsor of Act 18. The parties stipulated in June 8 PennDOT ID -- free PennDOT ID for voting or DOS ID since 9 to the authenticity of the documents, and that Representative 9 February of this year, when the affirmation changed. 10 Metcalf has verified their authenticity. 10 We had sent a proposed stipulation to Respondents' counsel just regarding the authenticity and 11 The first two documents are email chains in 11 12 which both Representative Metcalf and also representative 12 admissibility of the document, but didn't receive a response. It's a one-page document. 13 Steve Barrar raised questions about the statutory 13 14 authorization and existence of the DOS ID. 14 MR. KEATING: I think Mr. -- Mr. Myers is 15 THE COURT: Metcalf and who is the second? 15 going to testify to this and we'll get this in anyway, correct? Yeah. MR. JONES: Steve Barrar. B-A-R-R-A-R. 16 16 They're members of the House of Representatives. 17 17 THE COURT: This affirmation was effective on 18 MR. KEATING: Which one are you talking about, 18 what date? 19 G? 19 MR. JONES: February 14th, 2013. It's in the 20 MR. JONES: G and H. 20 lower right-hand corner. A change was made to the affirmation 21 MR. KEATING: Yeah. The stipulation is -- do 21 on that date. This is the most current version. 22 you have a copy of the stipulation itself? 22 Then finally, we would like to confirm in 23 MR. JONES: I do. The stipulation is that the 23 evidence Petitioners' Exhibit 25, which is a stipulation dated 24 attached documents -- they were actually A through J. We're July 25th, 2012, regarding the location of PennDOT facilities 24 25 only submitting three of them, G, H and I; and that they are 25 that offer voter IDs. Page 1242 Page 1244 authentic copies of the material described in the stipulation 1 MR. KEATING: Is that in the record? 1 2 and separately stipulating that Representative Metcalf, who is 2 MR. JONES: I believe it's in the record 3 on all of the correspondence, verified the authenticity of 3 already. We would also like to hand up a copy and also offer 4 each of the exhibits, acting through his legal counsel. 4 an excerpt from the June 4th, 2013, deposition of Kurt Myers. 5 I can hand up a copy of the stipulation if 5 MR. KEATING: We would object to that, Your Your Honor would like. Honor. Mr. Myers is going to testify. They can use anything 6 6 7 THE COURT: That's no problem. 7 he says in his deposition for the cross-examination. I'm not 8 MR. KEATING: I think that's a credible way to 8 sure why we're stipulating to that at this point in time. 9 do that. The stipulation itself, if you want to enter that. 9 THE COURT: Wait until Mr. Myers testifies. 10 MR. JONES: The final document is a letter 10 Okay? 11 from Representative Metcalf to Secretary --11 MR. JONES: Sure. We were trying to save 12 THE COURT: On the stipulation, what were the 12 time, but that's fine, Your Honor. 13 letter numbers --13 THE COURT: That's a better time to do it. MR. JONES: My colleague, Whitney Moore will 14 MR. JONES: G. 14 15 THE COURT: -- for the record? 15 offer a couple of other items. 16 MR. JONES: Sure. They are Exhibits G, H and 16 MS. MOORE: Thank you, Your Honor. Whitney 17 I to the stipulation, which are the first three entries on the 17 Moore. 18 18 Respondents and Petitioners have worked second page. 19 19 THE COURT: Okay. I'm sorry to interrupt you. together on the third party vendor depositions so that we can 20 MR. JONES: Sure. 20 put in designations, and not have to actually play the videos The final exhibit, Exhibit I, which is here in court. I have got the Red House and Harmelin material 21 21 Petitioners' 1448 is an October 26th, 2012, letter from 22 here, and I'm going to go through that now. 22 23 Representative Metcalf to Secretary Aichele expressing 23 I'm going to start with Red House 24 concerns about aspects of the Department of State's education 24 Communications. We have transcript of Red House, which is 25 campaign, relating to Act 18. So, we would move those 25 Petitioners' Exhibit 1468. The CD of the designations which



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	Page 1245		Daga 13/7
1	is 1468A, and then the exhibits from the deposition, which are	1	Page 1247 third set of interrogatories; and specifically we asked a very
2	going to be I'm going to go through these slowly 1468d,	2	specific question, question 24, which was intended and this
3			
	1468e, 1468f, 1468g, 1468h, 1468i, 1468j, 1468k, 1468l, 1468m,	3	was at the Court's order that they responded. They originally
4	1468n, 1468o, 1468p, 1468q, 1468r, 1468s, 1468t, 1466, 1467,	4	objected, but the Court ordered them to provide a response.
5	1469, 1472, 1473, 1470, 1474, and 1475; and I'm going to hand	5	The purpose of this was to bring current the
6	out copies of all of this now.	6	no-fraud stipulation, particularly Paragraph 5, which said
7	Your Honor, the copy of the transcript that	7	that they had no evidence that there was a likelihood of fraud
8	you have and Respondents' counsel has received one of these	8	in the November election. This question was limited to state
9	as well it's the one I gave you yesterday but it's not	9	whether the Commonwealth claims there was incidence of
10	this copy, but it's highlighted with it's marked off with	10	in-person voter fraud in Pennsylvania in the November 6, 2012,
11	red and blue. The red designations are Petitioners'	11	election that would have been prevented had the photo ID law
12	designations. The blue designations are Respondents'	12	been in effect at the time of the November 6, 2012, election.
13	designations.	13	The portion of this that we're submitting is
14	We have also filed a list of the designations;	14	their answer to that actual question, which is Respondents
15	and I can hand up a copy of that, if that would be helpful as	15	currently possess no knowledge or information from which they
16	well.	16	might confidently conclude that any incident of in-person
17	Next, Your Honor, is Harmelin Communications.	17	voter fraud, i.e., an incident which a person appeared at a
18	Harmelin Media. It's the deposition of Lyn Strickler dated	18	polling place on Election Day impersonated a registered voter,
19	June 14th, 2013.	19	and voted or attempted to vote
20	The materials that I have here are 1476, which	20	MR. KEATING: Your Honor, we're going to
21	is the deposition transcript; 1476a, which is the CD. And	21	object to him reading this into the record, unless he's going
22	again, the transcript and the CD reflect the designations that	22	to read into the record the entire answer.
23	Respondents and Petitioners have agreed to.	23	THE COURT: Why don't I get an unredacted
24	I also have, the exhibits are 1477, 1478,	24	answer.
25	1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, and 1487.	25	MR. RUBIN: Yes. I will provide an unredacted
	Page 1246		Page 1248
1	We also have an email that is 1476c, and the	1	answer, Your Honor; but we would object to having entered
2	attachment to the email which is 2008. These are these	2	specifically, Your Honor, the fraud stipulation had a specific
3	reflect information that was requested during the Harmelin	3	paragraph that specifically referenced a prior answer to the
4	deposition. Harmelin's counsel provided us the information in	4	interrogatory. The only basis that would be offered
5	an email, and then there was an attachment to the email	5	justification for the block.
6	afterwards. Respondents and Petitioners have agreed to put	6	The rest of this answer goes on at length to
7	this in as well.	7	insert non-responsive information to this request in a vehicle
8	So, I would like to move for the admission of	8	to try to get around the prior stipulation. It goes on at
9	all of this.	9	length about speculation, about what might happen in the
10	MR. KEATING: No objection, Your Honor.	10	future. It talks about what the General Assembly was
11	MS. MOORE: Thank you, Your Honor.	11	thinking, which is objectionable simply because Mr. Royer has
12	MR. RUBIN: Petitioners also would like to	12	no basis for offering that opinion testimony. It goes in and
13	offer Petitioners' Exhibit 1618, Your Honor, which I will hand	13	offers supposed evidence of fraud that existed, none of which
14	up, and I my understanding is that there will be an	14	is admissible in this case.
14	objection to this one. This is interrogatory responses.	15	MR. KEATING: Mr. Rubin's going through a
15	MR. HUTCHISON: Your Honor, we object to the	16	characterization of this response is objectionable, Your
	-	10	
17	redaction of the interrogatory answer.	1	Honor.
18	MR. RUBIN: Your Honor, this interrogatory	18	MR. RUBIN: None of this is actually
19	MR. HUTCHISON: Excuse me.	19	responsive to the interrogatory that was asked and is not a
20	MR. RUBIN: I'm sorry. Your Honor, I was in	20	proper vehicle for them to enter into this case.
21	the middle of presenting this. I'm sure they'll have an	21	MR. HUTCHISON: Your Honor, Deputy Secretary
22	opportunity to present to object.	22	Royer was here last Thursday. If they had issues with this
23	THE COURT: Let him go first.	23	interrogatory they could have raised it then, but they
24	MR. RUBIN: Your Honor, this is Respondents'	24	relinquished the witness.
25	supplemental response to interrogatory number 24, Petitioners'	25	And in addition they never filed any motion to
L	XX		



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1	Page 1249 strike, any motion in limine before trial as the Court	1	Page 1251 MR. KEATING: We would direct the Court's
2	requested. Any objection they have is waived at this point.	2	attention to 5, 20, 30 and 34.
3	Not only that, they relied on this and quoted	3	MS. PETERSON: And Petitioners offer into
			evidence Exhibit 1523, which is Respondents' responses to
4	the redacted portion in their pretrial memo. And now they	4	· · ·
5	seem to redact this, but not that; and their purported expert,	5	Petitioners' fourth set of interrogatories.
6	Dr. Lorraine Minnite was retained to opine on this	6	And then finally, the parties have worked
7	interrogatory and submitted a report on it.	7	together on designating certain aspects of the deposition
8	Any objection they have is waived.	8	testimony of Ronald Ruben, the Press Secretary and the
9	THE COURT: Okay. That's a good point, but	9	Director of Communications at the Department of State.
10	let's proceed. I'll make a ruling on that after I hear the	10	We have the context of the deposition
11	testimony today, and in the future. I think that we'll be	11	testimony relates to materials that the Department of State
12	talking to other witnesses, and I want to see what happens	12	has provided to libraries. I have the transcript which
13	with them in this regard.	13	contains both designations, Petitioners' designations are
14	MR. RUBIN: Thank you, Your Honor.	14	highlighted in red, and Respondents' designations are
15	MS. PETERSON: Petitioners would also like to	15	highlighted in blue, and this morning we filed a paper
16	offer into evidence certain of Respondents interrogatory	16	combining both those designations. This would be Exhibit
17	responses. First Petitioners offer into evidence Exhibit	17	1593.
18	1616, which is Respondents' responses to Petitioners' third	18	MR. RUBIN: Your Honor, at this time, the
19	set of interrogatories.	19	Petitioners are not in a position to close their case. Kurt
20	Petitioners would specifically direct the	20	Myers has not testified and will be testifying in our case as
21	Court to Respondents' answers to interrogatories 2, 5, 8, 9,	21	well through cross-examination.
22	10, 12, 13, 15, 16, 17, 21, 27 and 34.	22	In addition, on the issue of the 144, for the
23	Next, Petitioners would offer into evidence	23	reasons we have noted, we presented our evidence on that. We
24	Exhibit 1617, which is a letter from Respondents offering	24	do not have from the Respondents any actual business records
25	certain supplemental responses.	25	or discovery. We are not in a position to have closed our
	Page 1250		Page 1252
1	Page 1250 MR. KEATING: Is that all? 1617. Why don't	1	case as to that.
1 2	5	1 2	
	MR. KEATING: Is that all? 1617. Why don't		case as to that.
2	MR. KEATING: Is that all? 1617. Why don't we talk about each one of these as we go along.	2	case as to that. So, at this time, we are not in a position to
2 3	MR. KEATING: Is that all? 1617. Why don't we talk about each one of these as we go along. MS. PETERSON: Sure.	2 3	case as to that. So, at this time, we are not in a position to close our case and we leave our case open at this point.
2 3 4	MR. KEATING: Is that all? 1617. Why don't we talk about each one of these as we go along. MS. PETERSON: Sure. MR. KEATING: Your Honor, I'm not sure why	2 3 4	case as to that. So, at this time, we are not in a position to close our case and we leave our case open at this point. THE COURT: Sure.
2 3 4 5	MR. KEATING: Is that all? 1617. Why don't we talk about each one of these as we go along. MS. PETERSON: Sure. MR. KEATING: Your Honor, I'm not sure why we're trying to enter into evidence answers to interrogatories	2 3 4 5	case as to that. So, at this time, we are not in a position to close our case and we leave our case open at this point. THE COURT: Sure. MR. KEATING: Your Honor, at this time we're
2 3 4 5 6	MR. KEATING: Is that all? 1617. Why don't we talk about each one of these as we go along. MS. PETERSON: Sure. MR. KEATING: Your Honor, I'm not sure why we're trying to enter into evidence answers to interrogatories at this late date in the case. We have a verification from	2 3 4 5 6	case as to that. So, at this time, we are not in a position to close our case and we leave our case open at this point. THE COURT: Sure. MR. KEATING: Your Honor, at this time we're not ready to go forward with our case until they rest. Have
2 3 4 5 6 7	MR. KEATING: Is that all? 1617. Why don't we talk about each one of these as we go along. MS. PETERSON: Sure. MR. KEATING: Your Honor, I'm not sure why we're trying to enter into evidence answers to interrogatories at this late date in the case. We have a verification from Shannon Royer, and he testified. And if they wanted to talk	2 3 4 5 6 7	case as to that. So, at this time, we are not in a position to close our case and we leave our case open at this point. THE COURT: Sure. MR. KEATING: Your Honor, at this time we're not ready to go forward with our case until they rest. Have they rested, Your Honor? I mean, for rebuttal testimony, you
2 3 4 5 6 7 8	MR. KEATING: Is that all? 1617. Why don't we talk about each one of these as we go along. MS. PETERSON: Sure. MR. KEATING: Your Honor, I'm not sure why we're trying to enter into evidence answers to interrogatories at this late date in the case. We have a verification from Shannon Royer, and he testified. And if they wanted to talk about these responses by Shannon while he was up there, they	2 3 4 5 6 7 8 9	<pre>case as to that. So, at this time, we are not in a position to close our case and we leave our case open at this point. THE COURT: Sure. MR. KEATING: Your Honor, at this time we're not ready to go forward with our case until they rest. Have they rested, Your Honor? I mean, for rebuttal testimony, you don't keep the case open. That would be part of the evidence.</pre>
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Pages 1253..1256

Page 1253 Page 1253 1 NR. HEATEN: With that event. 1 N. HEATEN: With that event. 2 Is there arything less you want to present. 1 N. HEADEN: No, there's nothing else went 4 NR. HEATEN: No, there's nothing else went 3. The Department of Aging provides services such as the 4 NR. HEATEN: No, there's nothing else went 3. The Department of Aging provides services such as the 5 NR. HEATEN: No, there's nothing else went 4. WCX program. The PAX program is the phaarmooutcal 6 NR. HEATEN: No, there's nothing first band ally seen 5. Seconding to law, was examined and testified as follow: 7 NR. NEATENE: NOTHENE NOTHENE TRAINENT 1 1. New second as the test of the phase second as the test of the phase second as				Pages 1255.1250
2 Is here mything else you sunt to present 3 before we put on our first witness, 4 (REMIT, No, there's nothing else we want 5 to present at this time, Your Kunness, 7 Kelly O'Dornell, to the stand. 2 I mean Department of Aging, 5 (REMIT) No, there's nothing else we want 5 (REMIT) O'Dornell, to the stand. 3 A. The Department of Aging, 5 (REMIT) O'Dornell, to the stand. 5 (REMIT) O'Dornell, to the stand. 7 (REMIT) O'Dornell, to the stand.		Page 1253		Page 1255
 before we put on our first witness? MR. HERNE. No. there's nothing else we want to present at this time, Your HERNOT. KENTING: We would call our first witness, KENTING: We would call our first witness, KENTING: We would call our first witness, STREE KENTING: We would call our first witness, STREE KENTING: We would call our first witness, STREE KENTING: We want you to have, was examined and testified as follows: DIRECT EXMINIATION We was you doing? A. The Begartment of Apping the them dup would be was you doing? A. Tawall. Now are you? A. Tawall. Now are you? A. Tawall. Now are you? A. Tawall. is of eacy at a semination of percepts and watere bealth and we would be work way closely with work way closely with well have approximately? A. Tawall. Now are you? A. Tawall. Now are you? A. Tawall. Now are you? A. Tawall. is of eacy of program is the a correct statement? A. Taware you even serve testified in court before? A. No, I have not. D. Have you nervous? A. Taware totic is in our proteins? A. Taware totic is in the input persons over the agencies in trying to 1 doyna do with thes? A. Taware totic is in the doyna work? Page 1.254 A. Taware totic is in the input persons over the agencies in a support persons? A. Taware totic is into a doyna work? Page 1.254 A. Taware totic is into advision? A. Taware tonin the tar position? A. Taware tonin that positi				
4 MCR NRTM: No. (here's nothing else we want 5 by PCS program. The MCS program is the planmacutical 5 to present at this time, Your Biorn. 5 assistance program. We administer and oversee protective 7 Fally O'Dornall, to the stand. 5 assistance program. We administer and oversee protective 9 associating to law, was examined and testified as follows: 9 Aging in Pennylyunia to insure that programs as exvices are 11 BY MS. RXCHNS: 10 0. Wast is the population of people over 60 in 12 0. Good morning. 11 10 Name to provide the program is as a protective of people over 60 in 12 0. Good morning. 13 N. The epreconset people over 60 in 13 A. Good morning. 13 N. The epreconset people over 60 in 14 O. Good. 1°m doing fine, thany you. 10 Is assume that you work with other agencies in trying to 10 14 O. The origo fine, thany you. 10 Is assume that you work with other agencies in trying to 11 15 A. No. I have not. 10 No. I have not. 10 No. That's correct. 16 A. Towit for the Pennylyunia to agencies			2	
 5 to present at this time, Your Horor. 6 HE NETATIN: We would call our first witness, 7 Kelly O'Donnell, to the stand. 8 XELLY O'LANGLE, having first been duly seem 9 according to law, was examined and testified as follows: 10 DIECT EXMINATION 12 O. Good morning, 13 A. God morning, 14 Q. Bow are you doing? 15 A. First FAITHS: 10 Bew are you doing? 13 A. The ware you doing? 14 Q. How are you doing? 15 A. I'm well. How are you? 16 Q. Good morning, 17 Miss O'Donnell, is it okay if I call you Kelly? 18 A. Yes, Hart's fins. 19 Q. How not. 20 A ready numerous? 21 A. Yes that's fins. 22 A. No, I have not. 23 A. Sightly. 24 A. Slightly. 25 Q. Son I. Marce do you work? 26 A. Son I. Marce do you work? 27 A. No, the sense that position? 28 A. Slightly. 29 Q. Mare you marehyonis. 30 A. Thave been an employee of the department of Aging or was been an employee of the department of Aging ourses the halt had you'd fins facilities in 31 A. The begartment of Aging ourses the halt and willness, proceediating of the sense of addition? 30 A. Thave been in that position? 31 A. The begartment of Aging ourses the halt had wellness; 32 A. The begartment of Aging ourses the halt had wellness; 33 A. There begartment of Aging ourses the halt had wellness; 34 A. The begartment of Aging ourses the halt had wellness; 35 A. There been in that position? 34 A. The begartment of Aging ourses the halt had wellness; 35 A. There been in that position? 34 A. The begartment of Aging ourses the halt had wellness; 35 A. The partment of Aging ourses the halt had wellness; 36 A. There been in that position? 37 A. The begartment of Aging ourses the halt had wellness; 37 A. Th	3	-	3	
 8 NR. EXETNS: We would call our first witness, KELF OCONNEL, having first been duly sourn 9 according to law, was examined and testified as follows: DINETE CMAINNING 11 BY MW. EXETNS: 12 O. Good morning. 13 A. Ta well. How are you? 14 Q. Bow are you doing? 15 A. Ta well. How are you? 16 Q. Good. 1'm doing fine, thank you. 17 M. NEATNS: 18 A. Yas, that's fine. 19 O. Bow are you doing? 19 A. Yas well to day if a call you Relly? 10 A. Ya well. How are you? 10 A. Ya well. How are you? 11 BY MW. EXETNS: 12 Penergy/wania, approximate population of persons age 60 and over in 14 Pensylvania. is proximate you work with other agencies in trying to 15 Q. Good. 'I'm doing fine, thank you. 16 Q. Good. 'I'm doing fine, thank you. 17 A. Ta well. How are you? 18 A. Yas, that's fine. 19 O. Hoav you ever testified in court before? 20 A. No, I have not. 21 A. I work for the Fensylvania Department of Aging. 22 Q. How long have you had that position? 3. I have been a mellogues of the Department of Aging. 3. I have been an employee of the Department of Aging. 3. A Thave been an employee of the Department of Aging. 3. A Thave been an employee of the Department of Aging oreases the health and wellness. 3 of older adults in Pennylvania? 4. The Department of Aging coverates the All than the Department of Aging coverates and administers 4 of Wat as out be allow of the like. 3 of older adult, what agen? 4. The Department of Aging coverates and administers 4 of Wat as out be they are outpend administers 5 or Wat as out administers 6 or Wat as out administers 7 or Wat and be bash and wellness, protection Prevention and protection Prevention an administers 5 or Wat as out obsch heage? 5 A	4	MR. RUBIN: No, there's nothing else we want	4	
 Fally O'Donall, to the stand. KELLY O'DONNUL, having first been duly seem according to law, was examined and testified as follows: according to law, was examined and testified as follows: according to law, was examined and testified as follows: DIBOT EXAMINATION IF ME, EXETING: O. Good morning. A. To well. New are you? A. To well. New are you? A. To well. 'I's doing first, thank you. M. No, I'm awing first, thank you. M. No, I have not. Q. To are you ever testified in court before? A. No, I have not. Q. Nave you ever testified in court before? A. No, I have not. Q. Ta surp and services as well that impact persons over the age A. To kere do you work? Page 12554 A. To work for the Pennsylvania Department of Aging. Q. Wast does the Department of Aging oversees the health and wellness? Q. Wast does the Department of Aging oversees the health and wellness? Q. Wast does the Department of Aging oversees the health and wellness? Q. Wast does the Department of Aging oversees the health and wellness? Q. Wast does the Department of Aging oversees the health and wellness? Q. Wast does the Department of Aging oversees the health and wellness? Q. Wast does the Department of Aging oversees the health and wellness? Q. Wast does the Department of Aging oversees the health and wellness? Q. Wast does the Department of Aging oversees the health and wellness? Q. Wast does the Department of Aging oversees the health and wellness? Q. Wast does the Department of Aging oversees the health and wellness? Q. Wast does the Department of Aging oversees the health and wellness?	5	to present at this time, Your Honor.	5	assistance contract for the elderly. It's a prescription drug
8 FELLY 0'DONELL, having first been duly soon DEET DONETON 8 programs. We work very closely with our 52 Area Agencies on Aging in Pennsylvania to insure that programs and services are 0 9 according to law, we examined and testified as follows: DEET DONETON 9 11 BY MR. KEATING: 12 9 Aging in Pennsylvania to insure that programs and services are 10 11 BY MR. KEATING: 12 0 God morning. 13 14 Pennsylvania to insure that programs and services are 10 13 A. God morning. 14 14 Pennsylvania to postation of people over 60 in 12 12 14 A. God morning. 14 14 Pennsylvania to postation of people over 60 in 14 15 15 0. Good. 'I'n doing fine, thank you. 15 14 That's correct. 16 14 15 0. Good. 'I'n doing fine, thank you. 16 16 16 16 16 0. How to port work with and what types of things 10 17 18 18 19 16 0. Wat sort of insues one work with and what types of things 10 10 10 10 10 11 That's correct. 10 11 16 11	6	MR. KEATING: We would call our first witness,	6	assistance program. We administer and oversee protective
9 Action in Figure 2. 0 DTRECT EXAMINATION 10 DTRECT EXAMINATION 11 0. God morning. 12 0. God morning. 13 A. God morning. 11 14 0. How are you doing? 13 15 A. How are you doing? 13 A. The approximate population of persons age 60 and over in 15 A. Two Hull. How are you? 13 A. The approximate population of persons age 60 and over in 16 Q. Good. I'm doing file, thank you. 15 Q. Have you work vith other agencies in trying to 17 Miss O'Dornall, is it day if call you Kelly? 14 Personsylvania is 2.7 million. 17 Miss O'Dornall, is it day if call you Kelly? 14 A. They have sour vert testified in court before? 2 A. No, I have not. 20 A recy ou nervous? 20 2 A. They for the Pennsylvania Department of Aging. 20 A recy ou nervous? 2 A. They have an employee of the Department of Aging sone about harch of 2014. 4 And what about the Department of Aging, oo thave you have woth and wellness. <td>7</td> <td>Kelly O'Donnell, to the stand.</td> <th>7</th> <td>services. We administer and oversee health and wellness</td>	7	Kelly O'Donnell, to the stand.	7	services. We administer and oversee health and wellness
10 DEFCT EXMINATION 10 alivered. 11 BY MR. KEATING: 10 of divered. 11 BY MR. KEATING: 10 of divered. 12 0. Good morning. 11 0. Mat is the population of people over 60 in 13 A. Good morning. 11 0. Mat is the population of persons age 60 and over in 14 Permsylvania 1.2, approximate population of persons age 60 and over in 15 A. T'm well. Haw are you? 15 16 O. Good. I'm doing fine, thank you. 15 17 Mas You ever testified in court before? 16 18 A. Yes, that's fine. 17 19 O. Wat you ever testified in court before? 19 10 I'm sorry? 20 11 Parge 1256 12 A. No, I have not. 21 13 A. There do you work? 22 14 Persona and sequences a well that impact persons over the age 15 A. I work for the Permsylvania 2. Parge 1256 16 A. May ourment tole is the director of the operations and Parge 1256 17 A. There been man employee o	8	KELLY O'DONNELL, having first been duly sworn	8	programs. We work very closely with our 52 Area Agencies on
11 DY MR. KEATING: 11 0. Good morning. 12 0. Good morning. 11 12 Permsylvania, aggrowinately? 13 A. Good morning. 13 A. The approximate population of persons age 60 and over in 14 0. How are you doing? 13 A. The approximate population of persons age 60 and over in 14 0. How are you doing? 13 A. The approximate population of persons age 60 and over in 15 0. The ware you doing? 14 Permsylvania is 2.7 million. 17 Miss 0'Donnell, is it okay if I call you Kell?? 13 A. The 's correct. 18 O. Have you ever testified in court before? 10 O. Mat you work with and what types of things 19 O. How you nervous? 20 A. The you nervous? 21 O Public Weifare and the Department of Eacht. How have 20 A ready or you nervous? 22 23 of 0. Page 1256 21 A. The were how work? Page 1254 Page 1256 2 A. Moy current title is the director of the operations and failings into Page 1256 3 A Have heen an employea of the Department of Aging does Hourse and you define facility? A. Primarily they're adm	9	according to law, was examined and testified as follows:	9	Aging in Pennsylvania to insure that programs and services are
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Page 1257Page 12571purview.12Q. How many what's the population of Pennsylvanians in13Long-term mursing homes approximately55MS. SCHEEDER: Objection. Objection, Your66Honor. I don't believe that they have laid the proper57foundation for this witness to testify to that. She has8already testified that the Department of Aging dosen't license9the RECOMENT: We'll parmit it.10THE COMENT: We'll parmit it.11MR. REATING:12BY MR. REATING:13O. What is the approximately values of elderly persons in14long-term mursing homes, if you how?15A. Amursing facilities.16mursing facilities.17Mat about long-term care homes?18A. Amursing facilities, there are approximately taloudy care homes in19facility.10A. Assisted living?10. A dwat about sasisted living?11. Assisted living facilities, there are approximately12. Ou individuals residing in personal care homes in13A. We license approximately 265 adult day cares?12Ves.13. A we ju referring to the adult care facilities with you14. A are you referring to the adult care facilities with you15. Q. And how many elderly does that hel?16. A. Approximately 12,000 individuals attend an adult day cares?17Yes.18. A. New license approximately 265 adult day cares?19. A. We license a
2 Q. Now many what's the population of Pennsylvanians in 3 long-term mursing homes approximately. 2 Q. What about information, is there any information 3 disseminated from your agency to these centers concerning 4 issues revolving around elderly people? 5 M. SCHNEIGE: Objection. Objection, Your 6 Honor. I don't balieve that they have laid the proper foundation for this witness to testify to that. She has 8 already testified that the Department of Aging doesn't license 9 those facilities. 2 What about information is there any information disseminated from your agency to these centers concerning 4 10 M. SCHING: Thank you. 5 A. Absolutely. We would share any information of relevance to older adults, to the participants in the adult day care 7 10 M. KEATING: Thank you. 10 A. The there's a new proyram that's being offered to older 1 adults, we would provide that information about how to 13 0. What is the approximate population of elderly persons in 14 10 14 Long-term nursing facilities. 10 A. The three are approximately 61,000 people residing in 16 11 16 mursing facilities. 10 A. We work very closely with our 52 Area Agencies on Aging 17 12 16 A. Are you referring to the adult care facilities which you 22 12 13 14 14 16 A. Are you referring to the adult day cares in 19 14 14 14
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9 those facilities. 10 THE COURT: We'll permit it. 11 MR. KEATING: Thank you. 12 FY MR. KEATING: Thank you. 13 FM MR. KEATING: Thank you. 14 long-term nursing homes, if you know? 15 A. There are approximate population of elderly persons in 14 long-term nursing homes, if you know? 15 A. There are approximately 081,000 people residing in 16 mursing facilities. 17 Q. Mat about long-term care homes? 18 A. Anursing facilities, there are approximately 19 A. Assisted living facilities, there are approximately 11 Jouinitiduals residing in personal care homes in 12 Parge 1258 14 A. Are you referring to the adult day carees in 29. Yes. Parge 1258 14. A peroximately 12,000 individuals attend an adult day 13 Paneylvania. 20. Mat wany elderly does that help? 14. A rey ou referring to the adult day carees in 29. Yes. 20. Math wany elderly does that help? 14. A peroximately 12,000 individuals attend an adult day 7 care in Pennsylv
10 THE COURT: We'll permit it. 11 MR. KEATING: Thank you. 12 EV MR. KEATING: Thank you. 13 A. KEATING: Thank you. 14 Long-term nursing homes, if you know? 15 A. There are approximate population of elderly persons in nursing facilities. 16 M. There are approximately 81,000 people residing in 1 17 O. What about long-term care homes? 18 A. A nursing facilities. 19 facility. 20 A. Assisted living facilities, there are approximately 11 A. Assisted living facilities, there are approximately 12 Let's talk about the adult care facilities which you 21 A. Are you referring to the adult day cares? 2 Q. Yes. 3 A. We license approximately 25 adult day cares? 2 Q. Yes. 3 M. We license approximately 26 adult day cares? 2 A. Approximately 12,000 individuals attend an adult day 3 Ms Elemese approximately 26 adult day cares in Pennsylvania. 4 Ms. SCHENDER: I have an objection to the selemest. 5 Ms. KENTINE: We'll talk about Act 18 ina 6
11 MR. KEATING: thank you. 11 adults, we would provide that information about our PACE 12 EY MR. KEATING: 11 adults, we would provide that information about our PACE 13 Q. What is the approximate population of elderly persons in 11 obtain a voter ID. 14 Long-term nursing homes, if you know? 14 Q. Other than the adult care facilities, what about the 15 A. There are approximately 81,000 people residing in 16 A. A nursing facility would be considered a long-term care 16 A. A nursing facility would be considered a long-term care 18 Q. And what about assisted living? 17 Q. And what about assisted living? 18 Q. And what about assisted living? 17 J.200 individuals residing in personal care homes in 12 20 A. The S2 Area Agencies on Aging are a variety. Some of 18 Pennsylvania. 22 Ne bioense approximately 265 adult day cares? 23 Q. What services do they provide for the elderly? 24 Q. Ket license approximately 265 adult day cares? 29 Yeage 1250 14 Pennsylvania. 19 services that could be provided in the home for example, 2 Q. Yes. 3 and how many el
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18 A. mursing facility would be considered a long-term care 18 Q. And when we are talking about the AAAs, that's not adult 19 facility. 20 Q. And what about assisted living? 21 20 Q. And what about assisted living? 20 A. Assisted living facilities, there are approximately 21 21 A. Assisted living facilities, there are approximately 22 A. The 52 Area Agencies on Aging are a variety. Some of 22 1,200 individuals residing in personal care homes in 22 0. What services do they provide for the elderly? 24 Q. Let's talk about the adult care facilities which you 23 Q. What services do they provide for the elderly? 24 Q. Yes. 3 Are you referring to the adult day cares? 24 2 Q. Yes. 3 Parge 1250 1 A. Me license approximately 265 adult day cares in 4 4 Permsylvania. 5 They also act as a resource for information, if a person 6 A. Approximately 12,000 individuals attend an adult day 6 has questions about, you know, long-term care, getting into a 7 care in Pennsylvania. 5 They also act as a resource for information, if a person 8
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12 MR. KEATING: We'll talk about Act 18 in a 12 A. Yes, on a daily, constant basis.
13 little bit, but I just want to lay a foundation. 13 Q. Do they have specific liaisons in the AAAs that
14 THE COURT: How many people attend the 14 coordinate with the Department of Aging?
15 centers? 15 A. The Department of Aging communicates primarily with the
16 THE WITNESS: Over 12,000. 16 director of each Area Agency on Aging has a director, but
17 BY MR. KEATING: 17 then within the Department of Aging, staff would communicate
18 Q. And how many centers are there? 18 with their counterpart at the Area Agency on Aging. For
19 A. Approximately 265. 19 example, we have a Prime Time Health Coordinator at the
20 Q. What services are provided in those centers for the 20 Department of Aging. The Prime Time Health Coordinator at the
21 elderly? 21 Department of Aging would communicate with all 52 prime time
22 A. In adult day cares, the services are primarily social 22 health coordinators at 52 Area Agencies on Aging.
23 services. There's activities for the older adults for the 23 Q. And relative to that, when you have information that you
24 participants to benefit from. It they also receive a visit 24 want to disseminate, how is that done?
25 from a nurse on a quarterly basis. They receive a meal, a 25 A. Again, in a variety of ways, primarily through the 52



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1	Page 1261 directors; but then staff would communicate with their	1	Q. And they can do it by phone, website, email; correct?
2	counterparts at the 52 Area Agencies on Aging.	2	A. Yes, or handwritten letter.
3	Q. So you reach out to the AAAs at the county level,	3	Q. Is the Department active in helping develop legislation
4	correct?	4	or statutes which may affect the elderly in Pennsylvania?
5	A. Yes.	5	A. Yes, we are.
6	Q. And you reach out to the adult day care facilities,	6	Q. In what respect?
7	correct?	7	A. Any legislation that could potentially impact or benefit
8	A. We do, yes.	8	an older adult, the Department of Aging would reach out to the
9	Q. And you coordinate with the Department of Health,	9	respective agency that is leading the charge on that
10	correct?	10	legislative front.
11	A. Yes.	11	Q. How do you learn about it?
12	Q. Do you have any type of newsletter that you put out	12	A. We communicate with our sister agencies on a regular
13	there?	13	basis. We do have a legislative director headquartered at the
14	A. The Department of Aging produces a weekly wrap-up, we	14 15	Department of Aging, and he keeps us updated on the relevant
15	call it the Friday wrap-up. It's distributed to about 3,000		legislation.
16	individuals. Those individuals include independent persons	16	Q. And let's talk about Act 18. Did the Department of
17	who may have contacted the Department, provider organizations, nursing facilities, personal care homes, adult days, and all	17	Aging have any input or comments prior to the enactment of Act 18 about what provisions should or should not be in the Act?
18		18	-
19	of our 52 Area Agencies on Aging.	19	A. Yes, we did.
20	Q. Do you have a website?	20	Q. How so?
21	A. We do, yes.	21	A. The Department of Aging worked closely with the
22	Q. What information is provided on the website?	22	Department of State on a review of the legislation to
23	A. We provide information about all of the programs and	23	determine if one, if it would have any impact on persons
24	services that we offer in Pennsylvania either through the	24	over the age of 60; and then, two, if there were any
25	Department of Aging or the 52 Area Agencies on Aging.	25	amendments or changes that could be made to the law.
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	Q. If someone has a question or concern about issues,	1	Q. When we talk about persons over the age of 60 who are
2	elderly care or Medicare or anything they have, not only about	2	elderly, we're not just talking about people who are
3	themselves who are elderly, but members of the family, how do	3	homebound, in nursing facilities; we're talking about anyone
4	they reach out to the Department of Aging to find out	4	over 60. Correct?
5	information?	5	A. Correct. As soon as you turn age 60, you qualify as an
6	A. They could reach us through a variety of means; whether	6	older adult.
7	it be through our website, we have an email address they can	7	Q. I'm not quite there yet, but hopefully I'll make it. Do
8	use, we have a direct phone line, we have an 800 number. We	8	we have a copy of Respondents' Exhibit No. 260.
9	often get handwritten letters as well at the Department.	9	You have been handed what's been marked as Respondents'
10	Q. And other than just asking for information, help and	10	Exhibit No. 2960. Do you recognize that document?
11	assistance, are there individuals who have complaints that	11	A. Yes, I do.
12	they can register or ask Department of Aging to look into?	12	Q. What is it?
13	A. Absolutely.	13	A. This is an email that was sent to the 52 Area Agency on
14	Q. What are typical complaints your Department deals with?	14	Aging directors following a conference call that was held with
15	A. We hear a variety of complaints. For example, we hear	15	them on September the 25th.
16	complaints about the property taxes in Pennsylvania. We hear	16	Q. What was the purpose of that conference call?
17	complaints about how hot it is outside. We hear complaints	17	A. The purpose of the conference call was to provide the 52
18	about what the senior center is serving for lunch.	18	Area Agencies on Aging with the most current information
19	Q. Too much meat loaf?	19	regarding the voter ID law. It appears that a few days prior
20	A. Too much meat loaf sometimes.	20	to this conference call, the Department of State issued or
21	Q. Would it be fair to say that the elderly are not shy	21	issued the opportunity to obtain a Department of State voter
22	about voicing their complaints.	22	ID card.
23	A. That would be an accurate statement, yes. No offense.	23	Q. Besides the Area Agencies, are there other people this
24	Q. What does the Department do about it?	24	email has been sent to relative to the conference call?
25	A. We handle each and every complaint accordingly.	25	A. Yes. I recognize staff from the Department of State as

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1	well as PennDOT, the Secretary of Aging is copied as well as our deputy secretary.	1 2	Q. Was any information disseminated about that new option that was presented?
3		3	A. Yes. Again, we would have worked through the Area
	Q. Do you recall who in the Department of State you were working with relative to Act 18?	4	Agencies on Aging to insure that they had the most current
4	-	5	
	A. Following the passage of Act 18, the primary point		information regarding the voter ID law, including the
6	person I worked with at the Department of State was Megan	6	availability of the Department of State ID.
7	Sweeney.	7	Q. Is that on your website?
8	Q. What concerns, if any, did the Department of Aging have	8	A. Yes.
9	with provisions of Act 18?	9	Q. It is still on your website?
10	A. Our primary concern was just insuring that people had	10	A. Yes.
11	accurate information. There was a lot of misinformation at	11	Q. Was there a mailing done about that, if you recall?
12	the time regarding the voter ID law.	12	A. I don't recall.
13	Q. After Act 18 was passed, did the Department of Aging	13	Q. Okay. Did you get a lot of comments, feedback or
14	take any steps to disseminate information relative to the	14	complaints from the elderly about Act 18 and the voter ID law?
15	requirements under Act 18?	15	A. The feedback that we heard was related to the
16	A. We did, yes.	16	requirement to provide an ID. We didn't receive feedback
17	Q. What did you do?	17	regarding the requirement to obtain or the steps required
18	A. Again, working primarily through the Area Agencies on	18	to obtain an ID.
19	Aging, we provided information that the Department of State	19	Q. If you had, is that something that would have been
20	had created, fact sheets, FAQs regarding the requirements of	20	brought to your attention?
21	the voter ID law and information on how to obtain a voter ID.	21	A. Yes. I was the point person for the Department of
22	Q. Did you do any mailings; did you mail out any	22	Aging. My name was widely disseminated, my phone number, my
23	information?	23	email address to the public for people to contact if they had
24	A. We did, yes.	24	questions, concerns, comments, related to the voter ID law.
25	Q. How many mailings did you mail out and where did you	25	Q. What about making provisions to disseminate information
	Page 1266		Page 1268
1	mail them to?	1	as to how elderly persons can get to a PennDOT ID in order to
2	A. The Department of Aging completed a mailing to PACE	2	get the voter ID card; a lot of questions and complaints about
3	recipients. There's over 350,000 PACE recipients in	3	that?
4	Pennsylvania. In addition, we work with a contractor who does	4	A. Not that came to my attention, no.
5	additional outreach who does outreach regarding additional	5	MR. KEATING: With the Court's indulgence.
6	benefits available. They completed 12 mailings. My	6	BY MR. KEATING:
7	understanding is that mailing reached over three-quarters of a	7	Q. I've been asked to ask you about personal care homes.
8	million people.	8	Can we talk about personal care homes and what they are, and
9	Q. When you say three-quarters of a million people, we are	9	who oversees them?
10	talking about three-quarters of a million elderly people;	10	A. Yes. Personal care homes are licensed by the Department
11	correct?	11	of Public Welfare. Personal care homes are considered
12	A. To the best of my knowledge, they were all elderly; yes.	12	residential care facility, so a person resides there 24 hours
13	Q. Over 60.	13	a day, seven days a week. The personal care home would
14	A. Over 60.	14	provide for that person's basic needs, social, medical, all of
15	THE COURT: Were all of the mailings	15	their meals would be provided, any personal care or personal
16	addressing to DOS ID? I'm sorry.	16	assistance.
17	MR. KEATING: Department of State ID.	17	Q. Are they regulated or licensed by the Department of
18	THE COURT: I withdraw the question. I'm	18	Aging?
19	sorry to interrupt.	19	A. They are not, no.
1-2	MR. KEATING: No objection, Your Honor.	20	Q. Who are they regulated by?
20		1 20	
20		21	Δ They're licensed by the Department of Dublic Welfare
21	BY MR. KEATING:	21	A. They're licensed by the Department of Public Welfare.
21 22	BY MR. KEATING: Q. Were you aware of the fact that later on, there was a	22	Q. Now, those adult care centers which are licensed by your
21 22 23	BY MR. KEATING: Q. Were you aware of the fact that later on, there was a new ID that was put out by the Department of State that was a	22 23	Q. Now, those adult care centers which are licensed by your Department, they're not under Act 18 to allow them to give
21 22 23 24	BY MR. KEATING: Q. Were you aware of the fact that later on, there was a new ID that was put out by the Department of State that was a voter ID?	22 23 24	Q. Now, those adult care centers which are licensed by your Department, they're not under Act 18 to allow them to give voter IDs; are they?
21 22 23	BY MR. KEATING: Q. Were you aware of the fact that later on, there was a new ID that was put out by the Department of State that was a	22 23	Q. Now, those adult care centers which are licensed by your Department, they're not under Act 18 to allow them to give



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	Page 1269	_	Page 1271
1	facility under Act 18.		the best of my knowledge, weren't issuing photo IDs.
2	Q. What is the definition of care facility under Act 18?	2	Q. Okay. So, and since the time this memo was written, you
3	A. My understanding of the definition of care facility	3	haven't done any work to determine how many care facilities
4	under Act 18 is that if you are a licensed long-term care	4	are issuing ID; have you?
5	facility, a licensed assisted living facility or a licensed	5	A. I personally have not, no.
6	personal care home, you are eligible to produce a photo ID for	6	Q. Okay. You have done no work to identify how many voters
7	voting purposes to your residents.	7	have received a care facility ID, have you?
8	Q. And what information, if any, did your Department give	8	A. I have not, no.
9	out about the Shared-Ride Program.	9	Q. So, also at the time this memo was written and today,
10	A. Working through the 52 Area Agencies on Aging, we	10	not every older Pennsylvanian lives in a care facility;
11	insured that the Area Agencies on Aging had information	11	correct?
12	regarding the Shared-Ride Program and the availability of the	12	A. That's correct.
13	Shared-Ride Program to take people to PennDOT photo centers.	13	Q. And so, some people who don't live in care facilities
14	Q. And that information that you give to your agencies, is	14	don't have an acceptable photo ID; right?
15	that only to get to PennDOT for voter ID, or do you give	15	A. I wouldn't have knowledge of that.
16	information about the Shared-Ride Program generally to help	16	Q. You wouldn't have any knowledge about whether there are
17	people out?	17	some people who don't live in care facilities, might not have
18	A. We would provide information generally. Transportation	18	a photo ID?
19	is used for a variety of purposes by the older adults. They	19	A. Without asking them directly, I wouldn't know.
20	use it to get to the pharmacy; they can use it to get to their	20	Q. Okay. So, but in this memo, you knew that there was
21	doctors' appointments.	21	some people who did live in care facilities, might not have a
22	Q. Do they have driver's license? Are you still allowed to	22	photo ID. In fact, that was a concern of this memo, wasn't it?
23	drive after 60?	23 24	
24	A. Yes, you are.		
25	Q. Are people over 60 mobile?	25	person living in a care facility may not may no longer have
	Page 1270		Page 1272
1	A. Yes.	1	a driver's license because they reside in the care facility
2	MR. KEATING: No further questions, Your	2	and are no longer driving.
3	Honor.	3	Q. Right, and they might not have an acceptable ID for
4	MS. SCHNEIDER: Your Honor, may I inquire.	4	voting?
5	THE COURT: Certainly.	5	A. Yes.
6			
7	CROSS-EXAMINATION	6	Q. You can put that one aside for now.
	BY MS. SCHNEIDER:	7	Your Honor, I'd like to show the witness an exhibit
8	BY MS. SCHNEIDER: Q. Good morning, Miss O'Donnell. My name is Marian	7 8	Your Honor, I'd like to show the witness an exhibit that's been marked for identification as Petitioners' Exhibit
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Pages 1273..1276

	a 1000		
1	Page 1273	1	A. Yes.
1	required to get the reduced rate on the ride by the individuals, but these individuals do not have ID."	2	A. Yes.O. Did you ever get a list of the best practices for
3	Do you see that?	3	getting people to PennDOT?
4		4	A. I don't recall if that list came from PennDOT or if we
5		5	obtained it from our Area Agencies on Aging. That was also a
6	ID to PennDOT to get ID, correct?	6	question that we presented to them.
7	A. That's what it appears to be, yes.	7	Q. Are you saying that you did get a list of best
8	Q. And your concern was that in order to obtain a reduced	8	practices?
9	rate on the public transportation provider, an individual	9	A. I don't recall if it's in a list form, but we did
10	would need to produce an ID to qualify for the reduced rate;	10	discuss it with our Area Agencies on Aging. 0. Is there a document that describes what the there's
11	isn't that right? A. Yes. That would be the case.	11	•
12		12	no document that describes what these best practices are, is
13	Q. So, it was a Catch-22 situation; they couldn't get a	13	there?
14	reduced fare because they didn't have an ID, but they couldn't	14	A. Not to my knowledge.
15	get an ID so they couldn't get a ride to get an ID; isn't	15	Q. Okay. You can put that one aside, Miss O'Donnell.
16	that what this situation was?	16	MS. SCHNEIDER: Your Honor, I'd like to show the witness an exhibit that's been marked for identification
17	A. Yes. Without valid ID, you can't access the Shared	17	
18	Ride.	18	as Petitioners' Exhibit 1591.
19	Q. And reduced rate for the ride doesn't mean it's free,	19	BY MS. SCHNEIDER:
20	does it?	20	Q. Miss O'Donnell, this is another email chain, looks like
21	A. It may be free for qualifying individuals.	21	it's from you, and starting I'm sorry. Let's look at the
22	Q. But in fact, the ride this was a discount. It talks	22	last page. This email chain starts with an email from a
23	about discount of the rate, right?	23	program director at a senior center in southeastern
24	A. I didn't ask specifics whether or not everyone was	24	Pennsylvania; do you see that?
25	paying or everyone was qualifying for the reduced rate or if	25	A. Yes.
	Page 1274		Page 1276
1	everyone was getting a free ride.	1	Q. It's from an Amy Stover in Souderton; is that correct?
2	Q. But the email was that these people couldn't even	2	A. Yes.
3	qualify for whether it was a reduced rate or break down to	3	Q. On the second-to-the-last page is where Ms. Stover's
4	zero, they didn't qualify because they didn't have ID; right?	4	email begins. In the first email, Ms. Stover asked you if
5	A. Right. Without valid ID, you wouldn't qualify for a	5	photo IDs issued by senior centers are valid for voting. Do
6	Shared Ride.	6	you see that?
7	Q. So this email chain, if you look through the email	7	A. Yes.
8	chain, it doesn't indicate that this issue was resolved; does	8	Q. And you responded that photo IDs issued by senior
9	it?	9	centers are not valid for voting; is that right?
10	A. The email doesn't indicate that it was resolved,	10	A. Yes.
11	correct.	11	Q. Because a senior center is not a care facility as that's
12	Q. In fact, you don't know whether it was resolved or not;	12	defined under Act 18; right?
13	do you?	13	A. That's correct.
14	A. I don't recall if it ever was.	14	Q. A senior city center, though, is a live-in facility
15	Q. Okay. I want to direct your attention but sitting	15	for low income seniors and people with disabilities; is that
16	here today, you don't know whether this was resolved or not.	16	right?
17	A. Correct.	17	A. No, that's not correct.
18	Q. Let's look at the second page of this Exhibit. The	18	Q. It's is it a residential facility?
19	middle of the page, this is an email from you to Megan	19	A. A senior center is not a residential facility.
20	Sweeney. Do you see that?	20	Q. Okay. Let's look at the can you I'm still on the
21	A. Yes.	21	second page. Can you look at your response to Ms. Stover?
22	Q. Do you see the line where it says, also, while I have	22	A. Yes.
23	you, would you know if there's a list of, quote, best	23	Q. So, you tell her, but you tell her that this is
24	practices, unquote, or creative ways that people have been	24	where you respond that the senior center issuing a photo ID
25	getting to the driver's license centers; do you see that?	25	won't be acceptable, but you also tell her that people who
	X Z		

Pages 1277..1280

1	Page 1277 lack ID will have to go to PennDOT; don't you?	1	Page 1279 appointment for a large group to come in, didn't you?
2	A. Yes.	2	A. Yes.
3		3	Q. Let's turn to the first page of this exhibit.
4	Q. In the last line of the large paragraph of your email, you say, "if you are in the system, you will then have to go	4	y. Let's turn to the first page of this exhibit. Ms. Stover emailed you back, didn't she?
5			-
	to a driver's license or photo center to have your photo taken	5	A. Yes.
6	for the free non-drivers photo ID." Do you see that?	6	Q. And her response back to you is about four months after
	A. Yes.	7	her initial email; isn't it?
8	Q. But people can't get a photo ID from a photo center, can	8	A. Yes.
9	they?	9	Q. So, she first contacted you in April; the second one is
10	A. I was under the impression that you could.	10	in August. Is that right?
11	Q. You were under the impression sitting here today that	11	A. Through email, yes.
12	you can?	12	Q. Excuse me?
13	A. I don't recall if the specific location for obtaining an	13	A. Through email, yes.
14	ID is from a driver's license center or a photo center. I	14	Q. Okay. In fact, Miss Stover contacted a photo license
15	understand there is a distinction between the two, but I don't	15	center; didn't she?
16	recall which one is	16	A. She states in her email that she attempted to contact,
17	Q. In fact, you can't get a photo ID unless you go to a	17	yes.
18	driver's license center; isn't that true?	18	Q. And they told her that they couldn't issue the ID there,
19	A. I'll take your word for it.	19	didn't they?
20	Q. So, do you say is it your testimony that you don't	20	A. Yes.
21	know one way or the other?	21	Q. So, your advice this confirms that your advice to her
22	A. Sitting here at this point, I don't recall which one is	22	to go to the photo center was wrong, doesn't it?
23	the appropriate location.	23	A. Yes.
24	Q. Assuming that I'm correct, that you can only get an ID	24	Q. Okay. And she also mentions that she was trying to
25	from a driver's license center, then the information you gave	25	contact PennDOT to arrange for a group appointment to bring
	Page 1278		Page 1280
1	-	1	-
1 2	to Ms. Stover is incorrect; is that right?	1 2	people to PennDOT, doesn't she? A. Yes.
	to Ms. Stover is incorrect; is that right? MR. KEATING: I'm going to object, Your Honor.		people to PennDOT, doesn't she? A. Yes.
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	Page 1281	-	Page 1283
	Department of Aging.		rural counties in Pennsylvania. You may have to travel to get
2	MS. SCHNEIDER: Your Honor, this witness	2	to the bus route." And then Miss Hurley says "so it's
3	emailed a senior center that she testified is someone that she	3	difficult in Pennsylvania for people who don't drive to get
4	works with to provide services, and she emailed that person	4	from location to location; is that right?" And you say, "it
5	and told her that she could make a group appointment to bring	5	can be."
6	people who don't have ID to PennDOT; and I'm just asking her	6	MR. KEATING: Your Honor, we object to her
7	whether my question to her is, it's not easy for people who	7	reading the deposition into the record. If you have specific
8	don't drive to get to PennDOT.	8	questions about what was asked during the deposition, that's
9	I think she is advising them that they can	9	fine.
10	contact PennDOT to get ID. I want her answer on that	10	BY MS. SCHNEIDER:
11	question.	11	Q. So, Miss O'Donnell, in fact, as you testified earlier,
1	-		
12	MR. KEATING: It's not easy for people who	12	transportation for people in Pennsylvania who lack an ID is
13	don't drive to get to PennDOT? Is that what your question is?	13	not readily available; is that correct?
14	Do you want to testify how easy it is for people to get to	14	A. I would have been referring specifically to accessing
15	PennDOT who don't drive?	15	Shared-Ride transportation. That's what I would have specific
16	MS. SCHNEIDER: If the Court will allow it,	16	knowledge of.
17	Miss O'Donnell testified to this, about this at her	17	Q. You can put your deposition aside for now.
18	deposition.	18	MS. SCHNEIDER: Your Honor, I'd like to show
19	THE COURT: Can you answer the question, if	19	the witness what's been marked for identification as
20	you know what the question is?	20	Petitioners' Exhibit 2016.
21	THE WITNESS: I can speak to arranging	21	THE COURT: What's that Exhibit number?
22	transportation utilizing the Shared-Ride Program. I can't	22	MS. SCHNEIDER: 2016, Your Honor.
23	speak to whether or not people who don't utilize the	23	BY MS. SCHNEIDER:
23		23	
	Shared-Ride Program have trouble getting to PennDOT.		Q. Ms. O'Donnell, earlier today, you testified after Act 18
25	BY MS. SCHNEIDER:	25	was passed that the Department of Aging worked in coordinating
	Page 1282		Page 1284
1	Q. Earlier in this case when you gave your deposition,	1	Page 1284 with its 52 Area Agencies on Aging to carry out an educational
1	5	1 2	5
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2	Q. Earlier in this case when you gave your deposition, didn't you state that your had a concern that there was a concern about that it was that transportation as a whole	2	with its 52 Area Agencies on Aging to carry out an educational outreach campaign; is that right? A. Yes, that's correct.
2 3 4	Q. Earlier in this case when you gave your deposition, didn't you state that your had a concern that there was a concern about that it was that transportation as a whole in Pennsylvania is an issue; isn't that what you testified to?	2 3	with its 52 Area Agencies on Aging to carry out an educational outreach campaign; is that right?A. Yes, that's correct.Q. So, looking at Petitioners' Exhibit 2016, this is a
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Pages 1285..1288

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1	Page 1285	1	Page 1287
1 2	A. Yes.Q. But people can't get a non-driver photo ID at a photo ID	12	Q. Miss O'Donnell, I want you to look at Petitioners'
3	Q. But people can't get a non-driver photo ID at a photo ID center, can they?	3	Exhibit 1591 that we already looked at earlier. One more thing about that exhibit.
4	A. That's my understanding.	4	A. I'm sorry?
5	Q. Okay. So, that information wasn't accurate, was it?	5	Q. 1591. If you turn to the second page, at the bottom of
6	A. No. It was not.	6	the second page, the first email that Miss Stover wrote to
7		7	you. So, Miss Stover told you in the first line, she said,
		8	· · · · · · ·
8	document, didn't you?		quote, "Many of our participants are understandably concerned
9	A. Ah	9	about needing a photo ID at the polls this November," unquote;
10	Q. I'll direct you. You can look on the third page,	10	do you see that?
11	subsection 3 and 4; it's repeated there, isn't it?	11	A. Yes.
12	A. Yes.	12	Q. That was the purpose of this email, right? Well,
13	Q. Also on that third page in subsection 1, it's repeated?	13	actually, withdrawn. But that's what Miss Stover told you in
14	A. Yes.	14	the email, correct?
15	Q. So, this is again a document that was given to voters to	15	A. That's what she stated, yes.
16	help them get photo ID, right?	16	Q. I also want to ask you you can put that one aside.
17	A. I didn't distribute this to voters directly. I just	17	If you can look at Petitioners' Exhibit 2016 that we talked
18	distributed it to our Area Agencies on Aging.	18	about before.
19	Q. Fair enough, but your intention was that they would	19	Do you remember at your deposition, you talked about
20	deliver it to the people that they serve; isn't that right?	20	this document at your deposition; correct?
21	A. Yes.	21	A. Yes.
22	Q. And there's no information in this document whatsoever	22	Q. And Petitioners didn't have a copy at your deposition,
23	about the Department of State ID, is there?	23	right?
24	MR. KEATING: I'm going to object to that,	24	A. Correct.
25	Your Honor.	25	Q. In fact, your counsel or counsel for Respondents
1	Page 1286	1	Page 1288
1	MS. SCHNEIDER: She can.	1	produced this after your deposition; right?
2	MS. SCHNEIDER: She can. THE COURT: She can answer the question.	2	produced this after your deposition; right? A. Yes.
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Pages 1289..1292

			Pages 12091292
	Page 1289		Page 1291
1	three and four; do you see that?	1	A. Yes. We were providing the most up-to-date information.
2	A. Yes.	2	Q. I'm sorry, there's no question pending.
3	Q. This is an insert that was provided by the Department of	3	MR. KEATING: She is trying to respond to the
4	State, isn't it?	4	question. And let her finish, please.
5	A. Yes.	5	MS. SCHNEIDER: You will have an opportunity.
6	Q. In fact, this insert was mailed with the PACE mailing;	6	Your Honor, he will have an opportunity on
7	isn't that correct?	7	redirect, if he would like.
8	A. Yes, to the best of my knowledge.	8	THE COURT: So you, you received several
9	Q. This was this mailing went out after the Court's	9	inserts from the Department of State?
10	order Court's order halting Act 18, and I'll tell you the	10	THE WITNESS: We received all inserts that the
11	date of that order was October 2, 2012; is that right?	11	Department of State created, yes.
12	A. To the best of my recollection, yes. The date of the	12	BY MS. SCHNEIDER:
13	order was October 2nd.	13	Q. I just want to clarify one question regarding
14	Q. No, this mailing went out after that; is that right?	14	Petitioners' Exhibit 2016. Remember, we were talking about
15	A. I don't see a date on the mailing, so I can't testify to	15	that. You produced Respondents' counsel produced this
16	that, unless I'm missing it.	16	document after your deposition, correct?
17	Q. But you testified earlier that there were 12 mailings	17	A. Correct.
18	that went out to the Department of Aging, and its other	18	Q. You did not produce another version of this document,
19	coordinated agencies; correct?	19	did you?
20	A. Yes.	20	MR. KEATING: Your Honor, if she wants to
21	Q. None of them none of those mailings talked about the	21	cross-examine me as to what I provided them pursuant to her
22	DOS ID, did they?	22	deposition, that's fine.
23	A. I don't recall if any of them did or did not.	23	MS. SCHNEIDER: Your Honor, I'm sorry. Let me
24	Q. But in fact they would have had that the page three	24	rephrase my question for the witness.
25	and four of the document you're looking at, the DOS insert,	25	THE COURT: Okay.
25		25	-
	Page 1290		Page 1292
1	those other 12 mailings would have had that DOS insert in	1	BY MS. SCHNEIDER:
2	them; wouldn't they?	2	Q. You did not provide your counsel for the Respondents
3	MR. KEATING: I'm objecting to that question,	3	with another version of this document, did you?
4	Your Honor. If she wants to ask her what dates mailings were	4	A. No, I did not.
5	put out and what was included in those mailings, that's fine;	5	MS. SCHNEIDER: Okay. Thank you, Your Honor.
6	but for her to say, I want to know what those 12 mailings were	6	No further questions at this time.
7	and were they all the same thing, did they have the DOS	7	THE COURT: Just for the record, I think you
8	that's objectionable.	8	wanted to ask her, there's no mention of a DOS ID in this
9	THE COURT: You do have 12 mailings. If you	9	insert; is that correct?
10	could direct her to a mailing, I think it would help her	10	MS. SCHNEIDER: Yes, Your Honor. I would be
11	answer your question, or is this the mailing that we're	11	happy to ask her that question.
12	talking about, or all 12 of them?	12	BY MS. SCHNEIDER:
13	MS. SCHNEIDER: Let me rephrase my questions,	13	Q. Miss O'Donnell, did you hear what the Court said?
14	Your Honor.	14	A. I did, yes.
15	BY MS. SCHNEIDER:	15	Q. There's no mention of a DOS ID in that insert that went
16	Q. In the 12 mailings that you mentioned, there was an	16	out with the PACE mailing; is that correct?
17	insert from the Department of State in those mailings; is that	17	A. In this particular mailing, there's no reference to the
18	correct?	18	DOS ID; correct.
19	A. Yes, that's correct.	19	MS. SCHNEIDER: Thank you.
20	Q. Looking at page three and four of the Petitioners'	20	MR. KEATING: I just have a couple of
21	Exhibit 2067, that is the insert from DOS that you received;	21	follow-up questions.
22	is that correct?	22	REDIRECT EXAMINATION
23	A. It's one of the inserts, yes.	23	BY MR. KEATING:
24	Q. Is it your testimony that you received multiple inserts	24	Q. Let's talk about Exhibit 2016, okay?
25	from DOS?	25	A. Okay.
	~ ~		·



Pages 1293..1296

	Demo 1003		
1	Page 1293 Q. Now, the top of that, it says, you be will be asked for	1	Page 1295 BY MR. KEATING:
2	photo ID at the April 24 primary election, but it will not be	2	Q. Were you aware that PennDOT does reach out to provide
3	required; is that correct?	3	transportation to organizations of people who want to go to
4	A. Correct.	4	PennDOT and get voter IDs?
-			
5		5	
6	out at some point prior to April 24th of the primary election?	6	Q. Were you aware that they actually did that for
7	A. I think that's fair to say, yes.	7	Generations of Indian Valley?
8	Q. And it also says, you will be reminded that a photo ID	8	A. I'm not aware of whether or not they did.
9	is required for the November 6th general election; is that	9	Q. Now, we spoke a little bit about or I guess on
10	what that says, correct?	10	cross-examination there was a little bit of discussion about
11	A. Yes.	11	the long the care facilities, and whether the care
12	Q. Was a photo ID required for the November 6 general	12	facilities issue IDs or not to their people at their
13	election?	13	residence; do you remember that?
14	A. It was not required.	14	A. Yes.
15	Q. So, would it be fair to say that this document was	15	Q. And I believe that you testified that you were not
16	generated before the November 6th general election?	16	specifically aware of what care facilities do or do not give
17	A. Yes, that would be fair to say.	17	out such IDs, correct?
18	Q. On page three, which has Bates stamp at the bottom	18	A. That's correct.
19	PA-12009989, it says in paragraph three, provide your birth	19	Q. And generally, there are three types of care facilities.
20	certificate or naturalization paper, Social Security card, and	20	There's long-term nursing homes, right?
21	two proofs of residency such as a utility bill lease or tax	21	A. Yes.
22	statement; is that what that says?	22	Q. There are personal care homes?
23	A. Yes.	23	A. Yes.
24	Q. That is what you were required to have document-wise in	24	Q. And there are what's the third type? Assisted
25	order to get acceptable photo ID at that time, correct?	25	living?
25	order to get acceptable photo ib at that this, correct:	25	
	Page 1294		Page 1296
1	A. When the law was first passed, yes, that was correct.	1	A. Yes.
2	Q. So, prior to the April 24th primary election, is it your	2	Q. And in the long-term nursing home, I think you testified
3	understanding that that's what was required at that time?	3	there are 80,000 residents?
4	A. Yes; that's my understanding.	4	A. Approximately 81,000 residents.
5	Q. And what were you required to do back then to get a DOS	5	Q. And did you say how many are in the personal care homes?
6	ID, Department of State ID?	6	A. I don't recall if I stated, but it's approximately
7	A. Prior to the prior to the primary election, the DOS	7	46,000.
8	ID did not exist.	8	Q. And I think you said the assisted living about 1200?
9	Q. There was no DOS ID at the time, was there?	9	A. Correct.
10	A. Correct.	10	Q. In all of those situations, if a resident wants to vote
11	Q. Okay. Now, I want to talk a little bit about their	11	and is having a hard time getting a voter ID, or if the
12	Exhibit 1591, and this has to do with the emails that goes	12	resident is not being given an ID at that center, can they
13	back to Amy Stover from Generations of Indian Valley.	13	contact the Department of Aging and complain about it?
14	Was there some discussion about her attempt to try to	14	MS. SCHNEIDER: Your Honor, objection. Lack
15	get some transportation in order to get voter IDs?	15	of foundation.
16	A. Through the email exchange, there was some discussion	16	THE COURT: I'll permit the question.
17	about scheduling transportation to obtain voter ID.	17	MR. KEATING: Yeah.
18		18	BY MR. KEATING:
19	organizations and help get	19	Q. We were talking before about the elderly don't have much
20	MS. SCHNEIDER: Objection, Your Honor.	20	of a problem in voicing their concerns; but residents of these
21	There's no foundation for her knowledge of what PennDOT was.	21	facilities, if their facility is not giving them IDs, do they
22	MR. KEATING: You didn't let me finish the	22	have a method in which to bring it to your agency's attention?
23	question.	23	A. Yes.
24	THE COURT: Yeah. I'll permit the question.	24	Q. Have they?
25	Finish the question. She can answer.	25	A. No.
L	X Z		



Pages 1297..1300

1	Page 1297 Q. There's a little bit of testimony about this PACE	1	Page 1299 MR. KEATING: Best thing I said all day, huh?
2	Exhibit, the 2067 exhibit, and there was a question about	2	Your Honor, we would call our next witness,
3	whether this was mailed after the Court's order or before the	3	Kurt Myers.
4	Court's order. Do you know when this was mailed?	4	KURT MYERS, having been first duly sworn
5	A. I don't know on this particular mailing, when this was	5	according to the law was examined and testified as follows:
-		6	-
6	issued.	7	DIRECT EXAMINATION
7	Q. Were you aware that there were some mailings that were mailed out to individuals after the Court's order that had		BY MR. KEATING:
8		8	Q. Good morning, Kurt. How are you?
9	information that was not correct?	9	A. Good morning.
10	A. Yes.	10	Q. You've testified in this case before, haven't you?
11	Q. Was that your fault?	11	A. That is correct.
12	A. I'll probably get blamed for it.	12	Q. I'm going to start off with just some very general
13	Q. Does an individual who uses the Shared-Ride Program, do	13	background questions for the record, and then we'll talk about
14	they need an ID to use the Shared-Ride Program?	14	more specific issues.
15	A. Yes, it's my understanding that it's a requirement of	15	Kurt, you work at PennDOT; correct?
16	the Shared-Ride Program to show a valid ID.	16	A. That is correct, yes.
17	Q. A valid ID, does that need to continue a photo ID for	17	Q. How long you have worked there?
18	the Shared-Ride Program?	18	A. I have been with the Department for 15 years.
19	A. I don't have the knowledge of whether or not it needs to	19	Q. What is your current position?
20	be a photo ID.	20	A. I am the Deputy Secretary for Safety Administration.
21	Q. Okay. So, the question of whether there was a glitch	21	Q. What does that mean?
22	about trying to get a photo ID when you already didn't	22	A. I am responsible for driver and vehicle services.
23	already have an ID, you're not aware that that wasn't a	23	Q. Driver and vehicle services. What all is under that
24	glitch; are you?	24	umbrella?
25	That was a terrible question. Would it surprise you to	25	A. Issuance of driver's licenses, issuance of registration
	Page 1298		Page 1300
1	learn that it's much easier to get a Shared-Ride ID, that you	1	and titling, safety inspections, emissions inspections,
2	do not need a photo and, therefore, could use a Shared-Ride ID	2	insurance, oversight of dealers.
3	to get a PennDOT, to get a voter ID? Were you aware of that	3	Q. In your position, would it be fair to say that you have
4	at the time of your deposition?	4	the ability to access drivers' records and find out and
5	A. I'm aware that some Shared-Ride providers do allow for a	5	determine whose drivers' records have been suspended, expired,
6	non-photo ID as proof of age to access the Shared-Ride	6	anything of that nature?
7	Program, yes.	7	A. That is correct. Through my staff, yes.
8	Q. Do you know what the requirements are for a Shared-Ride	8	Q. How many drivers are there in Pennsylvania?
9	transit ID?	9	A. There are approximately 8.8 million licensed drivers in
10	A. I do not, no.	10	Pennsylvania.
11	Q. Obviously, you weren't here yesterday when LaVerne	11	Q. How many unlicensed drivers?
12	Collins testified on behalf of the Shared-Ride Programs?	12	A. I don't know the answer to that.
13	A. That's correct.	13	0. Now, let's talk about PennDOT products. What's a
14	MR. KEATING: Thank you.	14	PennDOT product?
15	MS. SCHNEIDER: Your Honor, no further	15	A. Well, a PennDOT product could be a driver's license. It
16	questions at this time; but I would like to move into evidence	16	could be a registration card. It could be a license plate.
17	Petitioners' Exhibit 1591, 1592, and 2016.	17	Any of those would be products that we produce.
18	MR. KEATING: We don't object and we'd like to	18	Q. Are there driver's licenses; is that considered to be
19	move into evidence Respondents' Exhibit No. 260.	19	a secured ID?
20	MS. SCHNEIDER: We don't have any objection to	20	A. Driver's license and the ID card are both considered to
20	that, Your Honor.	20	be secure documents.
22	MR. KEATING: Thank you. Can we excuse the	21	Q. You say the ID card, what are we talking about?
22	witness, Your Honor?	22	 A. Well, there are approximately 1 million identification
23		23	cards that are issued in the Commonwealth as well as the 8.8
24	THE COURT: Certainly.	24 25	
23	THE WITNESS: Thank you.	45	million, I mentioned earlier, driver's licenses.
	XX		



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	XX		
25	covert qualification that you may be aware of. You have been	25	Q. Is that
24	There are other things that would be considered in the	24	A. It would be close to that, yes.
23	the document.	23	over 65 that have that?
22	ghost image. It simply makes it harder for somebody to forge	22	license secure IDs, what, there's another 2 million people
21	the things that would be considered overt as an example is the	21	Q. So, between the driver's licenses and non-driver's
20	forensic security features that are attached to it. Some of	20	somewhere in the range of 200,000.
19	A. Yes, your driver's license has overt, covert and	19	mentioned for the driver's license. I believe the number is
18	it?	18	A. There are a little less than the numbers that I just
17	makes it any better than, say, another ID with your photo on	17	about how many are in Pennsylvania?
16	there anything special about the driver's license itself that	16	Q. What about the non-driver's license secure ID, over 65;
15	Q. Let's talk about a security factor relative to that. Is	15	A. That's approximate, yes.
14	purpose.	14	driver's license; is that what you are saying?
13	they get so that they can utilize it for that identification	13	Q. 1.7 million Pennsylvania citizens over 65 have a valid
12	don't need a driver's license, the ID card is something that	12	A. The number is approximately 1.7 million.
11	So, in those cases where individuals don't drive, and	11	for, say, people who are over 65 right now?
10	they say they are.	10	elderly in Pennsylvania. How many driver's licenses are there
9	that we have done the work to insure that that person is who	9	Department of Aging said 60 and over is considered to be
8	another party takes that ID as identification, they can trust	8	to the elderly in Pennsylvania. Demographically, I guess the
7	that secure ID to be issued to that individual. So that when	7	Q. We just had some testimony from Kelly O'Donnell relative
6	the process of building the confidence level for us to allow	6	individuals driving through our state.
5	other jurisdictions but also things that we have developed in	5	standpoint, we certainly recognize their driver's licenses for
4	developed over the years based upon best practices of not only	4	A. Well, we certainly recognize from a law enforcement
3	That trust is such that we have standards that we have	3	driver's licenses in other states?
2	requires it every time I come.	2	Q. Is there reciprocity relative to acknowledging other
1	Page 1302 office without showing a driver's license. I know that mine	1	across the country.
25	Most of us today, I don't believe, can go to a doctor's	25	that they qualify for an ID. So, it is something that is
24	organizations that depend upon looking at a driver's license.	24	and procedures to vet somebody so that they are we are sure
23	whether it be for law enforcement or for banking, for other	23	standpoint is as secure as possible, but also the processes
22	It has become the trusted form of identification,	22	that the driver's license ID card, not only from a product
21	matter, any other jurisdiction across the country.	21	A. All states have worked, especially since 9/11, to insure
20	that you're licensed to drive in the Commonwealth, or for that	20	provisions, if you know?
19	driver's license has become more than just a document to show	19	Pennsylvania, or do other states have the same sort of
18	A. Well, the fact of the matter is over the years, the	18	Q. And the security features, is that unique to
17	IDs, why do people get them?	17	do from a product standpoint.
16	Q. Now, for the purposes of the non-driver's license secure	16	in them, but not all of the security features that secure IDs
15	A. Approximately 9.8 million.	15	A. We produce other IDs. They have some security features
14	are out there, how many have been issued?	14	itself?
13	by PennDOT and the non-driver's license secure IDs, how many	13	manufactured by PennDOT for other agencies or within PennDOT
12	Q. Between the driver's licenses that have been given out	12	secure IDs, are there other types of secure IDs that are
11	BY MR. KEATING:	11	 Other than driver's licenses and non-driver's license
10	Mr. Keating.	10	A. Those are the secure types of IDs, yes.
9	THE COURT: Repeat that question for me,	9	types of ID; correct?
8	A. 8 million.	8	Q. Are there those are the what we'll call the secure
7	Q. 9 point	7	something that law enforcement utilizes in investigations.
6	A. There are approximately 9.8 million.	6	aware of all of the features in the forensic. That is
5	many of those have been issued by PennDOT?	5	Forensic is something that, quite frankly, I am not even
4	have been issued and the non-driver's license secure IDs, how	4	the black light on it.
3	Q. Okay. And I'm sorry, between the driver's licenses that	3	black light on it and that will show an emblem, when they put
1	Q. So, it's really the non-driver's license PennDOT ID?A. That's correct.	1 2	for your driver's license and they'll turn it over and put a
1	Page 1301	1	Page 1303 to the airport, you have checked in and asked they've asked
			Pages 13011304

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Pages 1305..1308 Page 1307 Page 1305 That's an approximate number. counties; therefore, we should have a center in each county. 1 Is there any age limit as to how old you can be to drive 2 That makes no sense. in Pennsylvania; is there any cut-off? 3 ٥. Who decides where the centers are located; whose No. In fact, we have licenses that are currently issued decision is that? 4 to individuals are over 100. Now, having said that, that 5 Α. The decision from the standpoint -- I'll give you an doesn't mean they necessarily drive a vehicle, but they do 6 example. qualify to have a license; and in many of those cases, I'm 7 Just recently, last year, we moved our center from a sure those are situations where the individual is using it as 8 center called East Rochester, which is outside of Pittsburgh, 9 and we moved that to Beaver Falls. The center that we had in You don't require them to come in and show you how to 10 East Rochester was one that we had had from the 1960s. It was antiquated. We needed to upgrade it. parallel park at 104 or anything? 11 We have a -- no, we don't; but we do have a program.

12 We put a briefing paper together for the Secretary. I 13 met with the Secretary. The Secretary gave me the go-ahead to 14 relocate.

At that point in time, the decision making process as to where we exactly located was based upon my decision as well as my staff's. After careful analysis, we made the decision to move approximately eight miles away to Beaver Falls.

We went into a strip mall that was greater population from the standpoint of people visiting that area, and that was some of the primary reasons for that decision. That, and the fact that it was bigger and modern.

Q. Does PennDOT do a regular review of the different centers to determine whether they should be relocated or what should be done with them?

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22 Code that allows for it. If somebody voluntarily surrenders 22 23 their driver's license, the Department will issue free of 23 charge an ID card as a replacement. 24 24 25 Okay. Let's talk about the driver's license centers in 25 ٥. Page 1306 Pennsylvania. How many are there? We're looking at our older centers; and, over time, we 1 1 Α. 2 Α. There are 71. 2 have been changing them out, if you will. 3 Q. Where are they? 3 For example, before we did the location in Beaver Falls, 4 Α. Well, they're throughout the Commonwealth. They are 4 we had moved the location in Erie; and before that, we had moved the location from -- in Bortondale, Pennsylvania, which 5 concentrated based upon demographics, so the largest number of 5 driver's license licensing centers are in the Philadelphia is outside of Philadelphia, to an area of Granite Run. 6 6 7 region, followed by the Pittsburgh region. 7 Bortondale was a stand-alone location and very small 8 Obviously, as you get out into some of the areas that 8 size, very antiquated and older building; and we moved to a are less populated, there are fewer driver's licensing centers 9 stand-alone building as part of the Granite Run Mall. There 9 10 in those areas. 10 again, population, bus transportation, all of those types of 11 ٥. Are you aware of the fact that there are some counties 11 things are available at that location. 12 that don't have a driver's license center at all? 12 Does PennDOT keep track of how many transactions are ٥. 13 13 done in each of different centers? Α. Yes, I am. How does PennDOT justify not having driver's license We do keep track of the total number of transactions, 14 0. 14 A. 15 centers in some counties? 15 yes. 16 Well, frankly, it's quite straightforward and very 16 Q. Why do you do that? Α. 17 logical. We build our centers where the population is, and 17 Well, from a customer flow and also making sure that Α. the county lines are arbitrary lines that are drawn for the 18 we're living up to our expectations and the customer's 18 purposes of governance. The fact of the matter is, is that expectations as far as service. And also the distribution of 19 19 20 when we put a driver's licensing center in, we're looking for 20 complement. Our complement is limited. We only have so many where the people are. That's why we have five centers in 21 21 individuals within our organizations. 22 Philadelphia County alone. 22 So, we do our best to make sure that we move them to the 23 It wouldn't make sense, it wouldn't be prudent from the 23 various locations based upon the volumes of customers that are 24 standpoint of how we spend taxpayer dollars if we simply put 24 coming to those centers. 25 centers simply because arbitrarily Pennsylvania has 67 25 0. Of course, we're only talking about driver's license

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Q.

Α.

identification.

than younger drivers.

It's a random program where we recall 1900 drivers every month

If they are considered to be ineligible to drive, is

Yeah. That's correct. And in fact, it's in the Vehicle

there some mechanism by which they can turn in their driver's

license and switch it for a non-driver's license secure ID?

to have them go and get a medical report to insure us that

they're capable of driving from a doctor's standpoint; and obviously, that 1900 is weighted towards more mature drivers

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	Page 1309		Page 1311
1	centers, but PennDOT is actually a bigger organization that	1	issuance. That's where the individual comes in and takes a
2	does a lot more than just driver's license and	2	knowledge test about the rules of the road to qualify for
3	A. Oh, absolutely. My complement is right around 1,061,	3	their learner's permit.
4	keeping in mind as I mentioned earlier, all of the things that	4	We also do the actual skills testing, drivers' testing
5	we are responsible for outside of driver's licensing. But the	5	at those centers as well. And of course, everyone at the
6		6	· •
	complement of PennDOT is close to 12,000, a little under		centers has a photo center with it where the photo can be taken.
7	12,000. So we have about 10% of the staff.	7	
8	Q. Relative to the licensing centers, are they all handicap	8	Q. Every one of centers has a photo center where the photo
9	accessible?	9	can be taken; is that what you said?
10	A. All of the buildings, when they were built, were built	10	A. That is correct, yes.
11	to ADA requirements.	11	Q. What is the difference between the hours of operations
12	Q. How do you determine how big of a staff you have in each	12	and the day of operations between the center and the photo
13	of the locations?	13	center, if there is one?
14	A. Well, again, it would be subject to the volumes, numbers	14	A. If there's any difference at all, it normally is that
15	of people that are coming in. I know a number of years ago	15	the photo centers are open longer hours; and I think it's
16	now, probably back I'm going to say it's 2007/2008. I	16	important to note that we actually, in addition to the 71
17	believe we took somewhere in the range of 11 to 15 positions	17	driver's licensing centers that have photo centers, we also
18	and actually moved them from the central part of the state to	18	have stand-alone photo centers.
19	the Philadelphia region because that area, obviously from a	19	There's a very basic reason for that; and that is from
20	demographics standpoint, is growing. There's obviously,	20	the standpoint of renewal of driver's licenses, we renew about
21	it's a large population base. So, we brought those people	21	2.2 million driver's licenses a year. We renew another
22	those positions, I should say, to that area to help bolster	22	200,000 of the IDs. So, all of those pictures are being
23	our service levels there.	23	taken; and so, as such, we have more centers where you can go
24	Q. And what about the hours of operation at the centers;	24	from a photo center standpoint to be able to get your picture
25	who decides what they are, as well as the days of the week	25	taken, because you don't need the services at the driver's
	Page 1310		Page 1312
1	they're open?	1	licensing center. You already have an ID. You're simply
2	A. Well, again, that would fall under my responsibility as	2	renewing it.
3	well as my staff's. Understanding, again, we have a limited	3	Q. Relative to renewing a driver's license, is that
4	number of complement. We also work within a 40-hour week. So	4	something you can do over the internet, or do you have to go
5	anything over 40 hours is going to be overtime.	5	into a center?
6	So, while we have some flexibility from the standpoint	6	A. You can renew over the internet; and in point of fact,
7	of the workday, short of having staff work overtime, we have	7	somewhere around the range of 33% of our customers go on to
8	to fit it in within that 40-hour period of time.	8	renew either their driver's license and/or their vehicle
9	A number of years ago, long before I was in this	9	registration.
10	In manufer of years ago, tong before i was in and		
T 0	position a decision was made that the sites would be open	10	-
11	position, a decision was made that the sites would be open	10	Understanding with the driver's license, when you renew,
11 12	from Tuesday through Saturday, allowing Saturday which is	11	Understanding with the driver's license, when you renew, what gets sent you pay, you put the information in, you
12	from Tuesday through Saturday, allowing Saturday which is one of our busier days for those individuals who work	11 12	Understanding with the driver's license, when you renew, what gets sent you pay, you put the information in, you pay; and in turn, we send you what is called a camera card.
12 13	from Tuesday through Saturday, allowing Saturday which is one of our busier days for those individuals who work Monday through Friday.	11 12 13	Understanding with the driver's license, when you renew, what gets sent you pay, you put the information in, you pay; and in turn, we send you what is called a camera card. And that camera card then needs to be taken to the driver's
12 13 14	from Tuesday through Saturday, allowing Saturday which is one of our busier days for those individuals who work Monday through Friday. The only site that's not open on a Saturday is actually	11 12 13 14	Understanding with the driver's license, when you renew, what gets sent you pay, you put the information in, you pay; and in turn, we send you what is called a camera card. And that camera card then needs to be taken to the driver's licensing excuse me, to the photo center at the driver's
12 13 14 15	from Tuesday through Saturday, allowing Saturday which is one of our busier days for those individuals who work Monday through Friday. The only site that's not open on a Saturday is actually our downtown Pittsburgh location which it actually open Monday	11 12 13 14 15	Understanding with the driver's license, when you renew, what gets sent you pay, you put the information in, you pay; and in turn, we send you what is called a camera card. And that camera card then needs to be taken to the driver's licensing excuse me, to the photo center at the driver's licensing center or a stand-alone photo center to get your
12 13 14 15 16	from Tuesday through Saturday, allowing Saturday which is one of our busier days for those individuals who work Monday through Friday. The only site that's not open on a Saturday is actually our downtown Pittsburgh location which it actually open Monday through Friday.	11 12 13 14 15 16	Understanding with the driver's license, when you renew, what gets sent you pay, you put the information in, you pay; and in turn, we send you what is called a camera card. And that camera card then needs to be taken to the driver's licensing excuse me, to the photo center at the driver's licensing center or a stand-alone photo center to get your picture taken and get your new product.
12 13 14 15 16 17	<pre>from Tuesday through Saturday, allowing Saturday which is one of our busier days for those individuals who work Monday through Friday. The only site that's not open on a Saturday is actually our downtown Pittsburgh location which it actually open Monday through Friday. We have some sites, very few, Dunmore comes to mind, I</pre>	11 12 13 14 15 16 17	Understanding with the driver's license, when you renew, what gets sent you pay, you put the information in, you pay; and in turn, we send you what is called a camera card. And that camera card then needs to be taken to the driver's licensing excuse me, to the photo center at the driver's licensing center or a stand-alone photo center to get your picture taken and get your new product. Q. Okay. What other services does PennDOT provide over the
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12 13 14 15 16 17 18 19 20 21 22 23 24	<pre>from Tuesday through Saturday, allowing Saturday which is one of our busier days for those individuals who work Monday through Friday. The only site that's not open on a Saturday is actually our downtown Pittsburgh location which it actually open Monday through Friday. We have some sites, very few, Dunmore comes to mind, I believe on Wednesdays. It opens later, and stays open later at night. But that is a rarity that we do that type of schedule. But again, we're working within that 40 hours that's available to us. Q. Other than issuing driver's licenses, renewing driver's licenses and non-driver's license secure IDs, what other services do the centers offer?</pre>	11 12 13 14 15 16 17 18 19 20 21 22 23 24	Understanding with the driver's license, when you renew, what gets sent you pay, you put the information in, you pay; and in turn, we send you what is called a camera card. And that camera card then needs to be taken to the driver's licensing excuse me, to the photo center at the driver's licensing center or a stand-alone photo center to get your picture taken and get your new product. Q. Okay. What other services does PennDOT provide over the internet where you're not required to actually go into a center? A. Well, there are multiple number of services; and frankly, we continue to add services to internet transactions. As I mentioned, obviously, the driver's license renewal, the registration renewal for your vehicle. You can get paid information about your driving record on the you can get a
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1	you under suspension, what you will need to do to restore your	1	renewals, excuse me, for registration on snowmobiles and ATVs.
2	license when you have served your suspension.	2	Q. Relative to training individuals who work at the
3	You can go on and put in combinations of various letters	3	centers, what kind of training do you provide to them?
4	to see whether or not a vanity plate is available before you	4	A. Well, from the standpoint of the training for the
5	place your order so that, that's one other option that's	5	centers' individuals, any new employee that comes in to the
6	available to you.	6	organization, as soon as they're hired they come in and I
7	So it really runs the gamut, including going online and	7	want to take a step back here.
8	being able to update your record to become an organ donor.	8	The first thing we do is we do an FBI background check
9	Q. Okay. When you go in to register or get a driver's	9	on everybody individual that goes into our field operations.
10	license, can you also register to vote at that time?	10	Again, this gets to the issue of issuing a secure product and
11	A. You can make application to register to vote.	11	having certain standards.
12	Q. Good point. When you make an application to register to	12	Once that person has clearance from their background
13	vote, what is involved?	13	checks and are hired, they come to central office here, to the
14	A. Well, there are two potential processes. The primary	14	Riverfront Office Center. They spend normally about five days
15	process is in the initial issuance of a license, or ID card.	15	here. During that period of time, they will receive the basic
16	Once you have been vetted through the process, you go to	16	training related to some of the things that they just need to
17	the photo technician. The photo technician will show you a	17	know as Commonwealth employees.
18	series of screens. On that series of screens will be	18	They will receive fraud, fraudulent document training
19	questions in reference to that, do you want to make	19	which is actually one full day where we go through what to
20	application for voting purposes.	20	look for in fraudulent documents and how to identify those
21	And based upon what you check off, that information then	21	types of documents.
22	is captured, and then sent to the Department of State. The	22	Q. What kind of documents are we talking about?
23	Department of State then sends it off to the counties who are	23	A. These would be documents that, through best practices
24	actually responsible for it.	24	working with other jurisdictions as well as ICE, Homeland
25	You can do that, and that's asked each time that you do,	25	Security, that have been shown to be fraudulent, and we're
			-
-	Page 1314		Page 1316
1	asked each time that you do a renewal.	1	training our staff on what to look for.
2	asked each time that you do a renewal. In addition to that, we also have the forms and the	2	training our staff on what to look for. So that if somebody comes in with a birth certificate or
2 3	asked each time that you do a renewal. In addition to that, we also have the forms and the Department of State forms for the purposes of making	2 3	training our staff on what to look for. So that if somebody comes in with a birth certificate or some type of a naturalization papers that are fraudulent, they
2 3 4	asked each time that you do a renewal. In addition to that, we also have the forms and the Department of State forms for the purposes of making application, the actual paper forms that you can fill out.	2 3 4	<pre>training our staff on what to look for. So that if somebody comes in with a birth certificate or some type of a naturalization papers that are fraudulent, they know what they should be looking for. Social Security card,</pre>
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Page 1319 Page 1317 course, if you will. situations -- obviously, because the confidentiality of 1 1 2 So, that type of thing is done, yes. And in addition to 2 records, we can't go back on Facebook and respond to what 3 that, we also have on our database of available for our staff 3 their particular situation is, but we can do the outreach to 4 what is actually I believe called robo help. 4 say, send us an email and we'll follow up with you. 5 5 Q. Called what? So, those are the types of various outreaches that we 6 Robo help. It's actually just items that are in our 6 have for people to get to us. Α. 7 7 database. If you have a question, you can refer to it. It's ٥. I assume there are typical questions that people call up 8 question-and-answer type of document that is utilized by not 8 and ask all the time, and that would be part of the robo 9 only our field staff but also central office as well as our, 9 calling, punch one or two and figure out what the hours and 10 as well as our call center. 10 days are at certain centers? In that respect, if a consumer needs information 11 ٥. 11 A. That's correct. You can have forms faxed to you. Under 12 relative to PennDOT products, relative to expiration dates or 12 the voter ID script, as an example, if you want information 13 anything about PennDOT, what are the different available 13 sent to you, for example, of a 584a, one of the forms that 14 resources do they have, or what does PennDOT provide to help needs to be filled out for a PennDOT driver's license or ID, 14 them out with that? or the affirmation as an example, you can do that all 15 15 Well, let me be clear about something, because I believe 16 automated and put in your fax number and it will automatically 16 Α. 17 it came up in the prior testimony; and that is, that we don't 17 fax those documents to you. 18 advertise our phone numbers for our individual driver's 18 ٥. Let's step back for a minute, and let's talk about what 19 licensing sites in the yellow pages. 19 types of documents do you need in order to apply for a regular 20 You don't want people to hunt you down? 20 driver's license. ٥. It's not that, no. There's a very logical reason on why 21 21 The documents that --Α. Α. 22 we do it. And quite frankly, again, as I said earlier, we 22 ٥. If any. I assume there are some. 23 have very limited resources when it comes to our field site. 23 Α. There are, absolutely. And again, that has really 24 We do have a call center. Our call center has an 800 evolved, and especially has evolved since 9/11; and in 24 25 number as well as --25 particular since 2003, I believe, when the General Assembly Page 1320 Page 1318 Q. When you say your field site, what do you mean? here in Pennsylvania passed a legal presence law, which meant 1 1 2 Α. Our driver's licensing centers and our photo centers for 2 that you needed to prove that you were legally present here, 3 that matter. 3 not only in the United States, but also in -- and that you 4 ٥. So, the physical centers all around Pennsylvania. 4 were a resident of Pennsylvania. 5 Physical centers, correct. But there's a very logical 5 So, things have really evolved over the years. Again, Α. reason on why we don't publish those numbers. primarily because of 9/11. But what you are required today to 6 6 We want our folks to be able to focus on their core 7 7 have -- and I think this is really important for everybody to responsibilities, which is the issuance of identification as 8 8 understand is this issue of, we don't look at one individual 9 well as the testing, and on both skills and knowledge testing. document and say that that's sufficient, you are who you say 9 10 If we were to take phone calls at our individual 10 you are. 11 centers, most of our individual staff would be spending most 11 I describe it as a confidence ladder, and we build that 12 of their time on the telephone. Why do I say that? We have a 12 ladder one rung at a time looking -- and the reason we look at call center that is staffed by 125, approximately, customer 13 various documents is we want to be able to climb as high as 13 service representatives. We receive 15,000 phone calls a day. possible on that ladder. 14 14 15 Now, 8,000 of those go to customer service 15 I'm not suggesting that we probably ever get to 100%, 16 representatives. 7,000 of those go to our automated system. 16 but we certainly want to try to get into a confidence level in 17 The automated system walks people through the questions that 17 the high 90 percentile that that person standing in front of they may have; and in the case of almost 50% of our customers, 18 us is who they say they are. 18 19 That's why we ask for a birth certificate with a raised 19 the IVR is enough to allow them to get the information that 20 they need, including information about our website. 20 seal. It's harder to fraudulently produce something. That's 21 Obviously, that's another way to reach us, through emails. 21 why we actually ask for the actual Social Security card. Even 22 We can be emailed. PennDOT is now on Twitter. We're though, when we have a Social Security card, we're doing an 22 23 also on Facebook and we do now get inquiries through those 23 electronic verification with the Social Security 24 systems as well. And we have staff that monitors Facebook and 24 Administration. We're getting back that, yes, we have a 25 Twitter; and when people do inquire about particular 25 person on record by that name, with that birth date.



Pages 1321..1324

	Page 1321		Page 1323
1	We do the same thing with immigration documents that are	1	of Corrections for the Commonwealth. It's actually a program
2	brought to us. We have a system called SAVE, that is part of	2	that started from a pilot standpoint back in the 2006, I
3	the Department of Homeland Security, where we can enter that	3	believe, but it was voluntary at that point in time.
4	document information and Homeland Security will come back and	4	The Department of Corrections made the program mandatory
5	tell us whether or not those documents are legitimate or not.	5	in I believe May or June of 2012. What I mean by that is that
6	In addition, if you don't have a birth certificate,	6	it used to be that the inmate would have the option of either
7	we'll accept a passport. If the Social Security card, as I	7	getting an ID or not getting an ID when they were released.
8	mentioned, and then also two forms of verification of what	8	In 2012, they made the program mandatory so that every
9	your Pennsylvania address is.	9	inmate that's being released into probation or they have done
10	Q. Isn't that a large burden for people who just want a	10	their full time can get an identification card.
11	driver's license to come up with those documents to get a	11	The way the program essentially works is that it's to
12	driver's license?	12	insure that when that inmate walks out that door, they have an
13	A. Well, again, it goes back to my earlier statement about	13	ID in hand because one of the most difficult things, again
14	the fact that driver's licenses and the ID card is no longer	14	getting back to this whole point of a trusted ID, is that for
15	just for driving. It has become the trusted form of	15	these individuals to get a leg up, day one, that
16	identification.	16	identification is critical to them, whether it's getting a job
17	And for the banks and other organizations to trust that	17	or applying for services or probably for that matter getting a
18	the person is who they say they are, especially getting on a	18	place to stay, probably someone is going to ask them for some
19	commercial aircraft, it's our belief that it's important that	19	type of identification.
20	we have standards that we follow to insure that those	20	So, the Department of Corrections made a decision to go
21	individuals are who they say they are.	21	forward with this on a mandatory basis.
22	Q. And who actually makes that decision?	22	This year, since we started, which is now we're into it
23	A. Well, the decision is made in the field by our field	23	about 13 months that it has been mandatory, I believe we have
24	staff at the driver's license centers when they're doing that	24	issued about 8600 IDs to inmates who are being released.
25	initial vetting.	25	Most of those inmates are Pennsylvania citizens, so
	Page 1322	-	Page 1324
1	Q. Are you required to have the same documents in order to	1	they're already on our database. They have already been
2	get a non-driver's license secure ID as you are to get a	2	vetted in the past. Some are initial issuance, but the vast
3	driver's license?	3	majority of them, I believe the numbers will suggest they are
4	A. That is correct, yes.	4	individuals that are that had an ID at one point in time
5	Q. But if I have a driver's license, can I switch that in	5	and so we're reissuing them a product.
6	for a just a regular PennDOT ID?	6	Q. Are they considered to be secure IDs or not?
7	A. That is also correct. I will note when I when we	7	A. They are secure IDs, yes.
8	talk about the two documents, obviously, a driver's license,	8	Q. And that's only the inmates, state inmates being, is
9	you also have to pass the skills and knowledge test to get	9	that also correct?
10	that. So, there is a slight difference.	10	A. At this time, it's only state inmates. We have had
11	Q. We'll talk about the DOS ID in a little bit, but are	11	conversations with counties. We have also had conversations
12	there other IDs that PennDOT produces either for other	12	with the Federal Government in reference to federal detainees
13	agencies or other reasons other than those two that are fairly	13	from the standpoint that, as I understand the system and
14	common?	14	it's very limited when someone is in federal prison before
15	A. Sure. And obviously as you said, we'll talk about the	15	they are brought back to Pennsylvania for a Pennsylvania
16	DOS ID later; but the fact is, we produce two products for	16	residence before release.
17	Labor and Industry. One is a lead identification card and the	17	So, we do work with them today, but our ultimate goal
18	other is an asbestos identification card.	18	with the counties as well as with the Federal Government is to
19	We produce about 6,000 of those each year and they're	19	institute a program that would be similar across the board, to
20	good for a year it's identification for their staff, and we	20	the degree possible.
21	also do an identification card for our authorized messengers.	21	We have had conversations with Philadelphia County.
22	Q. What about the Department of Corrections?	22	They're very interested in the program. We want to be sure
23	A. We work very closely with the Department of Corrections.	23	that we can handle the volume with the Commonwealth first
24	There is a program, and there we are actually issuing to the	24	before expanding it to the counties as well as the Federal
25	individual inmate; but it is a program through the Department	25	Government.
	X X		



Pages 1325..1328

Page 1325 Page 1325 1 0. Let's talk about mambers. Let's talk about mamber of DOS IDs each center issued by month for a 2 products and DOS IDs issued over the past couple of years as 3 just a general thing. 1 and the number of DOS IDs each center issued by month for a 2 total of J,430. BY MR. KENTAG: 4 Do have Rothilit 2072 from Petitioners? Do we have A. This is a listing by site, by month, for the period from 6 A. This is a listing by site, by month, for the period from 9. What is tit? 9 Nexch, which would have been Narch 15th of 2012, when the law 10 10 March, which would have been Narch 15th of 2012, when the law 10 11 ment issued to the totar 10 at 10 about the vare is and point of pour peating but the year to bat? 10 12 know the spacific date that it ends in early JUly of DOS 13 Be that were issued by location, by month, during that period 13 Be that were issued hy location, by month, during that period 10 10 Year that at a test at the at the at the sent issued to date? 14 A. That's correct. 13 Be don on the standpoint of Disp. were 14 1				Pages 15251520
2 products and DOB Ds issued over the past couple of years as 2 total of 3,830. 3 just a general thing. 3 BY MR. KENTIN: 4 Do we have Eshibit 2072 from Petitioners? Do we have 6 5 that? Is that some sort of a char? Do you recognize this 6 6 document, Nut? 0. Mat is if? 9 0. Mat is if? 0. Mat is is a listing by site, by month, for the period from 10 March, which would have been March 15th of 5012, when the law 11 went into effect, through it looks like early July i foor 12 how the specific date that it ends in early July i foor 13 The that's correct. 13 The that's correct. 14 of the. 15 0. Mat way have been issued to date? 16 talking about the Department of State ID? 17 A. That's correct. 18 0. Mat way have been issued to date? 19 tak about the other pages; what do they 13 issued free, during that period of time, which is page come and 13 The case the free PennDOT TDe. 14 that's correct. 12		Page 1325		Page 1327
3 just a general thing. 3 BY MR. KEXTING: 4 Do we have Exhibit 2072 from Petitioners? Do we have 4 Q. Let's step hack and go to when the Act was passed. When the Act was passed. When the Act was is that it was I believe that it for was it passed? 6 A. My understanding was is that it was I believe that it for the set it became effective on March 14th. 9 A. This is a listing by site, by month, for the period from the standpoint that it identifies 10 Warth with would have been March 15th of 012, when the tars 11 went into effect, through it looks like early July I doot' 12 how the specific date that it ends in early July I doot' 13 The that scorrect, yes. 14 of time. 0 15 O. Mhen you talk about the over ID act? 16 tabling about the voer ID act? 17 A. That's correct. 18 O. Man was have been issued to date? 20 A. That's correct. 21 A. That's correct. 22 O. Ckay. 23 A. That's correct. 24 C. These are the free PennDOT IDs. 3 A. That's correct. 3 A. That's correct. <	1	Q. Let's talk about numbers. Let's talk about PennDOT	1	and the number of DOS IDs each center issued by month for a
4 Do we have Exhibit 2072 from Petitioners? Do we have 5 that? Is that?	2	products and DOS IDs issued over the past couple of years as	2	total of 3,830.
 5 that? Is that some sort of a chart? Do you recognize this 6 document, Xmrt? 7 A. Tdo yes. 9 A. This is a listing by site, by month, for the period from 9 A. This is a listing by site, by month, for the period from 9 A. This is a listing by site, by month, for the period from 9 A. This is a listing by site, by month, for the period from 9 A. This is a listing by site, by month, for the period from 9 A. This is a listing by site, by month, during that period 10 March, which would have been March 15th of 2012, when the law 11 went into effect, through it looks like early July i dont: 12 how the specific date that it ends in early July of nots 13 The that were issued by location, by month, during that period 14 of time. 14 of time. 15 when we talk about the looks II we that the ent into effect, we're 16 talking about the voter ID act? 17 A. That's correct. yes. 18 Q. Man we talk about the Do-S ID, or the DOS ID, we're 18 issued free, during that period of time, which is page one and 19 talking about the Do-S ID, or the DOS ID, we're 11 sassued free, during that period of time, which is page one and 12 two, might ad 13 C. Mak about the other pages; what do they represent? 14 A. That's correct. 15 What about the other pages; what do they represent? 14 A. That's correct. 15 The CURR': Cold you repeat that. I'm sorry, 16 Lourn's I think what you did is, you might 15 The CURR': I think what you did is, you might 15 The CURR': I think what you did is, you might 	3	just a general thing.	3	BY MR. KEATING:
6 document, Kurt? A. Idoyes. 9 A. This is a listing by site, by month, for the period from by march, which would have been March 15th of 2012, when the law passed and signed into law on March 15th. 9 A. This is a listing by site, by month, for the period from 9 Went into effect, through it looks like early July of dow't 10 March, which would have been March 15th of 2012, when the law Passed and signed into law on March 15th. 12 How the specific date that it ends in early July of dow't 1 13 The that were issued by location, by month, during that period 1 14 N Well, certainly, from the standpoint that it identifies 15 Q. When we talk about the law that went into effect, we're 1 16 talking about the other ID act? 1 17 A. That's correct. 20 18 Q. Wahe we talk about the Do-S ID, or the DOS ID, we're 15 19 taking about the Department of State ID? 20 A. That's correct. 20 21 D. And how many have been issued to date? 2 22 A. The the standpoint of IDs, PemDOT IDs. 1 3 troo, T inght add 2 0. Oka	4	Do we have Exhibit 2072 from Petitioners? Do we have	4	Q. Let's step back and go to when the Act was passed. When
7 A. I do, yes. 7 went it became effective on March 15th. It was actually 8 Q. What is it? ************************************	5	that? Is that some sort of a chart? Do you recognize this	5	was it passed?
8 Q. What is it? 8 passed and signed into law on March 14th. 9 A. This is a listing by site, by month, for the period from 10 9 Q. What are the significant provisions of the Act as it 10 March, which would have been March 15th of 2012, when the law 10 affects PermD07? 11 went into effect, through it looks like early July if don't 1 A. Well, certainly, from the standpoint that it identifies 12 mow the specific date that it ends in early July of DOS 11 A. Well, certainly, from the standpoint that it identifies 13 The the twere issued by location, by month, during that period 11 A. Well, certainly, from the standpoint that it identifies 14 of time. 12 rodwer's license and/or the identification card as PennD07 15 Q. Mane we talk about the Po-S ID, or the DOS ID, we're 13 A. Mell, it speartment of State ID? 16 a. Frat's correct. 14 a are available and acceptable for voting purposes. 14 12 Q. And how many have been issued to date? 2 Q. Gway. 2 C. Gway. 10 12 Q. And how many have been moord of time, which is page one and issued free, during that, july and it. 12 12 2 2	6	document, Kurt?	6	A. My understanding was is that it was I believe that it
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11 went into effect, through it looks like early July I don't 11 A. Well, certainly, from the standpoint that it identifies 12 hrow the specific date that it ends in early JUly G DOS 11 A. Well, cicanse and/or the identification card as PenDDOT 13 The take were issued by location, by month, during that period 11 A. Well, cicanse and/or the identification card as PenDDOT 14 O. When you talk about the law that went into effect, we're 12 A. That's correct, yes. 15 O. When you talk about the Do-S ID, or the DOS ID, we're 14 A. Mad it certainly lists a number of other products that 16 Talking about the Department of State ID? A. Mad it certainly lists a number of other products that 17 A. That's correct. 0. Okay. A. That's correct. 18 Q. And how many have been issued to date? A. That's correct. 20. Okay. Co Ckay. So, citizens who have passports or other types 18 issued free, during that period of time, which is page one and Page 1326 A. That's correct. 19 A according to this, it's 12,981. Page 1326 A. That's correct. Page 1326 1 A. These are the free PenDOT IDS. A. That's correct. Page 1326 A. That's correct.	9	A. This is a listing by site, by month, for the period from	9	Q. What are the significant provisions of the Act as it
12 know the specific date that it ends in early July of DOS 13 IDs that were issued by location, by month, during that period 14 of time. 14 of time. 15 0. When you talk about the law that went into effect, we're 16 talking about the voter ID act? 16 10 17 A. That's correct, yes. 18 0. When we talk about the Do-OS ID, or the DOS ID, we're 19 talking about the Department of State ID? 20. A. That's correct. 20. And how many have been issued to date? 21. A. That's correct. 20. Okay. 22. A. From the standpoint of IDs, PemDOT IDs that have been 20. Okay. 21. A according to this, it's 12,981. 20. Okay. 22. 0. Okay. 22. Okay. 23. A. Those are the free PemDOT IDS? A. That's correct. 3. A. Those are the free PemDOT IDS. 24. What about the other pages; what do they represent? 5. A. Well, the last two pages of the document are the same 6 information; however, for DOS IDs. But of course, only 9. There, that reflects a total of 3,830 DOS IDs that we 20. What about the OKER: DORT. 13. The CURT: Could you repeat that again? 13. The CURT: Cou	10	March, which would have been March 15th of 2012, when the law	10	affects PennDOT?
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14 of time. 15 Q. When you talk about the law that went into effect, we're 16 talking about the voter ID act? 7 A. That's correct, yes. 18 Q. When we talk about the Deors ID, or the DOS ID, we're 19 talking about the Department of State ID? 20 A. That's correct. 12 Q. And how many have been issued to date? 21 A. From the standpoint of IDs, PennDOT IDs that have been 23 issued free, during that period of time, which is page one and 24 two, I might add 25 Q. Okay. 20 New: 3 A. Those are the free PennDOT IDs? 3 A. Those are the free PennDOT IDs? 3 A. Those are the free PennDOT IDs? 4 Q. What about the other pages; what do they represent? 5 A. Well, the last two pages of the document are the same 6 information; however, for DOS IDs. But of course, only 7 began issuing the DOS ID. 9 There, that reflects a total of 3,830 DOS IDs that we 10 Anew issued. Once again obviously 11 THE CURNE's Yes, the entire answ	13		13	products that are acceptable for voting purposes.
15 Q. When you talk about the law that went into effect, we're 15 A. Well, it goes beyond that. 16 talking about the voter ID act? 17 A. That's correct, yes. 17 A. That's correct, yes. 17 A. An that's correct, yes. 18 Q. When we talk about the D-O-S ID, or the DOS ID, we're 18 are available and acceptable for voting purposes; but from the 18 A. That's correct. 17 A. And how many have been issued to date? 17 20 A. That's correct. 20 A. That's correct. 20 21 Q. Mcm many have been issued to date? 20 O kay. 20 22 Q. Okay. 20 Okay. 20 23 A. From the standpoint of DDs. PennDOT IDs that have been 22 Q. Okay. 20 24 two, I might add 22 Q. Okay. 20 Okay. 22 24 two, I might add 2328 0 while a concern of PennDOT, that was not the biggest 25 Q. Okay. 21 A. That's correct. Because the cath affirmation that was 2 O. Those are the free PennDOT IDs. 1 A. That's correct. Because the				
16 talking about the voter ID act? 17 A. That's correct, yes. 18 Q. When we talk about the D-O-S ID, or the DOS ID, we're 19 talking about the Department of State ID? 20 A. That's correct. 21 A. That's correct. 22 A. That's correct. 23 Served the bepartment of State ID? 24 A. That's correct. 25 Q. Okay. 26 A accoording to this, it's 12,981. 29 These are the free PernDOT IDS. 3 A. Those are the free PernDOT IDS. 4 Q. Moat about the other pages; what do they represent? 5 A. Well, the last two pages of the document are the same 6 information; however, for DOS ID. 7 Meet stude the order of addition acceptable for the 9 There, that reflects a total of 3,830 DOS IDS that we 16 Page 1326 17 A. That's correct. Because the orath affirmation that as since been modified, the oath 3 A. These are the free PernDOT IDS. 4 Q. What about the other pages; what do they represent? 5 A. Well, the last two pages of the documen				_
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18 Q. When we talk about the D-O-S ID, or the DOS ID, we're 19 are available and acceptable for voting purposes; but from the 19 talking about the Department of State ID? a. That's correct. 20 20 A. That's correct. 20 and how many have been issued to date? 20 N. From the standpoint of DB, PemDOT IDs that have been 21 Q. And how many have been issued to date? 20 Okay. So, citizens who have passports or other types 23 of while a concern of PemDOT, that was not the biggest 20 Okay. So, citizens who have passports or other types 24 two, I might add 22 Q. Okay. 20 Okay. So, citizens who have passports or other types 25 Q. Okay. 20 Okay. 20 Okay. So, citizens who have passports or other types 24 issue that PennDOT had to deal with; is that a correct 25 25 statement? 20 3 A. Those are the free PennDOT IDs. 40 A. That's correct. Because the oath affirmation that was 20 utilized from day one, that has since been modified, the oath 3 A. Those are the free PennDOT IDs. But of the course, only 1 A. That's correct. Because the oath affirmation that was 2<		-		
19 talking about the Department of State ID? 14 14 That's correct. 15 A. That's correct. 19 19 atalking about the Department of State ID? 19 11 Decards. 20 12 Q. And how many have been issued to date? 20 14 Decards. 20 25 Q. Okay. Okay. 15 Those are the free PennDOT ID? Page 13226 16 A according to this, it's 12,981. 10 26 Okay. Page 13226 17 A according to this, it's 12,981. 14 29 What about the other pages; what do they represent? A. That's correct. Because the oath affirmation that was 29 What about the other pages; what do they represent? A. That's correct. Because the oath affirmation acceptable for the 6 information; however, for DOS IDs. But of course, only The weak to the page in obviously 11 THE COURT: Could you repeat that. I'm sorry, The COURT: Could you repeat that again? 13 THE WITNESS: Yes, the entire answer to the Hast two pages? 14 Last two pages? THE COURT: I think what		· •		
20 A. That's correct. 21 Q. And how many have been issued to date? 22 A. From the standpoint of IDs, PennDOT IDs that have been 23 issued free, during that period of time, which is page one and 24 two, I might add 25 Q. Okay. 20 Us is obviously the issuance of the driver's licenses or the types 23 issued free, during that period of time, which is page one and 24 two, I might add 25 Q. Okay. 20 Us is obviously the issuance of the driver's licenses or the types 23 issued free, during that period of time, which is page one and 24 two, I might add 25 Q. Okay. 20 These are the free PennDOT IDs: 3 A. Those are the free PennDOT IDs. 4 Q. What about the other pages; what do they represent? 5 A. Well, the last two pages of the document are the same 6 information; however, for DOS IDs. But of course, only 7 beginning on August 27th of 2012, which is the date that we 10 have issued. Once again obviously 11 THE WITNESS: Yes, the entire answer to the		-	-	
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15 THE COURT: I think what you did is, you might 15 Q. When the act was first passed, talking about PennDOT				-
17 THE WITNESS: I'm sorry. The last two pages 17 the non-driver's license secure ID that was anticipated would				-
18 of the document refer to the DOS IDs. 18 be the typical voter ID identification used?				
19 Now, the DOS IDs didn't begin being 19 A. That would be the free product, yes, that PennDOT would				
20 implemented until August 27th of 2012. That's why as you see 20 issue would be the ID.				
21 under 2012, you see it begins with August. 21 Q. If it's if it weren't for voting purposes, and you				
22 It goes through sometime in July. Again, I 22 were trying to get it, how much would it cost?				
23 don't know the specific date, but it would be in early July 23 A. \$13.50.	23			•
24 that this report was most likely run. And it reflects the 71 24 Q. Did that change?	24	that this report was most likely run. And it reflects the 71	24	Q. Did that change?
25 locations across the Commonwealth, driver's licensing centers, 25 A. From the standpoint of price?	25	locations across the Commonwealth, driver's licensing centers,	25	A. From the standpoint of price?



Pages 1329..1332

	Page 1329		Page 1331
1	Q. From the standpoint of the law, and whether new IDs were	1	from PennDOT?
2	made. Tell us a little bit about the evolution of the DOS ID.	2	A. It doesn't have to come from PennDOT, no.
3	A. The evolution of the DOS ID began at a meeting in June	3	THE COURT: You want to take a break now,
4	of 2012 when there were first discussions about the ability to	4	Mr. Keating?
5	be able to produce an ID that had less requirements associated	5	MR. KEATING: Yes, Your Honor.
6	to it related to the secure ID that PennDOT issues.	6	THE COURT: We'll break until 1:15.
7	As part of that conversation, the determination was made	7	THE BAILIFF: Commonwealth Court is now in
8	to move forward with creating the DOS ID; and outreach was	8	recess.
9	done to our vendor, who we have a driver's license vendor who	9	(COURT RECESSED AT 12:12 P.M. AND RECONVENED
10	produces the product for us, as well as our own systems folks	10	AT 1:15 P.M.)
11	to talk about what we need to do from our system standpoint.	11	THE COURT: Please remain seated.
12	And the process was put together with bringing to the	12	THE BAILIFF: Court is now in session.
13	realization of the new product, as I said earlier, on August	13	MR. KEATING: Good afternoon, Your Honor.
14	27th of 2012.	14	THE COURT: Good afternoon.
15	Q. August 27th of last year?	15	MR. KEATING: May I continue?
16	A. I believe that that was the date, yes, that it was began	16	THE COURT: Please.
17	to be issued.	17	BY MR. KEATING:
18	Q. What was the difference in the required documentation	18	Q. Kurt, before we left off this morning, we were talking
19	for the DOS ID as opposed to the non-drivers secure ID at	19	about Act 18, and I want to ask you something about Act 18 and
20	PennDOT?	20	the ID requirements under the Act.
21	A. Well, the process really evolved over time, and there	21	Under the Act, is PennDOT required to issue an ID for
22	were changes made from the standpoint of what was originally	22	free to certain voters?
23	required to later on changes as to what was required for	23	A. That is correct, yes.
24	the to receive the DOS ID, just the process itself. Those	24	Q. Okay. Is the DOS ID card one of those?
25	were decisions that were made by the Department of State.	25	A. It's one of the free IDs that we issue, yes.
	Page 1330		Page 1332
1	We clearly issued the product. It is but the	1	Q. Now, let's talk about a couple of other things.
2	decisions from the standpoint of the form, the affirmation,	2	Relative to IDs issued, driver's license or non-driver's
3	what the application form would look like, those were all	3	identification card with photos, what do you do about
4	decisions that were Department of State's, including what	4	individuals who have objections because of their religion to
5	would be accepted as far as information is concerned.	5	having their photos taken; is there an exception for that?
6	Q. Was that done with discussions with PennDOT, or did they	6	A. The Department has a number of different exception
7	just come out with it and say, here, PennDOT, this is what	7	processes. That is certainly one of them, with IDs.
8	we're doing, take care of it.	8	We have some individuals who do have religious
9	A. There were discussions with PennDOT, certainly, but	9	objections to getting their photo taken, and we have a process
10	ultimately the decision and the ability to make that decision	10	that we work with them on to be able to issue them a photo
11	was the Department of State's from the standpoint of what the	11	exempt ID card.
12	requirements would be for the card. And for that matter what	12	Q. Do we know how many driver's licenses are out there
13	the card actually looked like. They helped to design it.	13	right now that fall under that exception?
14	Q. Do you know whether PennDOT was required under the Act	14	A. Photo exempt driver's license, there are a little less
15	is issue a Department of State ID?	15	than 2,000 of those; and photo exempt identification cards,
16	A. The from the standpoint of being required to issue a	16	there's right around 4,000 of those issued.
17	Department of State ID, no, I don't think that the Department	17	Again, that would be out of the total of approximately
18	is required to issue a Department of State ID.	18	9.8 million that are currently in issuance.
19	Q. Does the Department of State, do they dictate that you	19	Q. That same exemption would apply, I assume for the sake
20	must did they call you up and say, look, this is what we're	20	of discussion, for individuals who are coming in for the DOS
21	going to do; PennDOT, you have to do this for us?	21	ID? Can you get a photo exempt DOS ID?
22	A. No. In point of fact, during that meeting and during	22	A. No.
23	that during that meeting and during that conversation, I'm	23	Q. Let's talk about suspended license and expired licenses.
24	the one who brought up the ID of producing another product.	24	Do you keep does PennDOT keep a database on how many
25	Q. But pursuant to the Act, does that product have to come	25	licenses out there are suspended?
	X Z		

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			Pages 15551550
	Page 1333		Page 1335
1	A. Yes, we do.	1	A. Well, we are supposed to get a report from the
2	Q. Why?	2	Department of Health that lists all of the deaths on a regular
3	A. Well, we need, as part of our administrative	3	basis.
4	responsibilities under the law, to keep track of those	4	Q. Do you?
5	individuals and insure that they serve whatever their	5	A. No, we don't. Not recently. The Department of Health
6	suspension period is before being reinstated.	6	has had some issues with its system, and we have not received
7	Q. Do you keep track of how many licenses there are out	7	any death reports from the Department of Health until just
8	there that are expired?	8	recently about a week ago, and that report contained about
9	A. Yes.	9	38,000 names for the and they were primarily related to
10	Q. What happens if, during an individual's suspension, the	10	2010, 2011, and 2012. So, we received no death reports for
11	license itself expires?	11	2013.
12	A. Well, it would show on our records as being expired, but	12	Q. Prior to receiving that, would there be information in
13	also suspended.	13	your database if the person's license has expired, although
14	Q. If the individual came back and tried to renew their	14	the fact may remain that they may not be alive anymore?
15	license during that suspension period, would they be able to	15	A. That's correct, because when we receive the death
16	do that?	16	report, we put an indicator on the license that the person is
17		17	deceased.
	A. They would be able to renew their license, but the	18	
18	suspension would need to be served; and then when the		Q. Now, let's talk about the interrelationship between the
19	suspension is served, then we would apply the renewal monies	19	Department of State and the Department of Transportation,
20	against the renewal and allow them to re-establish their	20	Pennsylvania Department of Transportation relative to the DOS
21	license.	21	
22	Q. What about you testified as to reciprocity between	22	As a basic way of how that works, if a person went into
23	states, and how licenses are recognized by other states. What	23	the Department of Transportation and said they wanted an ID,
24	happens if an individual moves out of Pennsylvania and moves	24	what would that happen? And I'm talking about when this was
25	to another state, and their license expires here in	25	still first put into place.
	Page 1334		Page 1336
1	Page 1334 Pennsylvania?	1	Page 1336 A. For the Department of State ID, or just with the law put
1 2	-	1 2	5
	Pennsylvania?		A. For the Department of State ID, or just with the law put
2	Pennsylvania? A. It really depends upon what state they move to. Some states report back to us licenses that have been surrendered	2	A. For the Department of State ID, or just with the law put in place?
23	Pennsylvania? A. It really depends upon what state they move to. Some	2	A. For the Department of State ID, or just with the law put in place?Q. Act 18 was put in place and then it was decided to start
2 3 4 5	Pennsylvania? A. It really depends upon what state they move to. Some states report back to us licenses that have been surrendered to them by Pennsylvania residents who have moved out of state. Other states do not.	2 3 4 5	A. For the Department of State ID, or just with the law put in place?Q. Act 18 was put in place and then it was decided to start the Department of State IDs; and you get the Department of State ID typically, where?
2 3 4 5 6	Pennsylvania? A. It really depends upon what state they move to. Some states report back to us licenses that have been surrendered to them by Pennsylvania residents who have moved out of state. Other states do not. Recently, I looked at those numbers, and I believe there	2 3 4	A. For the Department of State ID, or just with the law put in place?Q. Act 18 was put in place and then it was decided to start the Department of State IDs; and you get the Department of State ID typically, where?A. Well, you would get it at one of the 71 driver's
2 3 4 5 6 7	Pennsylvania? A. It really depends upon what state they move to. Some states report back to us licenses that have been surrendered to them by Pennsylvania residents who have moved out of state. Other states do not. Recently, I looked at those numbers, and I believe there were approximately 38 states that do report to us, but	2 3 4 5 6	A. For the Department of State ID, or just with the law put in place?Q. Act 18 was put in place and then it was decided to start the Department of State IDs; and you get the Department of State ID typically, where?A. Well, you would get it at one of the 71 driver's licensing centers that we discussed earlier.
2 3 4 5 6 7 8	Pennsylvania? A. It really depends upon what state they move to. Some states report back to us licenses that have been surrendered to them by Pennsylvania residents who have moved out of state. Other states do not. Recently, I looked at those numbers, and I believe there were approximately 38 states that do report to us, but obviously, then, that would leave a number of states, 12	2 3 4 5 6 7 8	 A. For the Department of State ID, or just with the law put in place? Q. Act 18 was put in place and then it was decided to start the Department of State IDs; and you get the Department of State ID typically, where? A. Well, you would get it at one of the 71 driver's licensing centers that we discussed earlier. Q. Okay. So, someone walks in to one of the driver's
2 3 4 5 6 7 8 9	 Pennsylvania? A. It really depends upon what state they move to. Some states report back to us licenses that have been surrendered to them by Pennsylvania residents who have moved out of state. Other states do not. Recently, I looked at those numbers, and I believe there were approximately 38 states that do report to us, but obviously, then, that would leave a number of states, 12 states, that do not report to us on a regular basis. 	2 3 4 5 6 7 8 9	 A. For the Department of State ID, or just with the law put in place? Q. Act 18 was put in place and then it was decided to start the Department of State IDs; and you get the Department of State ID typically, where? A. Well, you would get it at one of the 71 driver's licensing centers that we discussed earlier. Q. Okay. So, someone walks in to one of the driver's license centers and says, I want an ID. What happens?
2 3 4 5 6 7 8 9 10	<pre>Pennsylvania? A. It really depends upon what state they move to. Some states report back to us licenses that have been surrendered to them by Pennsylvania residents who have moved out of state. Other states do not. Recently, I looked at those numbers, and I believe there were approximately 38 states that do report to us, but obviously, then, that would leave a number of states, 12 states, that do not report to us on a regular basis. So, it's really just a matter of the individual states</pre>	2 3 4 5 6 7 8 9 10	 A. For the Department of State ID, or just with the law put in place? Q. Act 18 was put in place and then it was decided to start the Department of State IDs; and you get the Department of State ID typically, where? A. Well, you would get it at one of the 71 driver's licensing centers that we discussed earlier. Q. Okay. So, someone walks in to one of the driver's license centers and says, I want an ID. What happens? A. Well, under those circumstances, our employees are
2 3 4 5 6 7 8 9 10 11	Pennsylvania? A. It really depends upon what state they move to. Some states report back to us licenses that have been surrendered to them by Pennsylvania residents who have moved out of state. Other states do not. Recently, I looked at those numbers, and I believe there were approximately 38 states that do report to us, but obviously, then, that would leave a number of states, 12 states, that do not report to us on a regular basis. So, it's really just a matter of the individual states telling us whether or not a Pennsylvania resident has moved	2 3 4 5 6 7 8 9 10 11	 A. For the Department of State ID, or just with the law put in place? Q. Act 18 was put in place and then it was decided to start the Department of State IDs; and you get the Department of State ID typically, where? A. Well, you would get it at one of the 71 driver's licensing centers that we discussed earlier. Q. Okay. So, someone walks in to one of the driver's license centers and says, I want an ID. What happens? A. Well, under those circumstances, our employees are instructed to ask what they want the ID for. That really
2 3 4 5 6 7 8 9 10 11 12	<pre>Pennsylvania? A. It really depends upon what state they move to. Some states report back to us licenses that have been surrendered to them by Pennsylvania residents who have moved out of state. Other states do not. Recently, I looked at those numbers, and I believe there were approximately 38 states that do report to us, but obviously, then, that would leave a number of states, 12 states, that do not report to us on a regular basis. So, it's really just a matter of the individual states telling us whether or not a Pennsylvania resident has moved into their jurisdiction.</pre>	2 3 4 5 6 7 8 9 10 11 12	 A. For the Department of State ID, or just with the law put in place? Q. Act 18 was put in place and then it was decided to start the Department of State IDs; and you get the Department of State ID typically, where? A. Well, you would get it at one of the 71 driver's licensing centers that we discussed earlier. Q. Okay. So, someone walks in to one of the driver's license centers and says, I want an ID. What happens? A. Well, under those circumstances, our employees are instructed to ask what they want the ID for. That really helps determine which route we take them down from the
2 3 4 5 6 7 8 9 10 11 12 13	<pre>Pennsylvania? A. It really depends upon what state they move to. Some states report back to us licenses that have been surrendered to them by Pennsylvania residents who have moved out of state. Other states do not. Recently, I looked at those numbers, and I believe there were approximately 38 states that do report to us, but obviously, then, that would leave a number of states, 12 states, that do not report to us on a regular basis. So, it's really just a matter of the individual states telling us whether or not a Pennsylvania resident has moved into their jurisdiction. If they don't, that record stays on our record. Either</pre>	2 3 4 5 6 7 8 9 10 11 12 13	 A. For the Department of State ID, or just with the law put in place? Q. Act 18 was put in place and then it was decided to start the Department of State IDs; and you get the Department of State ID typically, where? A. Well, you would get it at one of the 71 driver's licensing centers that we discussed earlier. Q. Okay. So, someone walks in to one of the driver's license centers and says, I want an ID. What happens? A. Well, under those circumstances, our employees are instructed to ask what they want the ID for. That really helps determine which route we take them down from the standpoint of the product.
2 3 4 5 6 7 8 9 10 11 12 13 14	<pre>Pennsylvania? A. It really depends upon what state they move to. Some states report back to us licenses that have been surrendered to them by Pennsylvania residents who have moved out of state. Other states do not. Recently, I looked at those numbers, and I believe there were approximately 38 states that do report to us, but obviously, then, that would leave a number of states, 12 states, that do not report to us on a regular basis. So, it's really just a matter of the individual states telling us whether or not a Pennsylvania resident has moved into their jurisdiction. If they don't, that record stays on our record. Either way, it stays on our record.</pre>	2 3 4 5 6 7 8 9 10 11 12 13 14	 A. For the Department of State ID, or just with the law put in place? Q. Act 18 was put in place and then it was decided to start the Department of State IDs; and you get the Department of State ID typically, where? A. Well, you would get it at one of the 71 driver's licensing centers that we discussed earlier. Q. Okay. So, someone walks in to one of the driver's license centers and says, I want an ID. What happens? A. Well, under those circumstances, our employees are instructed to ask what they want the ID for. That really helps determine which route we take them down from the standpoint of the product. If somebody specifically says, I just want an ID and I
2 3 4 5 6 7 8 9 10 11 12 13 14 15	<pre>Pennsylvania? A. It really depends upon what state they move to. Some states report back to us licenses that have been surrendered to them by Pennsylvania residents who have moved out of state. Other states do not. Recently, I looked at those numbers, and I believe there were approximately 38 states that do report to us, but obviously, then, that would leave a number of states, 12 states, that do not report to us on a regular basis. So, it's really just a matter of the individual states telling us whether or not a Pennsylvania resident has moved into their jurisdiction. If they don't, that record stays on our record. Either way, it stays on our record. Q. Yeah.</pre>	2 3 4 5 6 7 8 9 10 11 12 13 14 15	 A. For the Department of State ID, or just with the law put in place? Q. Act 18 was put in place and then it was decided to start the Department of State IDs; and you get the Department of State ID typically, where? A. Well, you would get it at one of the 71 driver's licensing centers that we discussed earlier. Q. Okay. So, someone walks in to one of the driver's license centers and says, I want an ID. What happens? A. Well, under those circumstances, our employees are instructed to ask what they want the ID for. That really helps determine which route we take them down from the standpoint of the product. If somebody specifically says, I just want an ID and I want it for voting purposes, obviously, the quickest way to go
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 Pennsylvania? A. It really depends upon what state they move to. Some states report back to us licenses that have been surrendered to them by Pennsylvania residents who have moved out of state. Other states do not. Recently, I looked at those numbers, and I believe there were approximately 38 states that do report to us, but obviously, then, that would leave a number of states, 12 states, that do not report to us on a regular basis. So, it's really just a matter of the individual states telling us whether or not a Pennsylvania resident has moved into their jurisdiction. If they don't, that record stays on our record. Either way, it stays on our record. Q. Yeah. A. And at some point in time, it expires. But it stays on 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 A. For the Department of State ID, or just with the law put in place? Q. Act 18 was put in place and then it was decided to start the Department of State IDs; and you get the Department of State ID typically, where? A. Well, you would get it at one of the 71 driver's licensing centers that we discussed earlier. Q. Okay. So, someone walks in to one of the driver's license centers and says, I want an ID. What happens? A. Well, under those circumstances, our employees are instructed to ask what they want the ID for. That really helps determine which route we take them down from the standpoint of the product. If somebody specifically says, I just want an ID and I want it for voting purposes, obviously, the quickest way to go is through the Department of State ID, and issue that ID to
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	 Pennsylvania? A. It really depends upon what state they move to. Some states report back to us licenses that have been surrendered to them by Pennsylvania residents who have moved out of state. Other states do not. Recently, I looked at those numbers, and I believe there were approximately 38 states that do report to us, but obviously, then, that would leave a number of states, 12 states, that do not report to us on a regular basis. So, it's really just a matter of the individual states telling us whether or not a Pennsylvania resident has moved into their jurisdiction. If they don't, that record stays on our record. Either way, it stays on our record. Q. Yeah. A. And at some point in time, it expires. But it stays on our record. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	 A. For the Department of State ID, or just with the law put in place? Q. Act 18 was put in place and then it was decided to start the Department of State IDs; and you get the Department of State ID typically, where? A. Well, you would get it at one of the 71 driver's licensing centers that we discussed earlier. Q. Okay. So, someone walks in to one of the driver's license centers and says, I want an ID. What happens? A. Well, under those circumstances, our employees are instructed to ask what they want the ID for. That really helps determine which route we take them down from the standpoint of the product. If somebody specifically says, I just want an ID and I want it for voting purposes, obviously, the quickest way to go is through the Department of State ID, and issue that ID to them.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 Pennsylvania? A. It really depends upon what state they move to. Some states report back to us licenses that have been surrendered to them by Pennsylvania residents who have moved out of state. Other states do not. Recently, I looked at those numbers, and I believe there were approximately 38 states that do report to us, but obviously, then, that would leave a number of states, 12 states, that do not report to us on a regular basis. So, it's really just a matter of the individual states telling us whether or not a Pennsylvania resident has moved into their jurisdiction. If they don't, that record stays on our record. Either way, it stays on our record. Q. Yeah. A. And at some point in time, it expires. But it stays on our record. Q. So, you may have an individual who has moved out of 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 A. For the Department of State ID, or just with the law put in place? Q. Act 18 was put in place and then it was decided to start the Department of State IDs; and you get the Department of State ID typically, where? A. Well, you would get it at one of the 71 driver's licensing centers that we discussed earlier. Q. Okay. So, someone walks in to one of the driver's license centers and says, I want an ID. What happens? A. Well, under those circumstances, our employees are instructed to ask what they want the ID for. That really helps determine which route we take them down from the standpoint of the product. If somebody specifically says, I just want an ID and I want it for voting purposes, obviously, the quickest way to go is through the Department of State ID, and issue that ID to them.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	 Pennsylvania? A. It really depends upon what state they move to. Some states report back to us licenses that have been surrendered to them by Pennsylvania residents who have moved out of state. Other states do not. Recently, I looked at those numbers, and I believe there were approximately 38 states that do report to us, but obviously, then, that would leave a number of states, 12 states, that do not report to us on a regular basis. So, it's really just a matter of the individual states telling us whether or not a Pennsylvania resident has moved into their jurisdiction. If they don't, that record stays on our record. Either way, it stays on our record. Q. Yeah. A. And at some point in time, it expires. But it stays on our record. Q. So, you may have an individual who has moved out of state, the license expired, and you don't even know they moved 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	 A. For the Department of State ID, or just with the law put in place? Q. Act 18 was put in place and then it was decided to start the Department of State IDs; and you get the Department of State ID typically, where? A. Well, you would get it at one of the 71 driver's licensing centers that we discussed earlier. Q. Okay. So, someone walks in to one of the driver's license centers and says, I want an ID. What happens? A. Well, under those circumstances, our employees are instructed to ask what they want the ID for. That really helps determine which route we take them down from the standpoint of the product. If somebody specifically says, I just want an ID and I want it for voting purposes, obviously, the quickest way to go is through the Department of State ID, and issue that ID to them. If, however, they say to us, well, I want an ID. I want to be able to vote with it, but I also want to be able to use
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 Pennsylvania? A. It really depends upon what state they move to. Some states report back to us licenses that have been surrendered to them by Pennsylvania residents who have moved out of state. Other states do not. Recently, I looked at those numbers, and I believe there were approximately 38 states that do report to us, but obviously, then, that would leave a number of states, 12 states, that do not report to us on a regular basis. So, it's really just a matter of the individual states telling us whether or not a Pennsylvania resident has moved into their jurisdiction. If they don't, that record stays on our record. Either way, it stays on our record. Q. Yeah. A. And at some point in time, it expires. But it stays on our record. Q. So, you may have an individual who has moved out of state, the license expired, and you don't even know they moved out of state? 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 A. For the Department of State ID, or just with the law put in place? Q. Act 18 was put in place and then it was decided to start the Department of State IDs; and you get the Department of State ID typically, where? A. Well, you would get it at one of the 71 driver's licensing centers that we discussed earlier. Q. Okay. So, someone walks in to one of the driver's license centers and says, I want an ID. What happens? A. Well, under those circumstances, our employees are instructed to ask what they want the ID for. That really helps determine which route we take them down from the standpoint of the product. If somebody specifically says, I just want an ID and I want it for voting purposes, obviously, the quickest way to go is through the Department of State ID, and issue that ID to them. If, however, they say to us, well, I want an ID. I want to be able to vote with it, but I also want to be able to use it to cash checks or to show to my doctor or whatever the case
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 Pennsylvania? A. It really depends upon what state they move to. Some states report back to us licenses that have been surrendered to them by Pennsylvania residents who have moved out of state. Other states do not. Recently, I looked at those numbers, and I believe there were approximately 38 states that do report to us, but obviously, then, that would leave a number of states, 12 states, that do not report to us on a regular basis. So, it's really just a matter of the individual states telling us whether or not a Pennsylvania resident has moved into their jurisdiction. If they don't, that record stays on our record. Either way, it stays on our record. Q. Yeah. A. And at some point in time, it expires. But it stays on our record. Q. So, you may have an individual who has moved out of state, the license expired, and you don't even know they moved out of state? A. That's correct. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 A. For the Department of State ID, or just with the law put in place? Q. Act 18 was put in place and then it was decided to start the Department of State IDs; and you get the Department of State ID typically, where? A. Well, you would get it at one of the 71 driver's licensing centers that we discussed earlier. Q. Okay. So, someone walks in to one of the driver's license centers and says, I want an ID. What happens? A. Well, under those circumstances, our employees are instructed to ask what they want the ID for. That really helps determine which route we take them down from the standpoint of the product. If somebody specifically says, I just want an ID and I want it for voting purposes, obviously, the quickest way to go is through the Department of State ID, and issue that ID to them. If, however, they say to us, well, I want an ID. I want to be able to vote with it, but I also want to be able to use it to cash checks or to show to my doctor or whatever the case may be, where somebody is looking for that trusted form of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	 Pennsylvania? A. It really depends upon what state they move to. Some states report back to us licenses that have been surrendered to them by Pennsylvania residents who have moved out of state. Other states do not. Recently, I looked at those numbers, and I believe there were approximately 38 states that do report to us, but obviously, then, that would leave a number of states, 12 states, that do not report to us on a regular basis. So, it's really just a matter of the individual states telling us whether or not a Pennsylvania resident has moved into their jurisdiction. If they don't, that record stays on our record. Either way, it stays on our record. Q. Yeah. A. And at some point in time, it expires. But it stays on our record. Q. So, you may have an individual who has moved out of state, the license expired, and you don't even know they moved out of state? A. That's correct. Q. The other thing I wanted to discuss relative to your 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 A. For the Department of State ID, or just with the law put in place? Q. Act 18 was put in place and then it was decided to start the Department of State IDs; and you get the Department of State ID typically, where? A. Well, you would get it at one of the 71 driver's licensing centers that we discussed earlier. Q. Okay. So, someone walks in to one of the driver's license centers and says, I want an ID. What happens? A. Well, under those circumstances, our employees are instructed to ask what they want the ID for. That really helps determine which route we take them down from the standpoint of the product. If somebody specifically says, I just want an ID and I want it for voting purposes, obviously, the quickest way to go is through the Department of State ID, and issue that ID to them. If, however, they say to us, well, I want an ID. I want to be able to vote with it, but I also want to be able to use it to cash checks or to show to my doctor or whatever the case may be, where somebody is looking for that trusted form of identification.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 Pennsylvania? A. It really depends upon what state they move to. Some states report back to us licenses that have been surrendered to them by Pennsylvania residents who have moved out of state. Other states do not. Recently, I looked at those numbers, and I believe there were approximately 38 states that do report to us, but obviously, then, that would leave a number of states, 12 states, that do not report to us on a regular basis. So, it's really just a matter of the individual states telling us whether or not a Pennsylvania resident has moved into their jurisdiction. If they don't, that record stays on our record. Either way, it stays on our record. Q. Yeah. A. And at some point in time, it expires. But it stays on our record. Q. So, you may have an individual who has moved out of state, the license expired, and you don't even know they moved out of state? A. That's correct. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 A. For the Department of State ID, or just with the law put in place? Q. Act 18 was put in place and then it was decided to start the Department of State IDs; and you get the Department of State ID typically, where? A. Well, you would get it at one of the 71 driver's licensing centers that we discussed earlier. Q. Okay. So, someone walks in to one of the driver's license centers and says, I want an ID. What happens? A. Well, under those circumstances, our employees are instructed to ask what they want the ID for. That really helps determine which route we take them down from the standpoint of the product. If somebody specifically says, I just want an ID and I want it for voting purposes, obviously, the quickest way to go is through the Department of State ID, and issue that ID to them. If, however, they say to us, well, I want an ID. I want to be able to vote with it, but I also want to be able to use it to cash checks or to show to my doctor or whatever the case may be, where somebody is looking for that trusted form of
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Pennsylvania? A. It really depends upon what state they move to. Some states report back to us licenses that have been surrendered to them by Pennsylvania residents who have moved out of state. Other states do not. Recently, I looked at those numbers, and I believe there were approximately 38 states that do report to us, but obviously, then, that would leave a number of states, 12 states, that do not report to us on a regular basis. So, it's really just a matter of the individual states telling us whether or not a Pennsylvania resident has moved into their jurisdiction. If they don't, that record stays on our record. Either way, it stays on our record. Q. Yeah. A. And at some point in time, it expires. But it stays on our record. Q. So, you may have an individual who has moved out of state, the license expired, and you don't even know they moved out of state? A. That's correct. Q. The other thing I wanted to discuss relative to your 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 A. For the Department of State ID, or just with the law put in place? Q. Act 18 was put in place and then it was decided to start the Department of State IDs; and you get the Department of State ID typically, where? A. Well, you would get it at one of the 71 driver's licensing centers that we discussed earlier. Q. Okay. So, someone walks in to one of the driver's license centers and says, I want an ID. What happens? A. Well, under those circumstances, our employees are instructed to ask what they want the ID for. That really helps determine which route we take them down from the standpoint of the product. If somebody specifically says, I just want an ID and I want it for voting purposes, obviously, the quickest way to go is through the Department of State ID, and issue that ID to them. If, however, they say to us, well, I want an ID. I want to be able to vote with it, but I also want to be able to use it to cash checks or to show to my doctor or whatever the case may be, where somebody is looking for that trusted form of identification.
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Page 1339 Page 1337 it just for voting purposes, and they are -- want the DOS ID, oath or affirmation? 1 1 That is also correct, yes. at that point in time, they would need to fill out the 2 2 Α. 3 Department of State application form, which asks for their 3 0. And what is the purpose or basis of that oath? And that 4 name, address, date of birth. 4 would be No. 76, please. 5 Q. The initial application form? 5 Α. Well, the oath is to affirm that you have no other form 6 A. That's correct. 6 of acceptable identification for the purposes of voting. So, 7 Do we have Exhibit No. 74? Do you recognize this form? you're self-certified under penalty of law, that you have no ٥. 7 8 Α. Yes, I do. 8 other form of identification suitable for voting. 9 9 Q. When did this form first come out? ٥. And if a person goes in to get their free DOS ID, does 10 This form came out at the very beginning when we began 10 PennDOT check their records to see whether they do have a Α. to issue the Department of State ID, and there have been a few current PennDOT ID they could use to vote? 11 11 12 modifications to this since then. 12 MS. CLARKE: Objection, Your Honor, this lacks 13 0. In the bottom right corner, it says ID form, September 13 foundation. This witness is competent to testify about --14 24th, 2012? 14 this witness is competent to testify about the policies and procedures, but there's no foundation that the witness 15 Α. Correct. 15 Is that when this came out? 16 actually understands what actually happens when a person goes 16 0. 17 This particular form, yes. This has been updated from 17 Α. in. 18 the original form. 18 THE COURT: He can tell us whether or not he 19 What is different in the updated form? 19 does. ٥. 20 I believe the original form asked for gender, and gender 20 BY MR. KEATING: Α. 21 was taken off of the form at that point in time. 21 Are there any policies or procedures put into place at ٥. 22 0. Why was that? 22 PennDOT that once someone signs an oath or affirmation, the 23 Α. There was a certain constituency that we were made aware 23 records are checked at PennDOT to see if they have an actual of -- I should say that the Department of State was made aware ID? 24 24 25 of, as I understand it, by the Plaintiffs' attorneys that had 25 No, we're not looking. They do a self-certification. Α. Page 1338 Page 1340 concerns about the gender being asked for; and so, it was We take them at their word. 1 1 2 decided to take it off the form because it was something that 2 Q. What do you do with the application and what do you do 3 the Department of State decided that they didn't need. 3 with the oath? 4 ٥. Now, this says initial issuance of a DOS ID; correct? 4 Α. They're both scanned and imaged into our system. 5 Again, a DOS ID, how long is it good for? 5 0. And are they then have the photo taken, given the ID and send them home; what happens? 6 Α. For ten years. 6 7 Q. Ten years. Do you have a form for a replacement 7 That's correct. Α. 8 application? 8 MS. CLARKE: Your Honor, a continuing 9 Do we have a form at this point? 9 objection to the extent that the witness is purported to Α. 10 Q. Yes. 10 testify about what actually happens. It lacks foundation. 11 Α. Not that I'm aware of that there's a specific form for a 11 THE COURT: Noted. replacement after ten years. I mean, certainly, if you lose a 12 BY MR. KEATING: 12 document, the product, you can get it replaced. 13 What's supposed to happen? 13 Q. Okay. Do we have a document Exhibit No. 75? Does that Well, after we have received the application, and we 14 Q. 14 A. 15 look familiar? 15 have received the affirmation, we are going to do the outreach 16 Α. Yes, it does. 16 to the Department of State to verify that the individual is a 17 If someone wants -- is this a form they fill out if they 17 registered voter, and --٥. need a free replacement DOS ID? 18 Because only registered voters are permitted to have 18 ٥. That is correct, if they have lost or it's been stolen 19 these? 19 Α. 20 or somehow mutilated that they couldn't use it. 20 Α. That's correct. 21 Obviously, it's not one that's been expired; correct? 21 So you have to check first with the Department of State ٥. 0. 22 Correct. That hasn't happened yet. That's why we to see if they're registered? Α. 22 23 didn't have the form. 23 That's correct. Α. 24 0. We still have several years to go. For the purposes of 24 0. And how do you outreach or reach out to the state to 25 filling these out, do you also have to fill out any sort of 25 determine that; what's the process?

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	a 1011		
1	A. That is a phone call.	1	Page 1343 not 100% sure in that case, where they already have an ID.
2	Q. Okay. What if they're not registered to vote?	2	Q. But in that situation, you would forward it to the
3	A. If they're not registered to vote, we'll still have them	3	Department of State, the application, but there would be no
4			photo card with it; is that correct?
_	go over and have their picture taken. We will also have them	4	-
5	fill out the paper form for the application to register; and	5	A. There would be no photo card. And a customer and
6	that information, along with their documents and the copies	6	again, I want to be clear about that. The customer may say,
7	of their document, I should say, and their card that we have	7	hey, can I have the form, I'm going to fill it out and send it
8	taken the picture of, will be sent to the Department of State.	8	in myself. So there could be situations like this. Again,
9	Q. That requires the time for someone at the Department of	9	this is again very specific to your question of if somebody
10	State to be able to pick up the phone and check that; is that	10	already has an ID.
11	correct?	11	Q. Correct. And that would be sent by PennDOT to the
12	A. I'm sorry. I'm not sure I understand the question.	12	Department of State without any photo.
13	Q. Well, the question is, when you check to determine	13	A. Not in all cases, is my point. In some cases it could
14	whether the individual is registered to vote or not, that's	14	be, but in other cases, the customer may simply want to take
15	done by phone; right?	15	the form with them and fill it out and send it in themselves.
16	A. Yes. We are talking to a Department of State	16	Q. We had some discussions with an earlier witness relative
17	representative.	17	to groups and organizations that have attempted to get their
18	Q. Okay. And have steps been taken to implement that	18	voter IDs done on their behalf by bringing them in and
19	process to make it easier to determine whether they're	19	assisting them with transportation to come in to PennDOT and
20	registered to vote or not?	20	have that done for them.
21	A. We have looked at additional options from the standpoint	21	Does PennDOT or has PennDOT ever partnered to assist the
22	of ways that that process could be streamlined even further.	22	issuance of voter IDs with anybody?
23	Q. If the person is not registered to vote at that time and	23	A. We certainly have. There have been a number of
24	wants to register to vote, what is the process?	24	organizations that have approached us and asked for
25	A. Well, we have paper forms available that they can fill	25	assistance, either in prescreening of documents, so or
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	Page 1342		Page 1344
1	out at our location. As I said earlier we would take that	1	making appointments for ground to some in And up that to
1	out at our location. As I said earlier, we would take that	1	making appointments for groups to come in. And we try to
2	form along with the card that was produced, along with their	2	schedule that in our least busy periods of time; but
2 3	form along with the card that was produced, along with their forms, and we would send them to the Department of State.	2 3	schedule that in our least busy periods of time; but certainly, it has happened, yes.
2 3 4	form along with the card that was produced, along with their forms, and we would send them to the Department of State. The Department of State would even if somebody says	2 3 4	schedule that in our least busy periods of time; but certainly, it has happened, yes. Q. Can you tell us some examples of some organizations that
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	Page 1345		Page 1347
1	Philadelphia?	1	A. I was not here, but I am aware of the background of the
2	A. Yes.	2	case.
3	Q. And others?	3	Q. What's your recollection of the background of the case?
4	A. And others, right. And the outreach varies. It varies	4	A. Well, my understanding is that his father had
5	from either answering maybe a coordinator's questions about	5	surrendered his driver's license for medical reasons, and sent
6	what they need to do, to sending individuals out to collect	6	it in to the Department to with filling out a form and
7	paperwork, bring it back and look at the paperwork.	7	sending it in saying that he wanted to surrender his license
8	So there are a number of different avenues that can	8	and get a photo ID.
9	potentially help to take, dependent on what the organization	9	Our records indicate that we issued a photo ID to his
10	is looking for from the standpoint of assistance; but many	10	father in December of 2012. We learned later on, I believe,
11	times it's just simply answering questions.	11	in April of 2013 that his father was claiming that the product
12	Q. Let's talk about the photos that you keep on file.	12	had not been received, in which case there was additional
13	Individuals come in, have their photos taken. How long do you	13	documentation from the standpoint of or conversation about
14	keep those photos on file?	14	it, and the Department issued him a free ID, I believe it was,
15	A. I believe our database goes back to 1994. We have about	15	in the April of 2013.
16	38 million photos on file, digital photos on file.	16	I will note that the Department has a procedure in which
17	Q. What is the purpose of keeping all of these photos on	17	we if we get mail back from someone, we mark it, the
18	file?	18	product, as unclaimed on our database. There was nothing on
19	A. Well, we keep them because they're part of the	19	the father's records to suggest that we ever received any
20	individual's record. The reason there's 38 million and of	20	product back.
	course, the population of Pennsylvania is significantly less	20	-
21			Q. So, it didn't come back as wrong address or something
22	than that is that we keep your photo every four years. So,	22	like that.
23	we have a running history of what you look like from year to	23	A. It didn't come back, and our records were not marked so.
24	year, from those four-year cycles.	24	So therefore, you know, I don't know what happened to it.
25	Q. When you are switching from a driver's license to	25	Regardless bottom line is that the customer said they never
	Page 1346		Page 1348
1	Page 1346 another type of ID, are there instances where PennDOT can use	1	Page 1348 got it.
1 2	5	1 2	
	another type of ID, are there instances where PennDOT can use		got it.
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1	MS. CLARKE: Objection, Your Honor. We don't	1	THE COURT: Everybody has talked about the
2	have any documents. There's no we don't have any basis to	2	mystery of the 144. I want it solved. So, I'm going to let
3	examine the witness. This is hearsay.	3	this witness testify, okay? If he can shed light on it, you
4	MR. KEATING: It's not hearsay, Your Honor.	4	can cross-examine. Maybe his views are worthless, but I'm
5	MS. CLARKE: Well, we don't have the business	5	going to go into this mystery and try and resolve it. Since
6	record that was referred to.	6	you can't resolve it, I'm going to let the witnesses try to
7	MR. KEATING: I don't need it. I'm going to	7	resolve it. Your exception is noted.
8		8	MR. KEATING: Thank you, Your Honor.
	ask him what his investigation into his records relative to		BY MR. KEATING: MAILING: MAIK you, four honor.
9	these people happen to be.	9	
10	THE COURT: He can testify. We'll take it for	10	Q. Let's talk about 144. What is your understanding
11	what it's worth.	11	relative to the information you've received from the
12	MR. KEATING: Okay.	12	Department of State that you are to investigate concerning
13	THE WITNESS: These individuals at one point	13	some exceptions that were in their data, the database?
14	in time had a product from the Department; and as such, we	14	A. Well
15	have a photo that is on file and could be utilized for the	15	Q. What was the mystery?
16	purposes of issuing an ID.	16	A. The information that I am aware of relates to PennDOT's
17	BY MR. KEATING:	17	role in this, in that the Department of State sent us a list
18	Q. Okay. Let's talk a little bit about the database with	18	of individuals and asked us if we could confirm whether these
19	the Department of State and the Pennsylvania Department of	19	individuals had a PennDOT ID.
20	Transportation. Let's talk about the 144 exceptions. Do you	20	Q. When did they do that?
21	know what I'm talking about?	21	A. I believe it was in approximately December of 2012.
22	A. Yes, I do.	22	Q. Okay. What did you do?
23	MS. CLARKE: Your Honor, we object to this	23	A. We went down through the list and noted those
24	line of questioning. We don't have the documents or	24	individuals that had an ID.
25	information supporting what Mr. Myers is going to say. The	25	Q. How long was the list, approximately?
1	Page 1350 only thing we have been given is a document that the lawyers	1	Page 1352
1			A. The original list, I believe, had 194 names on it.
2	have specifically said is not a business record; and I want to	2	Q. Okay. Go ahead.
3	say, too, that I don't want to get into he said/she said, but	3	A. And of those 194, 144 had an ID. On our records.
	we have always agreed to confidentiality, to maintain	4	Q. What was the Department of State asking you to do?
5	confidentiality, if that information were going to be produced	5	A. Just simply to confirm that they had an ID, or if we
6	to us.	6	if our records had it, show that they had an ID on our
7	He's finally, I don't believe Mr. Myers is	7	database.
8	competent to testify, so we object to this line of	8	Q. Okay. Why were they why were they asking you to do
9	questioning.	9	that?
10	THE COURT: Noted.	10	A. Well, I have quite frankly, they would be the better
11	MR. KEATING: Thank you.	11	ones to respond to that; but from my understanding of it, it
12	MS. CLARKE: Your Honor, if we get into this,	12	was simply that they had individual records that they wanted
13	I would ask that we could voir dire the witness to demonstrate	13	to validate specifically that these people had either gotten
14	his lack of competency to testify about this. It's going to	14	an ID or they still didn't have an ID.
15	be hearsay. It's going to be	15	Q. Did you tell them specifically by name and Social
16	MR. KEATING: You can do that on	16	Security number specifically which people did not or did have
17	cross-examination.	17	ID?
18	MS. CLARKE: It's going to be not based on	18	MS. CLARKE: Your Honor, object to the
19	it will be hearsay and will also not be based on anything that	19	question because it assumes that it's he's using the form
20	the witness did, and it will be based on documents that we	20	"you," and it's clearly not you, and
21	don't have here before us.	21	MR. KEATING: All right.
22	MR. KEATING: I think it's based on documents	22	MS. CLARKE: it's not clear who is doing
23	kept in the ordinary course of business and documents they	23	who the "you" is in this case. It clearly was not Mr. Myers
24	could have had access to in the information if they had asked	24	because he testified in June of 2013 that he had no idea about
25	for it.	25	any of this.
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Page 1353Page 13532 because it's vary unclear and mieleding, because we can't1THE CONST: No, I'm fine.2 because it's vary unclear and mieleding, because we can't1THE CONST: No, I'm fine.4 THE CONST: Overniel. You can cross-examics.5N. REXING:5 NY ME, REXING:4. As a follow-up to that, pursuant to the Court's6 . Quite frankly, I forget the question.4. As a follow-up to that, pursuant to the Court's7 generical?9. As a follow-up to that, pursuant to the Court's8 NY ME, REXING:9. As a follow-up to that, pursuant to the Court's9 C. FAR, DENTRO:9. As a follow-up to that, pursuant to the Court's9 ME, DENTRO:9. As a follow-up to that, pursuant to the Court's10 L. Fare Man was that question.11. Are you save of wetther PermOT gave than specific11 May had D - acceptable D or not?10. We are you so concerned about confidentially of12 ME COURT: Noted.11. We Noted.13 they had D - acceptable D or not?13. Then you.14 Mer Mark Not.14. Mer Mark Noted.15 also can't foll who they fis in the question.10. We are done everyfing we possibly could to con.16 Court we can.14. Mere Mark Note.17 Mere Mark Note.14. Mere You tail.18 Mere Mark Note.15. A well, frame was an individual from ny staff, a19 A. Well, from the standpoint of our role in this, theT10 A well, from the standpoint of our role in this, theT11 A well, from the standpoint of our role in this, theT12 A. Well, from the standpoint of our role in this, theT <tr< th=""><th></th><th></th><th></th><th></th></tr<>				
2 Decume it's very unclear and misleading, because we can't 2 M. RATING: 4 THE COURT: Overruled. You can cross-examine. 5 SY M. RATING: 5 SY M. RATING: 5 SY M. RATING: 5 SY M. RATING: 6 Out framework in the question. 5 SY M. RATING: 5 5 SY M. RATING: 6 1 Information concerning how or why they had D in such a way to also keep it continential? 6 1 <t< td=""><td>1</td><td>5</td><th>1</th><td>-</td></t<>	1	5	1	-
1 11 bot the You' is. 3			1	
4 THE CORF. Out the provide satisfication 5 FF ME. SEXTOR: 5 Generation 7 Control in the provide satisfication 5 Generation 8 FF ME. SEXTOR: 5 Generation 9 FF ME. SEXTOR: 5 Generation 9 FF ME. SEXTOR: 6 0. As a follow-up to their, personk additional 10 0. Two differs or performe that question. 7 8. 11 hey had D - acceptable D or nct? 8. 9. Was are you so consermed about confidentiality of 11 hey had D - acceptable D or nct? 8. Was are you so consermed about confidentiality of 13 hey fair financian that hey finance of the person. 10 Mark are you so consermed about confidentiality of 14 MS. KARTNO: THE CORF: Note: 11 We have done everything we possibly could to insure that the 15 FF MS. KARTNO: THE CORF: Note: 11 11 16 A. Mail, front me standpoint of our role and insure that the information. 12 12 11 A. Well, front the standpoint o				-
5 FWS. EXTIDE: 5 direction, did you did PemoTor provide additional 6 Qualts Frankly, I forgot the quastion. What was the quartion? 5 direction, did you did PemoTor provide additional 7 FW RE EXTIDE: 6 information concerning how or why they had ID in such a way to also beep it confidential? 8 (INE LAT QUESTION WAS RED BACK BY THE REFORM) 8 A. Wes. 9 FW RE EXTIDE: 9 No hose that when was that? 10 1 sought of information of individuals reference PemoTor grave the magnific 10 A. Wes. 11 they had ID acceptable ID or not? 10 N. Wes. FEATURE: 10 N. Weal, that way just recently, over the last cougle of information of individual from my staff, at information is protected not only ware you so counsend about confidentiality of 11 10 N. Weal, from the rest of the New had there in the information that there were 144 on the acceptable ID in the dide of give them the individual from my staff, at information that the information that the bes my could able to be weight of the weight of our or late that had identification. 11 20 NW weight of the weight of our or late information that the sem of court shad the weight of our or late information that the information that the bes my could able information of individual is southing the weight of our or late information that the sem of court shad the weight of our or late information that the sem of court shad the w				
 6 0. Quite frankly, I forgot the question. What was the question? 7 question? 8 (In ELAST QUESTION WAS READ BACK BY THE REFORTER.) 9 FF ME. REATTOR: 9 C. You can anseer. 9 C. You can anseer. 9 C. You can anse of foot Stank dor up can be payed back to the page. 9 C. You can anseer. 11 Is that hai identification. 9 G. You can anseer. 12 stable and identification. 13 the pay the mass of Sout Stank, dor up the the individual from by the mass of foot Stank dor up the the individual from by the mass of foot Stank dor up the the individual from by the mass of the commonality. Hat every box stank dore was a latividual from by the mass? 10 A. Well, from the standpoint of our role in this, the - 11 A. Well, from the standpoint of our role in this, the - 12 and the critizens of the Commonality. Hat every box possible to insure that the sinformation that we have that responsibility to the people and that the information that the second that the information that we have the second that the second that the information that we have the second that the second t				
 7 question? 7 also keep it confidential? 8 A. Yes. 9 C. Navuel like to rephrase that question. 10 Are you savue of whether PermOT guest them specific like the rephrase that question. 11 Are you savue of whether PermOT guest them specific like the rephrase that question. 12 information of individuals within your database as to whether 13 also cart tell who the "they" is in the question. 14 information of drivers in your database? 15 also cart tell who the "they" is in the question. 16 THE CORF. Noted. 17 K. REATING: Thank you. 18 P. W. REATING: Thank you. 19 Q. You can anseer. 20 A. Thank you. There was an individual from my staff, a guestion that the discription of source should be able that be that discription of an organization that the base where information that the base where information that the set had you have sade that there were if 4 on the value of the gue than the names? 21 A. Well, from the standpoint of our role in this, the -I this if if give than the names? 22 A. We guther from the clitizens of the Commonsalib, the standpoint of our role in this, the -I this if if is important to understand that the information that the scale for the sected. 22 A. We guther from the clitizens of the Commonsalib, the stafe to curve stat that information to the sected that information that the scale of the sected that information to the sected that information that the scale of the sected. 23 A. We guther from the clitizens of the Commonsalib. 24 this if if you understand that the scale guery they sected that is becoved on understand that the scale distribution status the sected in the scale guery that is because the perturbent of state we represention that the scale for you prove for the confidential y argument? 34 A. Wull, from the scale and you have the sected that is a coust of the sected in the information that the scale of				
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 9 FY MR. REATING: 9 Q. Wo has that when was that? 10 Q. I would like to rephrase that question. 11 Are you aware of whether PermOT gave then specific 12 information of inividuals within your database as to whether 13 they had D acceptable D or not? 14 MS. CARREN: Your Roor, I object because we 14 MS. CARREN: Your Roor, I object because we 15 also can't tell who the "they" is in the question. 16 MS. CARREN: Your Roor, I object because we 17 MS. REATING: Thank you. 18 FY MS. REATING: Thank you. 19 Q. You can answer. 20 No you can answer. 21 A. Thank you. There was an individual from yot taf, a 22 on May din't he give than the ranso? 23 A. Wall, from the standpoint of our role in this, theI 24 Information of a trivers of the Commonselith, and we take it very 24 Into active tark is and monitor of our role in this, theI 24 Into active the teak every the prossible out of the standpoint of our role in this, theI 24 Into active the teak every the prossible to a secure that is information the information of an intrividuals is costally were trained of the asses of the commonsel h, and we take it very 24 A. Wall, from the standpoint of our role in this, theI 24 Int is at the core of our busines, to assure confidentiality 25 that is at the core of our busines, to assure confidentiality 26 of these records, even when it's with another state agency, to 30 Int was an inputy from the Peartant of State. Mer Pi 31 G. Is it your understand that the asses mitoritichable so the information to serve that is allowed to see thi: 31 G. Is it your understand that the asses due the peartest to analyse and report? 31 A. Wall, from the senson why they were inputy that is easen why the was an inputy from the Peartant of State. Mer Pi 32 A. By understanding i		question?	7	-
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11 Are you serve of whether PennOT gave these specific 11 weeke here where information was then gathered, and then 12 information of individuals your database as to whether 13 coupting the provide the proprovide the provide the proprovide the provide the prov	9	BY MR. KEATING:	9	Q. Who has that when was that?
12 information of individuals within your database as to whether 13 they had ID acceptable ID or not? 14 MS. CLARES: Your Honcy, I object because we 15 also can't tell who the "they" is in the question. 16 THE CORF: Noted. 17 MR. KEATING: Thenk you. 18 EM MR. KEATING: 19 O, You can answer. 20 A. Thank you. There was an individual from my staff, a 21 the Department of State. He did not give them the individual 21 the Department of State. He did not give them the individual 22 the Department of State. He did not give them the names? 23 . Yage 1354 24 Ne Wall, from the standpoint of our role in this, the - I and the citizens of the Commonwealth, and so en 25 . We gather from the citizens of the Commonwealth, and we take it very 2 . Yage 1354 35 . . . 4 . . . 4 5 6 . .<	10		10	A. Well, that was just recently, over the last couple of
 13 they had D acceptable D or not? 14 NS. CLAKSE: Your Honor, I object because we 15 also can't tell who the 'they'' is in the question. 16 THE CUET: Noted. 17 MS. KEATING: Thank you. 18 BY MR. KEATING: Thank you. 19 O. You can answer. 20 You can answer. 21 the partment of State. We didn't form my staff, a 21 the partment of State. We didn't form my staff, a 22 the Department of State. We didn't for my staff, a 23 names. He gave them information that there were left on the initividual 24 list that had identification. 25 O. Wy didn't be give them the names? 26 N. Well, from the standpoint of our role in this, the I 27 think is important to understand that the information that 28 we gather from the citizens of the Commonwealth, the 29 This was an ingnity from the Department of State. We initividual 20 that is a the core of our business, to assure confidentiality 21 to balieve, sympl sell that is was the did. 20 List your understand infat the reason wy they were initividuals actually had IDs, and hat's what he did. 20 To that is to 194, and how many people on it had, 21 werify this list of 194, and how many people on it had, 22 wrify this list of 194, how many did? 30. We winderstanding was that He were simply strong to 196, wold you like to ask Hr. News any more questions 31 Co this list of 194, how many did? 32 A. Wy understanding was that He's were simply strong to 196, wold you like to ask Hr. News any more questions 33 A. Wy understanding was that He's were simply strong to 196, wold you like to ask Hr. News any more questions 34 A. Wall, what I testified to aerlier is that all of our 35 bat is a choore of 194, how many people on it had, 36 didn't or 194, how many people on it had, 36 didn'to or 194, how many people on i	11	Are you aware of whether PennDOT gave them specific	11	weeks here where information was then gathered, and then
14 MS. CLARGE: Your Honor, I object because we list also can't tell who the 'they' is in the question. THE CORF: Noted. 14 Information of drivers in your database? 15 also can't tell who the 'they' is in the question. THE CORF: Noted. 15 A. Well, first of all, the information is protected not is protected not is protected. 17 NR. KEATNO: 15 A. Well, first of all, the information is protected not is protected. 18 BY MR. KEATNO: 16 There are hourse stories about people who have had their is protected. 19 0. You can answer. 16 Information compromised. We take that job very seriously and information compromised. We take that job very seriously and 20 10 we have chose everything we possibly could to insure that the 21 information compromised. We take the your over for the purposes of this information is keep trootected. 11 Ist that had identification. 22 we way that ris sinformation is keep trootected. 12 this is the core of our business, to assure confidentiality to the people Page 13554 14 the our densitial private information. 14 and the citizens of the Commonwealth, the contrist mother that we take every step possible in formation of individual is something 19 that is at the core of our business, to assure confidential. 16 Id hentitial private information of individual	12	information of individuals within your database as to whether	12	supplied to our attorneys.
 15 also can't tell who the "they" is in the question. 16 THE CURT: Notal. 17 MR. KENTING: Thank you. 18 PKR. KENTING: Thank you. 19 Q. You can answer. 20 A. Thank you. There was an individual from my staff, a 21 genellean by the name of Scott Shenk, who responded back to 22 the Begartment of State. Be did not give them the information that there were 144 on the 23 names. He gave them information that there were 144 on the 24 list that had identification. 25 Q. Why did't he give them the information that there were 144 on the 21 think it's important to understand that the information that 23 A. Well, from the standpoint of our role in this, the I 24 this it is important to understand that the information that 25 A. Well, from the standpoint of our role in this, the I 26 that is a the core of our business, to understand that the information that 27 that is a the core of our business, to assure confidentiality transmith of the state agenty. to 28 a the core of or business, to assure confidentiality transmith the information that these a state wate weavy step possible to insure that these as injury from the Department of State. Ref II 29 This was an inquiry from the Department of State. Ref II 20 Gust is the core of 194, how many doid? 30 A. Wy understanding was that hey were simply tryin to is didn't or what was BernIDT's understanding shout what the state agenty for handleas individuals should have had IDs and didn't or what was bernIDT's understanding shout what the state agenIDT's understanding shout what the agent individuals for 194, how many people on it had, 23 genifically had IDs. 20 O this list of 194, how many decol on the state agenIDT's understanding shout what they are allow thandle on a spale lassis to provide is the core of the State were trying to find out? 30 A Wy understanding was that t	13	they had ID acceptable ID or not?	13	Q. Why are you so concerned about confidentiality of
16 THE COURT: Noted. 16 cnly federally under federal law, DFVA, Driver Privacy 17 WR. KEATING: Thank you. 17 Protection Act, but also under 6014 of the Vehicle Code. 18 BY MR. KEATING: Thank you. 17 Protection Act, but also under 6114 of the Vehicle Code. 19 Q. You can answer. 20 A. Thank you. There was an individual from my staff, a 20 We have done everything we possibly could to insure that the 20 A. Thank you. There was an individual from my staff, a 20 We have done everything we possibly could to insure that the 21 gentleman by the mame of Scott Shenk, who responded back to 21 information Carporniaed. We take that you represes of this 22 case has been protected, either by insuring that everyhody 23 and I know there's court stipulations and so for than ds on 23 We gather from the standpoint of our role in this, the I 1 and the citizens of the Commonwealth, the 4 confidential private information. 2 Yeage 1356 5 that is at the core of our business, to assure confidentiality 2 secords, even when it's with another state agency, to 6 of those records, even when it's with another state agency, to 1 1	14	MS. CLARKE: Your Honor, I object because we	14	information of drivers in your database?
17 NR. KEATING: Thank you. 17 Protection Act, but also under 6114 of the Vehicle Code. 18 BY NR. KEATING: Thank you. There was an individual from my staff, a There are horror stories about people who have had their 20 A. Thank you. There was an individual from my staff, a There are horror stories about people who have had their 21 BY NR. KEATING: Thank you. There was an individual from my staff, a 21 and I know there's court stipulations and so forth and so on 22 the Department of state. He did not give thank the information that 'b been protected, either by insuring that everydody 23 and I know there's court stipulations and so forth and so on 24 11 stat that iddentification. 25 We didn't he give them the names? Page 1354 26 Nell, from the standpoint of our role in this, theI 1 27 this kit s important to understand that the information that Page 1354 30 of those records, even when it's with another state agency, to 1 31 misse an inguiry from the Department of State. He, I 0 32 extension that the reason why they were 2 34 actually had IDs, and that's what he did. 3 <	15	also can't tell who the "they" is in the question.	15	A. Well, first of all, the information is protected not
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1	the centers; correct?	1	from central office will call the customer back, research it,
2	A. That's correct.	2	and talk to the employee, find out what happened, and try to
3	Q. What is the average waiting time for a customer to have	3	rectify the problem, whatever it might be.
4	when they go in to PennDOT?	4	Q. When you say notepad, is that electronic?
5	A. Well, it varies from center to center, and so,	5	A. It's what we call it. It's nothing more than the
6	obviously, our centers in Philadelphia, some of those centers	6	electronic transmission of what the customer service
7	are going to have longer wait periods of time than, say, a	7	representative has captured of the customer's concern with
8	center that may be in the middle part of the state.	8	that, and so, that will come in to us.
9	Q. What's the average waiting time?	9	Q. When you when I say you, I mean you personally. Do
10	A. The average waiting time will vary by season, but it	10	you review any of the complaints?
11	certainly can be in the in the 80 to 85% range of people	11	A. I do. It's a help for me to keep a pulse on how the
12	who are serviced in 30 minutes or less; and that's really the	12	business is going and what our customers are saying, and what
13	way we calculate it, from that percentage.	13	their concerns are. And so, from the standpoint of the
14	And certainly, in individual centers it can vary	14	notepads that come in through the call center, I'm cc'ed on
15	dramatically; but it can be less than that. Say, in August,	15	those.
16	which is really a busy month for us, we may see that that	16	I will read them knowing the appropriate people have
17	number is lower, in the 70 percentile range that are serviced	17	been sent them to deal with; but if I have a particular
18	in 30 minutes or less.	18	concern with a notepad and what a customer has said, I will
19	Q. What about hours? Do you ever have reports of customers	19	email the person who is taking care of it, asking them that
20	waiting hours and hours to be served?	20	they make sure that they bring me up to date on what occurred
21	A. I can't sit here and say it never happens. We have 2.5	21	and when they do the research and find out.
22	million customers who come in to see us face-to-face each	22	Q. What are the most common complaints that PennDOT gets
23	year; but certainly, if people were waiting hours at every	23	that rise to your level?
24	location, I suspect that I would hear about it.	24	A. The ones that come in a notepad may be that somebody
25	While we certainly have cases where somebody did wait	25	felt that their 16-and-a-half-year-old failed their test and
	Page 1358		Page 1360
1	for some period of time because something was wrong, we're	1	that the examiner was unfair. And they want somebody to do
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2	going to research that and find out what happened. Was the	2	
2	going to research that and find out what happened. Was the system down? Was our staffing not there, appropriately, or		something about it because the examiner was rude or some
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3 4	system down? Was our staffing not there, appropriately, or whatever the situation might have been. Q. People who do wait in these centers, do you have seats?	2 3 4	something about it because the examiner was rude or some allegation of that nature. So, we get those. We get other allegations where somebody will say that and again, these are the ones that would rise up through a
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1	those, too?	1	Q. Okay. You say Scott was doing something before that.
2	A. Not specifically to us, no. I have not heard that to	2	What was Scott doing before that?
3	us. Obviously with the case concerning voter ID	3	A. The same type of thing, but the volume was a little bit
4	Q. Yeah, you have heard it in this case, yeah.	4	less, so he was able to pretty much do it by himself.
5	A. Yeah, it's been raised. But me personally hearing it.	5	Q. What was he doing specifically?
6	We get people who say, well, jeez, I wish you were in this	6	A. He was looking up individual records of individuals who
7	part of town as opposed to that part of town. We get people	7	the names had been given to us. I believe these are names
8	who say, I was at your center and I had to wait too long.	8	that in many cases came from the testimony, and so forth,
9	That type of a thing.	9	about the individual's records, and the various things in the
10	But, you know, from a standpoint of, you know, adding	10	records.
11	more centers, I'm not sure I have ever had anyone say to me,	11	Q. Were these the names of people who Mr. Walczak asked
12	jeez, you ought to have more centers. You ought to have ten	12	about at Mr. Marks's deposition?
13	more centers around the state or whatever.	13	A. I'm sorry. I don't know.
14	Q. Do you get a lot of compliments?	14	Q. Do you have any understanding about who the individuals
15	A. We probably get more compliments than people would	15	were?
16	expect.	16	A. Well, I understand that they were individuals that the
17	Q. Okay. Thank you.	17	Department of State was sending to us, and I believe some of
18	MS. CLARKE: May I inquire, Your Honor?	18	them were individuals who had testified.
19	CROSS-EXAMINATION	19	Q. Okay. So, can you maybe you could just tell me what
20	BY MS. CLARKE:	20	your understanding is about who the individuals were that
21	Q. Good afternoon, Mr. Myers.	21	Mr. Shenk was looking up during this period of before the
22	A. Good afternoon.	22	rush.
23	Q. We have met before. I'm Jennifer Clarke from the Public	23	A. They were it is my understanding is that they were
24	Interest Law Center of Philadelphia representing the	24	individuals that were related to this case, from the
25	Petitioners in this case.	25	standpoint of individuals that had either testified; and then
	Decc. 1360		-
1	Page 1362 We can do a little discovery here. So, what I want to	1	Page 1364 there were also individuals that the Department of State was
2	do is take you back about a couple of weeks ago when you said	2	asking us about as well.
3	you started gathering information and sending it to the	3	Q. Okay. And what information, just before the rush now,
4	attorneys.	4	what information did Mr. Shenk did he personally consult
5	So, let's start with what information was it that you	5	the records or did someone else do that?
6	were gathering and sent to the attorneys? Let me just start	6	A. No, he personally consulted the records.
7	first who was actually gathering the information?	7	Q. What records was it that he was consulting?
8	A. It would have been my staff. It would have been Scott	8	A. They would be our driver's license record database.
9	Shenk and over the weekend, we had a couple of other	9	
	individuals that were assisting him.		
10		10	document as to sum up the result of his research?
11	Q. And who were those people?A. One of the individuals was Chris Miller. It would be	11 12	A. Yes, he did.O. What was that document?
		12	-
13	female. Then also another woman by the name of Brenda		
14	Collins, and one other individual. His first name is Dios,	14	on it.
15	and I'm trying to think of his last name. I apologize. It	15	Q. When did he create that spreadsheet?
16	starts with an A.	16	A. It's been a work in progress, as I say, more and more as
17	Q. These four individuals, when did they start gathering	17	the names came in over a period of time; and we did the or
18	information?	18	he did the research and, as I noted on Saturday, because of
19	A. Well, Scott has been working on information for a period	19	the sheer numbers that we had, and it takes some time to be
20	of time; but there was a request that came in on late Friday	20	able to look at the record and do a chronology of what changes
21	night, and we worked when I say we, I mean PennDOT, the	21	happened to that license, and so we had other people help.
22	Safety Administration employees under my responsibility	22	Q. Did Mr. Shenk look at any particular fields in the
23	worked on it Friday night and then came in and worked on it	23	database to do the research?
24	all day on Saturday and put the information together on these	24	A. I'm sure that he did, yes.
25	individuals.	25	Q. What fields did he look at?
L	X Z		

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1	A. Well, he would have been looking at fields as to what	1	front of you; it says the individual was suspended on such and
2	the individual what type of contact the individual had with	2	such a date. There's no determination there. That's what
3	us. Did they have a product, what type of product they would	3	happened. So, that's what he's putting into the spreadsheet.
4	have had.	4	Q. So, what okay.
5	Q. Okay. So, you said he would have. Do you know what	5	A. If there's a name change.
6	fields he looked at for each individual?	6	Q. Then I want to get to the late Friday night/Saturday
7	A. I don't know the specific fields that he looked at, but	7	night effort. What was your understanding of what you were
8	I know what the task was.	8	being asked to do?
9	Q. And the task was?	9	A. We were being asked to review records, again. My
10	A. The task was to look at any changes on the records for a	10	understanding was that we were being asked to review records
11	period of time, which I believe was from August to the present	11	specifically from the period of August of 2012 through the
12	August of 2012 to the present, and also make a	12	present, and to note any updates or changes to the records;
13	determination as to whether or not the individual had an ID	13	and then also to note on it if the customer had a record,
14	and when it expired.	14	number one, and number two, what the expiration date was of
15	Q. Now, you and Mr. Shenk made a determination based on	15	that record.
16	the research that he did about the people that he the	16	Q. Did you personally do the work for any of the particular
17	individual names that he was given?	17	names that you were given?
18	A. I wouldn't say that he made a determination. The facts	18	A. No, I did not.
19	are the facts. The record is the record. It is what it is.	19	Q. What was your understanding of what the names were
20	So, he didn't determine anything. He just simply took the	20	who the names were that were given to you over the weekend?
20	information and put it on the spreadsheet.	20	A. My understanding was that they were named that in
22	Q. So, the document, if I wanted to see what his judgment	22	some way or another had been raised during this case, and that
23	was about what was in the database, I would need to see the	23	there was there was a desire to have clarification as to
23	-	23	
	spreadsheet that he created?		whether or not these individuals had a product, didn't have a
25	MR. KEATING: Objection, Your Honor.	25	product; if they had a product, was it expired; if it was
	Page 1366		Page 1368
1	Page 1366 BY MS. CLARKE:	1	expired, when did it expire, all of which I can only make an
1 2	BY MS. CLARKE: Q. Is that right?	1 2	3
	BY MS. CLARKE: Q. Is that right? MR. KEATING: He did not say that he used	-	expired, when did it expire, all of which I can only make an
2	BY MS. CLARKE: Q. Is that right?	2	expired, when did it expire, all of which I can only make an assumption as to the fact that to determine whether or not
2	BY MS. CLARKE: Q. Is that right? MR. KEATING: He did not say that he used	2	expired, when did it expire, all of which I can only make an assumption as to the fact that to determine whether or not these individuals would have had IDs for the purposes of
2 3 4	BY MS. CLARKE: Q. Is that right? MR. KEATING: He did not say that he used judgment. He said he used what was in the record.	2 3 4	expired, when did it expire, all of which I can only make an assumption as to the fact that to determine whether or not these individuals would have had IDs for the purposes of voting.
2 3 4 5	<pre>BY MS. CLARKE: Q. Is that right? MR. KEATING: He did not say that he used judgment. He said he used what was in the record. THE COURT: You may answer the question.</pre>	2 3 4 5	expired, when did it expire, all of which I can only make an assumption as to the fact that to determine whether or not these individuals would have had IDs for the purposes of voting. Q. Now, did Mr. Shenk and his crew record the results of
2 3 4 5 6	<pre>EY MS. CLARKE: Q. Is that right? MR. KEATING: He did not say that he used judgment. He said he used what was in the record. THE COURT: You may answer the question. THE WITNESS: I'm sorry. Could you ask the</pre>	2 3 4 5 6	 expired, when did it expire, all of which I can only make an assumption as to the fact that to determine whether or not these individuals would have had IDs for the purposes of voting. Q. Now, did Mr. Shenk and his crew record the results of their work over the weekend on any document?
2 3 4 5 6 7	<pre>EY MS. CLARKE: Q. Is that right?</pre>	2 3 4 5 6 7	expired, when did it expire, all of which I can only make an assumption as to the fact that to determine whether or not these individuals would have had IDs for the purposes of voting.Q. Now, did Mr. Shenk and his crew record the results of their work over the weekend on any document?A. Yes, they created an Excel spreadsheet. I believe it
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	<pre>BY MS. CLARKE: Q. Is that right?</pre>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 expired, when did it expire, all of which I can only make an assumption as to the fact that to determine whether or not these individuals would have had IDs for the purposes of voting. Q. Now, did Mr. Shenk and his crew record the results of their work over the weekend on any document? A. Yes, they created an Excel spreadsheet. I believe it was Excel. Q. Did they add to the Excel spreadsheet that they were working on? A. Well, again, as I said, there were names there were some additional names that came in; but I'm not sure that the the last list that we received from the Department of State I believe was Friday night, and so that would be what was on the spreadsheet. There may have been some additional names, a few additional names on Monday. I don't know if they were put on a separate spreadsheet or on that spreadsheet. I'm not sure. Q. So, what I want to know is if I want to see the work product from the weekend's project, is there one document, are there multiple documents? A. I believe there's one document for the work product over the weekend. But what I'm simply saying is there may have



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1	they're on a separate spreadsheet. I just don't know the	1	Q. Now, I want to go back to December of 2012. You told us
2	answer to that.	2	that in December of 2012, there was an email sent by someone
3	Q. What were the fields on the spreadsheet?	3	to the Department of State, to someone at the Department of
4	A. Well, there were there were a number of fields there,	4	Transportation.
5	but the primary one was under the area where we listed the	5	A. That's correct.
6	various transactions that had taken place.	6	Q. You remember that testimony. Now, did you personally
7	Q. Okay. What does that field what is that field	7	see that email?
8	called?	8	A. I don't recall if I personally saw the email that came
9	A. I believe it was simply called "comment field" because	9	in. I believe it came went directly from Jonathan Marks
10	it is where that information was captured.	10	with the Department of State to Scott Shenk.
11	Q. And that information being the what was that	11	Q. And did you do any of the investigation that led to the
12	information?	12	response from the Department of Transportation back to the
13	A. It would have been the information right off the record	13	Department of State?
14	which would have said, this individual on this date had a name	14	A. Did I review it?
15	change, or this individual had an address change or something	15	Q. Did you do any investigation as a result of the email?
16	of that nature.	16	A. I'm sorry. No, I did not.
17	Q. What were the other fields in the database sorry, in	17	Q. Who did that investigation?
18	the spreadsheet?	18	A. That would have been Scott Shenk.
19	A. It would have been the name and I believe the address	19	Q. What did Mr. Shenk do?
20	was on there as well.	20	A. Well, he would have had to have looked at the database,
21	Q. Any other fields?	21	the PennDOT database, driver's licensing database.
22	A. I believe that there were I just don't recall them	22	Q. I want to know what he actually did.
23	specifically.	23	A. Well, step by step, I can't testify to that; but I can
24	Q. Now, to whom so, when did when did your office	23	tell you that the only place that you can get the data is off
25	first give a version of the spreadsheet to someone else?	25	the PennDOT database.
25	TILSE GIVE a VERSION OF the spreadsheet to someone erse?	25	che relinitor database.
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1	A. The spreadsheet, I believe, was finished at around 4:30	1	Q. Did Mr. Shenk create any documents when he did the work
2	on Saturday, and it was Scott sent the spreadsheet to our	2	back in December?
3	attorney for PennDOT, and the PennDOT attorney forwarded it to	3	A. Yes, he did.
4	the to our counsel.	4	Q. Tell me what that document what that work product
5	Q. Okay. Do you know who they forwarded it to?	5	looks like.
6	A. I'm not 100%. I am assuming it was Tim and Alicia and	6	A. I believe it was just it was in email form. I don't
7	Todd. I don't recall the specific email as to who was on the	7	recall the specifics of it, but I know that he did get I
8	list.	8	believe he got back to Jonathan on and I'm fairly confident
9	Q. And that spreadsheet was at 4:30 on Saturday, you said?	9	that he got back in writing to Jonathan.
10	A. Approximately 4:30 was about the time it finished.	10	Q. Do you know that he got back to them?
11	Q. Now, you don't know sitting here today whether the	11	A. I know he got back to them. As to do I recall
12	database itself accurately reflects what happened at the	12	specifically seeing the email that he got back to them? No, I
13	PennDOT center at the time when whoever the individual was	13	don't; but I know he did get back to them.
	Penindor center at the time when whoever the individual was		I
14	came in; do you?	14	Q. And you know that because you have seen the email since
		14 15	Q. And you know that because you have seen the email since then?
14	came in; do you?		~
14 15	came in; do you? A. The database is recording what transaction was initiated	15	then?
14 15 16	came in; do you? A. The database is recording what transaction was initiated and completed.	15 16	then? A. No, that's just in conversations with Scott.
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1	conversations with Scott?	1	Q. Where would I go to find the specific number?
2	A. Yes. Yes.	2	A. That information was sent to our attorneys, and I
3	Q. Other than the email that Scott prepared with names on	3	believe also to the Department of State.
4	it, did you do any work with Scott did you know whether	4	Q. Okay. I'm sorry, how many names were sent to you to do
5	there were any other documents that Scott prepared back in	5	the research on?
6	December?	6	A. I don't remember the specific number, but I believe it
7	A. Well, I think I testified already that the information	7	was over 100.
8	that we gave back to the Department of State in December	8	
			Q. Okay. You don't know the specific number? A. No.I don't.
9	didn't have any names.	9 10	
10	Q. I'm sorry. That's right. Did Scott prepare a document to in order to put what he did into the email?	10	Q. And the place that I could see the specific number would be the spreadsheet that you created?
11	A. Was there an attachment? Is that what you are asking	12	A. Correct.
13	me?	13	Q. And possibly something that the lawyers sent you to ask you to do the work?
14	Q. No, I'm asking whether there were any documents that	14	-
15 16	Scott prepared in order to create the information in the email.	15	 A. Correct. And then how could I where could I find the answer to
		16	•
17	A. I don't know the specific answer to that.	17	the question of how many of those people, as a result of the
18	Q. Now, you suggested that in December Scott found all 144 people were in there were 144 people who already had	18 19	research that your people did, already had a PennDOT product? A. Well, that would be on the finalized product that was
19 20	products in the PennDOT database?	20	A. Well, that would be on the finalized product that was sent back at 4:30 on Friday.
20		20	
		22	Q. That would be on the spreadsheet? A. Correct.
22	Q. Now, when you did this work over the weekend, there were not 144 people. Of the 144 people, not all of them were in	23	
23	the PennDOT database; were they?	23	Q. But is it fair to say that however many people there were of this 100-plus, not all of those people already had a
24	•	24	PennDOT product?
25	A. I'm sorry, I think you're confusing apples and oranges	25	
	Page 1374		Page 1376
1	here because the 144 were addressed back in December. The	1	A. Again, I don't recall the specifics of the results. As
2	list that we were working on over the weekend, from my	2	I said, it was done over the weekend. We had we received
3	understanding, was a separate list, a new list that we had not	3	the list at 6:00 or 6:30 on Friday night, and so, I just don't
4	looked at in the past.	4	recall the specifics of it.
5	Q. Do you have the names of the people who you looked at	5	MS. HICKOK: Your Honor, this
6	this time?	6	BY MS. CLARKE:
7	A. Certainly we have the names.	7	Q. It's fair to say, though, that it's fair to say that
8	Q. Do you have them are they written down somewhere?	8	not all of the people on your spreadsheet you were able to
9	A. They are on spreadsheets and, you know, we we sent	9	find your people were able to find a PennDOT product for?
10	the list by the Department of State.	10	MR. KEATING: Your Honor, all of this
11	Q. Okay. And the list	11	information was actually filed today in response to their
12	A. Or to the attorneys.	12 13	motion with the Court, and
13	Q. What was the form that the list was sent to you by the		MS. HICKOK: It was filed under seal.
14	Department of State?	14 15	MR. KEATING: Under seal.
15 16	A. I'm going to again, I'm going to assume it was an Excel spreadsheet. I don't know 100% that it was, but it was	15	MS. HICKOK: But they have copies of it. MR. KEATING: These questions have been
	some form like that.	1	-
17 18		17 18	answered. I can tell you how many names right now, and it's been filed today in response to the motion.
		1	
19 20	A. I don't recall the total, but I know that I believe it was over 100.	19 20	THE COURT: Well, we can go in limine. Could you stay away from the under seal names? I really don't think
20		20	that that's going to do any good for you.
21	Q. Over 100. How many of those over 100 names that you were sent were you able to find a record in PennDOT for?	21	MS. CLARKE: Sure. Sure, Your Honor. I would
22	A. Many of those individuals had PennDOT records.	22	be happy to show the witness the document that was filed under
23	Q. How many?	23	seal, and we can determine whether that relates to what he's
25	A. I don't know the specific number.	25	discussed. And I will refrain from identifying confidential
	-		
	XX		



Pages 1377..1400

	E 1000		14965 1577100
1	information. Page 1377	1	Page 1399 MS. CLARKE: May I continue, Your Honor.
1 2	I'm not sure how you all want to handle this,	2	THE COURT: Sure.
3	but I'm going to pass this out to counsel, the witness.	3	BY MS. CLARKE:
4	THE WITNESS: Thank you.	4	Q. Mr. Myers, I want to get back to the 71 PennDOT
5	MS. HICKOK: Your Honor, should we go in	5	facilities.
6	camera on this?	6	A. Yes.
7	MS. CLARKE: I will not be using I'll use	7	Q. Last summer, we all agreed on how many counties do not
8	first names only, and but not last names	8	have a PennDOT licensing center; do you recall that testimony?
9	MS. HICKOK: Your Honor	9	A. Yes, I do.
10	MR. KEATING: And I said, we can go in camera	10	
11	and still stay on the record; but this is exactly the type of	10	Q. And that and what I want to ask you is whether those counties still whether there are let me strike that.
12	thing that we're flirting with disaster concerning	12	
13	confidentiality names and records.	13	In the stipulation that we agreed upon last year and was entered into evidence as Exhibit 25, there were nine counties
14	THE COURT: What we'll do is we'll take a 10	14	that didn't have any photo driver's license centers. Are
14	minute working recess. We'll go off the record, and let you	14	there still nine counties that don't have driver's license
16	talk to Ms. Clarke, and we'll arrive at a method of	15	centers?
	cross-examination of Mr. Myers.	17	A. Yes.
17	-	18	
	MR. KEATING: Thank you, Your Honor.		Q. Okay. Those are Cameron, Clinton, Forest, Fulton,
19	THE BAILIFF: Commonwealth Court is now in	19	Juniata, Montour, Perry, Sullivan and Union.
20		20	A. If those are the list off the stipulation, that hasn't
21	(COURT RECESSED AT 2:24 P.M. AND RECONVENED AT	21	changed.
22	2:37 P.M. AS FOLLOWS:)	22	Q. You're not suggesting that there are no registered
23	THE COURT: Okay. I think we looked at names under seal. I am a little confused. I thought that Jonathan	23	voters in those counties, are you?
24	_	24	A. Certainly not.
25	Marks testified about names that DOT sent to them, and	25	Q. Last summer, we agreed that there were 13 counties that
	$D_{e} \sim 1.370$	-	D 1400
	Page 1378		Page 1400
1	eventually there was an exceptions process that could that	1	were open one day a week; that was Columbia, Clarion, Wayne,
2	eventually there was an exceptions process that could that be checked?	1 2	were open one day a week; that was Columbia, Clarion, Wayne, Huntington, Carbon, Mifflin, Pike, Bradford, Susquehanna,
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Pages 1401..1404 Page 1403 Page 1401 there was a comment made by one of the plaintiffs' witnesses error, isn't there? 1 1 Depends upon how well the software is designed from a that -- about a particular county, and I was aware of that, 2 2 Α. 3 but I was not aware that it was in the stipulation as well 3 technology standpoint. You can have a lot of errors from technology as well. So, I wouldn't necessarily equate that like that, so --4 4 5 BY MS. CLARKE: 5 there's more chance of human error. 6 You weren't aware of that when we asked you this 6 The fact of the matter is you are talking to an 0. 7 question in your deposition in June? 7 individual, you are giving them information over the phone, 8 Α. I was not aware that it was in the stipulation as being 8 can numbers be transposed, things of that nature. Certainly, 9 wrong. I thought it was only related to the witness from the 9 that did happen, but that can also happen with data entry. 10 plaintiff who had noted that there was only one location in 10 Okay. But you wanted to upgrade the system to make it ٥. electronic because you thought it would be more efficient; 11 the county, but I didn't realize it was wrong in the 11 12 stipulation. 12 isn't that right? 13 Q. Do you know what the number of days Westmoreland County 13 Α. Well, we think from the standpoint right now, the 14 is open? 14 Department of State has to staff their help desk during our I don't know that off the top of my head, no. hours of operation, which means six days a week, and as I 15 Α. 15 MS. HICKOK: Your Honor, it's not the number 16 noted earlier in my testimony, there's one location that stays 16 17 of days, it's actually the number of centers in Westmoreland open I believe until 8:00 on a Wednesday evening, so they have 17 18 County. There's one open two days a week and one open five 18 to staff during that period of time. 19 days a week, and that's reflected in the documents that are 19 So, the ability for us to be able to access the 20 attached to the stipulation. 20 information electronically would be a benefit both to the 21 BY MS. CLARKE: 21 Department of State, and certainly from our standpoint being 22 0. Now, Mr. Myers, when the Department of State card was 22 able to access it electronically would be helpful as well. 23 implemented in August, last August, when it was first rolled 23 Q. Okay. It would be -- it would let -- tend to be more 24 out -accurate, wouldn't it? 24 25 25 I wouldn't agree that it would tend to be more accurate. Α. Yes. Α. Page 1402 Page 1404 -- the way that it worked is the PennDOT customer I would simply say that it would add to the efficiency from 1 ٥. 1 2 representative, faced with a person who wanted a Department of 2 the standpoint of the time involved. State ID, had to pick up the phone and call the Department of 3 Okay. Now, when a PennDOT customer comes in and isn't 3 ٥. 4 State in order to determine whether that person was registered 4 registered to vote, the PennDOT employee is supposed to offer 5 to vote; is that right? 5 the person the opportunity to register to vote, right? 6 Α. That's correct. 6 Α. Correct. 7 Q. That didn't change once the new procedures were 7 Q. I think you talked about that a little with Mr. Keating. 8 implemented on September 25th? 8 Α. To fill out the application to register. I think it's 9 That's correct. That's what we still do today. 9 important, that's what we do, we take an application to Α. 10 Q. And that's what you still do today? 10 register. It gets sent to the Department of State whether 11 Α. Yes. 11 electronically through our renewal process and/or through 12 Now, you've mentioned in your direct that you had some 12 paper, and then the Department of State could take it from Q. idea that you would upgrade the system to do it there, but I believe that they send it on then to the county 13 13 electronically, but you haven't done that, have you? for that person to be able to actually become registered. 14 14 15 Α. No, we have not. 15 Right. So, if somebody wants a PennDOT product, that is ٥. 16 It hasn't happened? 16 a PennDOT secure ID or a driver's license, it can -- the 0. registration information can be transmitted electronically; 17 That's correct, we have not. 17 Α. 18 And it's been put on hold? isn't that right? ٥. 18 19 Correct, yes. 19 Α. Essentially, yes. It is something that has to be Α. 20 coordinated between the Department of State and ourselves. 20 0. But if somebody comes in and wants a Department of State There have been some conversations about it, but there's been 21 21 ID and that person is not registered to vote, that form is not no movement on that from the standpoint of moving forward. transmitted electronically, is it? 22 22 23 Okay. So, it's on hold right now? 23 That is correct. We can only take it through the paper. 0. Α. 24 Α. Yes. 24 There's not built into the software for the Department of 25 0. With a manual system there's more opportunity for human 25 State.



Pages 1405..1408

Page 1405 Right. And you could I mean, there's no reason why pu couldn't one couldn't develop the software, is it? Oh, no. We certainly could develop it. It wasn't a equirement that the Department of State asked us to build nto the software. Right. So, basically the Department of State could have reated that software, but chose not to; is that right? They didn't ask us to add it into the software; that's prrect. PennDOT hasn't spent any money to advertise the PennDOT of or voting, hasn't it? That's correct. We have depended upon the Department of tate for advertising. In the summer when the Department of State ID was being lanned, PennDOT didn't have any plans to roll out a public	1 2 3 4 5 6 7 8 9 10 11 12 13 14	Page 1407 it? A. It is in actuality our largest center as far as customers. Q. Right. And if we look at the spreadsheet, Exhibit 1460, by July of 2012 only 37.30% of the customers were served within 30 minutes; is that right? A. That's correct. Q. Take a look if you could scroll down, Kelby to Columbus Boulevard. By July on Columbus Boulevard, July of 2012, only 44% of the customers were served within 30 minutes; is that right? A. That's correct.
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. In the summer when the Department of State ID was being lanned, PennDOT didn't have any plans to roll out a public		
lanned, PennDOT didn't have any plans to roll out a public	14	Q. Now, in response to that you extended the hours of the
	172	five Philadelphia centers; is that right?
	15	A. That is correct, yes. For a period of time.
nformation campaign, did it?	16	Q. Right. You added four hours on Thursday nights to those
. No. We were relying on the Department of State.	17	centers; is that right?
	18	A. I believe so, yes. I think it was until 8:00.
	19	Q. During the September, 2012, hearing, you acknowledged
		that the wait times had increased in those two centers, didn't
		you?
-		A. I think not what I acknowledged. You seem to be drawing
		a connection between your question as to that voter ID has
		somehow increased the wait times in those locations. I didn't
-		say that in my testimony.
·	25	
5		Page 1408
	1	Q. Okay. I'm just asking about wait times. I'm not saying
		anything about voter ID. I'm just asking you if wait times
	-	have increased in those two centers; isn't that right?
	4	A. Well, again, the wait times in those locations are our
	5	busier centers, and as I noted before, August is historically
he responsibility for the program was the responsibility of	6	our busiest month.
ne Department of State.	7	As we go into the fall, it begins to drop off, and then
. And PennDOT has no 2013 budget for public education	8	at that point in time, the wait times improve from the
bout the Department of State ID, does it?	9	standpoint of time from the standpoint of time people are
. We have a budget. The 2013 budget I believe is	10	served.
896,000, but that budget is not specifically advertising or	11	From the standpoint of those locations, again, those are
ducation from the standpoint of the public. It's more for	12	our biggest locations. August, again, is one of our busier
	13	periods of time, especially when the college students come in
	14	from Philadelphia in particular. Especially with students
	15	coming in from out of the country because one of the things
	16	that they want right away is a form of ID or in some cases the
		driver's license.
		Q. Right. Now, if you look at the 2011 figure for Columbus
-		Boulevard, that's 55.14% of the people only 55.14% of
		people were served within 30 minutes; do you see that?
-		A. I'm trying to find it here. What month?
-		
		Q. Columbus in July.
		A. In July. 54.86, is that the number that you are
		referring to back in 2010?
. And that takes a very large volume of customers, doesn't	25	Q. I'm actually looking at 2011.
	 And if fact, PennDOT didn't ever roll out a public information campaign about the Department of State ID, did it? No. We felt that was the responsibility of the epartment of State. After the Supreme Court's decision enjoining the mplementation of the Act, PennDOT didn't spend any money to divertise the new Department of State ID? No, we did not. Page 1406 And at no time has PennDOT taken any steps to isseminate information to the public about the Department of tate identification card, except maybe a few posters in your river's license centers; is that right? There would be some incidentals, correct, yes. But no, he responsibility for the program was the responsibility of he Department of State ID, does it? We have a budget. The 2013 budget for public education bout the Department of state ID, does it? We have a budget is not specifically advertising or ducation from the standpoint of the public. It's more for ny systems development, and also for the issuance of the free DS.	 And if fact, PennDOT didn't ever roll out a public information campaign about the Department of State ID, did it? No. We felt that was the responsibility of the epartment of State. After the Supreme Court's decision enjoining the mplementation of the Act, PennDOT didn't spend any money to dvertise the new Department of State ID? No, we did not. Page 1406 And at no time has PennDOT taken any steps to isseminate information to the public about the Department of tate identification card, except maybe a few posters in your river's license centers; is that right? There would be some incidentals, correct, yes. But no, he responsibility for the program was the responsibility of he Department of State ID, does it? We have a budget. The 2013 budget for public education Bob, 000, but that budget is not specifically advertising or that budget is not specifically advertising or thich is Exhibit 1460, Petitioner's Exhibit 1460. Actually, hat you were shown during your direct the spreadsheet Now, you were shown during your direct the spreadsheet Now, I want to specifically focus on Arch Street. Can ou just explain where Arch Street is? Sure. It's Center City, Philadelphia.

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Pages 1409..1412

	Page 1409		Page 1411
1	A. 2011. 2011 Columbus Boulevard.	1	didn't it?
2	Q. Yes.	2	A. It did get worse, yes.
3	A. I read 85.14 in July.	3	Q. Significantly worse?
4	Q. Yes. Excuse me. Will you agree with me that wait times	4	A. It went down, and then it went back up to 71.93% in
5	increased month over month in 2012 at Columbus Boulevard?	5	November.
6	A. When you say increased month over month, again, if you	6	Q. It remained less in July, in October, 34.45%; do you see
7	you have to be in perspective here from the standpoint of a	7	that?
8	12-month period of time.	8	A. Yes, I do.
9	As I said, our summer months are busier months. The	9	Q. So, if you go back down to Columbus Avenue, that number
10	Philadelphia locations are busier locations. The numbers do	10	got worse after July, too, didn't it?
11	drop off from the standpoint of those individuals who are	11	A. For which year?
12	served in 30 minutes or less, but if you go out to December of	12	Q. 2012.
13	that year, you will see it's starting back up again, it's back	13	A. Yes. It went down.
14	up to 85%.	14	Q. Okay.
15	Q. Mr. Myers, will you agree with me that the 44% in July	15	A. Then it went back up.
16	of 2012 is significantly less than the 85% in 2011; will you	16	Q. It went down significantly, so by September we are at
17	agree with me on that?	17	22.10%; isn't that right?
18	A. Well, certainly, yes.	18	A. And by December it was back up to 85.
19	Q. Now, in the hearing before this Court on September 25th,	19	Q. And those extra Thursday night hours that you did to try
20	you were asked about these wait times, and you said, "We'll	20	to address this problem, they ended up after Election Day,
20	fix that;" do you recall that?	20	didn't they?
22	A. I don't recall specifically that statement, but if you	21	-
		22	A. They did, and we kept them in place because we felt it was important to do so because we had committed to do it. And
23	have it, I'll be happy to respond to it.		-
24	Q. Now, you said, we'll that PennDOT has been responsive	24	so, we kept those hours in place. I can tell you, though,
25	and it would continue to be responsive; do you recall that	25	that, quite frankly, there were not a lot of customers that
	Page 1410		Page 1412
1	testimony?	1	came in as the day went on after our normal closing hours, you
2	A. Well, I think that's what resulted in the fact that we	2	know, so there was not a huge volume of people coming in.
3	added hours in Philadelphia during the months of September and	3	Q. So, your testimony was that the extended hours at the
4	October, and even after, including after the election. We	4	five Philadelphia centers were still in effect?
5	kept those hours on even though the court ruling came in that	5	A. No, no. It ended the Thursday after the general
6	it wouldn't apply for the general election.	6	election in 2012.
7	Q. Right. But the numbers got worse, didn't they, at Arch	7	Q. Okay. Now, have you heard of mobile licensing centers?
8	Street?	8	A. Certainly.
9	A. Well, again, this is the busy period of time for us, and	9	Q. And they're used in some states to take licensing
10	the fact of the matter is that by your questions, you're	10	services out to the voters?
11	equating that getting worse because of issuing the voter IDs.	11	A. Well, they're used in some states to take driver
12	That's not the case.	12	licensing and identification card services out to the citizens
13	We have already testified to the fact that we have	13	of their particular states.
14	issued approximately 13,000 voter IDs, PennDOT IDs, over the	14	Q. And before Act 18 PennDOT didn't use mobile licensing
15	past year.	15	centers to get driver's licenses or non-driver identifications
16	Q. Okay.	16	to people, did it?
17	A. And 4,000 voter IDs, DOS IDs. That has not overwhelmed	17	A. We had a mobile unit, yes, we did, up until November of
18	our locations.	18	2008 when the last administration decided to terminate the
19	Q. Mr. Myers, I didn't ask you about overwhelming. I'm	19	program because of the
20	just asking you about numbers.	20	Q. Right.
21	In July of 2012, it was 37.30% of the people who were	21	A because of the expense and the fact that there were
22	being served within your goal, but by September, it was 13.5%;	22	very few people who actually used the service.
23	do you see that?	23	Q. But immediately before Act 18, PennDOT didn't use mobile
24	A. Yes, I do.	24	licensing centers, did?
25	Q. And that, whatever the cause, that percentage got worse,	25	A. No. As I said, we ended our mobile service in November
	X Z		



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			2 Dama 141E
1	2008. Page 1413	1	Page 1415 that person says, "I want an ID. I stood in line. I want a
2	Q. After Act 18 PennDOT hasn't added mobile licensing	2	free ID." Does PennDOT PennDOT doesn't give that person a
3	center, has it?	3	free ID right away, does it?
4	A. No. We haven't considered it.	4	MR. KEATING: Objection, Your Honor. Is the
5	Q. Now, we talked a little bit, Mr. Keating, asked you	5	question I want an ID, or I want a free ID?
6	about the fact that PennDOT charges some people for non-photo	6	THE COURT: I believe the question is I want a
7	IDs, right? \$13.50. Do you recall that testimony?	7	free ID.
8	A. Correct, yes.	8	MR. KEATING: Okay.
9	Q. But under Act 18 people are supposed to get the	9	THE WITNESS: We're going to ask them what
10	non-photo ID for free, if they sign a declaration that they	10	kind of ID they want and what they want it for because that's
10	don't possess proof of identification and they require proof	11	
12	of identification for voting; that's correct, isn't it?	12	going to drive the type of ID that we issue. And then of
			course, we're going to talk about the affirmation and whether
13	A. It's an affirmation, yes.	13	or not they can sign it or not, because again, that drives
14	Q. All right. Now, if a person comes in to a PennDOT	14	whether the product is free or not.
15	center and wants ID, and they have the documentation for a	15	BY MS. CLARKE:
16	PennDOT non-driver's license card, does PennDOT give them an	16	Q. Now, let's say that the person wants the ID for lots of
17	ID for free?	17	different reasons. They want it for bank accounts. They want
18	A. I'm sorry. I'm not sure I understand the question. Do	18	it for access to a building. They want it to get on an
19	they do we give them a free ID for could you repeat the	19	airplane. Does PennDOT give them a free ID for voting?
20	question.	20	A. Well, they're going to need they're going to need at
21	Q. Sure. If a person comes in, comes gets themselves	21	that point in time a PennDOT ID, if they wanted to use it for
22	down to PennDOT, waits in line, however long the line is, and	22	all of those reasons.
23	they have the documentation that they need for a non-driver's	23	So, they're going to need a PennDOT ID for that purpose,
24	license card, does PennDOT give them a card for free?	24	and they would get it for free, if they can sign the
25	A. If they sign the affirmation.	25	affirmation.
	Page 1414		Page 1416
1	Q. Okay. And no questions asked?	1	Q. Now, but PennDOT does not ask the person if they want it
2	A. Correct. That's the process, yes.	2	for voting, does it?
3	Q. So, imagine a person comes in, they don't say anything.	3	A. Our instructions to our personnel is to ask them why
4	They just need it to they want it for driving. They want	4	they want the ID, because that will help us determine which ID
5	it for all kinds of purposes. They get a free ID?	5	is the appropriate one for them to get.
6	A. If they can sign the affirmation.	6	Q. Right. But if the person doesn't say, "I want it for
7	Q. Okay. No questions asked?	7	voting," PennDOT charges the person for that ID, doesn't it?
8	A. If it's an ID they're asking for, they can get it, if	8	A. If they don't sign the affirmation. But I think it's
9	they sign the affirmation.	و	important here to mention the shared responsibility that every
10	Q. Okay. Now, did you give a deposition in this case?	10	customer has when they come to one of our sites.
11	A. Excuse me.	11	You know, it's our our people are trained on what to
12	Q. Well, let me just ask you this question: Are you sure	12	do and what questions to ask, but there's a shared part of
13	that PennDOT customer service representatives aren't	13	responsibility on the customer coming in to us to know what
14	instructed to ask the reason that the person wants the ID?	14	product they want and why they want it and also to have the
15	A. Well, certainly.	15	appropriate documentation.
16	Q. Are you sure that's not part of the process?	16	I think that's a reasonable expectation on the part of
17	A. Well, certainly, yes. They do ask, and I testified to	17	the customer coming to one of our centers.
18	that earlier today, actually, and said that they do ask and if	18	Q. But just to be clear, if the person doesn't use the
10 19	somebody says they want a voter ID, then we go the route of a	19	voting word, PennDOT will not give them a free ID for voting,
20	DOS ID. If they say they want it for more reasons than just	20	will it?
		1	
21 22	voting, then we go the other ID.	21	A. If they do not sign the affirmation, we will not give
	But the denominator as to whether or not someone gets an	22	them a product.
23	ID for free is if they sign the affirmation or can sign the	23	Now, having said that, I would never suggest to you or
24 25	affirmation.	24	to anyone else that we're perfect. We make mistakes, and as I
25	Q. But the process for the person walking in the door and	25	said earlier, we see over 2.5 million customers face-to-face
	X Z	-	



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age	14	19

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1	every year. I have testified in the past that there have been	1	receive that product, and in return, my responsibility my
2	individuals that have at a later date come in and said, you	2	staff is responsible for insuring that we drill down, find out
3	know, I could have signed that affirmation. I didn't realize	3	what it is the customer wants, and then work with them to get
4	it at the time, but I do now. I'd like to sign it. And in	4	them that product.
5	those cases we have given those individuals refunds.	5	As I have said before, we're in the business of issuing
6	Q. All right. Now, I just want to get back to my question,	6	IDs, not denying them.
7	and that is the customer service representative, PennDOT	7	Q. So, Mr. Myers, it's true, though, if the person doesn't
8	customer service representative, is not instructed to ask the	8	mention voting in their answer, PennDOT will not offer them
9	voter specifically if they want the ID for voting, are they?	9	the affirmation to sign; isn't that the case?
10	A. They're asked to ask the individual what they want the	10	A. If there is absolutely no conversation in reference to
11	ID for, and then that determines so, if the individual	11	the word voting, where somebody comes in and says, I need an
12	says, I only want it for voting, they're going to take them	12	ID because I don't have one, and I need it for banking and so
13	down the DOS route. If they say they want it for a multitude	13	forth and so on, we're going to issue them the PennDOT ID.
14	of different reasons, including voting, then they're going to	14	Q. And it's true, Mr. Meyers, that if the person doesn't
15	take them to the PennDOT ID. And if they sign the	15	mention voting, the customer service representative is not
16	affirmation, they can get it for free.	16	instructed to ask the person if they want it for voting?
17	Q. Right, but I'm still not being clear. I'm sorry. The	17	A. We're instructed to ask them what they want the ID for.
18	PennDOT customer service representative is not instructed to	18	Q. Right.
19	ask if the person wants the ID for voting, are they?	19	A. And we're assuming that those again, that shared
20	MR. KEATING: Your Honor, that question has	20	responsibility, the individual is going to say, I'm here
21	been asked and answered about five times now.	21	because I want it for voting, and I understand that it's free
22	THE COURT: One more time.	22	or I understand it's available. Whatever the case may be.
23	MR. KEATING: Okay. Thank you.	23	Q. Sure, but if they don't use the word voting, the
24	THE WITNESS: Okay. I'll try again.	24	customer service representative is not instructed to ask, is
25	The individual, when they come in and they ask	25	this for voting; that's true, isn't it?
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1	for an ID, the question is raised by our staff as to what they	1	A. I don't know specifically what they would or would not
2	want the ID for. All right. Part of the process includes the	2	ask from the standpoint in a circumstance like that. I'm
3	affirmation because they're going to go through that process	3	assuming that many of our individuals would ask our staff
4	for the DOS ID, and they're going to ask well, they're	4	would ask, are you here for to get it for voting purposes?
5	going to need to sign the affirmation in the case of the DOS	5	Q. Mr. Myers, when you you have been deposed many times
6	ID to be able to get the DOS ID for free.	6	in this action?
7	BY MS. CLARKE:	7	A. Yes.
8	Q. All right. Now, when the person comes in and says, "I	8	Q. And a number of them from me?
9	want an ID," how do they get to the affirmation process?	9	A. Yes.
10	A. Well, again, this gets back to the shared	10	Q. And each of those times, you swore to tell the truth and
11	responsibility. And it is the responsibility of the	11	you told the truth?
12	individual as well as my staff to know the various aspects of	12	A. Absolutely.
13	the transaction.	13	Q. And you did tell the truth?
14	That's why we have a website that has all of the	14	A. Thank you.
15	information on it that you need, including locations, times of	15	Q. I'm asking you.
16	operation, what product you can get at that center. That's	16	A. Yes.
17	why we also have information at our call center, both in our	17	Q. And the most recent time you were deposed was June 4,
18	IVR and also the ability to talk to our customer service	18	2013?
19	representatives who will be able to walk you through the	19	A. I believe that was the time, yes.
20	various requirements.	20	Q. And you told the truth?
21	But there does need to be some effort on the part of the	21	A. Yes.
22	customers, and that's that shared responsibility.	22	Q. And during that deposition, did you ask the following
23	Q. So	23	question and did you give the following answer. "Question:
1 -	-		
24	A. It's important that they come in understanding that	24	Are your personnel specifically trained to ask the customer if
24 25	A. It's important that they come in understanding that there are various things that they need to do to be able to	24 25	Are your personnel specifically trained to ask the customer if they are getting an ID for voting purposes? Answer: The



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1	answer to that is no. They're not specifically asking that	1	Q. Well, then there's no reason. There's no reason at all
2	question."	2	that your staff should not be instructed to ask people when
3	Were you asked that question, and did you give that	3	they come in, "Do you want this for voting?" There's no
4	answer?	4	reason at all, is there?
5	A. If it is in the deposition, then, yes, I did.	5	A. Again, what we're asking them is, what reason do you
6	Q. And is that answer remain is that the accurate?	6	want the ID for, and then that takes us down the route.
7	A. From the standpoint of the information, again, as I	7	I think we're saying the same thing. It's just that you
8	said, I think the important thing to understand here is that	8	have worded it differently. We're asking the customer why do
9	when a customer comes through the door, we're trying to find	9	you want the ID.
10	out what information they have and also what product that they	10	Q. And there's no reason at all that your customer service
11	want.	11	representatives couldn't say, do you want this for voting? No
12	If from the standpoint of a correct answer to that,	12	reason.
13	again, as I said, I don't believe that they are trained to	13	A. There is absolutely no reason at all on why that can't
14	say, "Are you sure you don't want a voter ID?" We're going	14	be done, and if it will help, I'll put an edict out tomorrow
15	based upon the information that they're giving us.	15	to make that happen.
16	Q. Right, and Mr. Meyers, I had a simple question, and that	16	Q. Now, I want to just clarify something. If you want to
17	was that the deposition testimony that you gave in June was	17	get an ID from PennDOT, either a free ID or a driver's license
18	true?	18	or a Department of State ID, you have to go to PennDOT; isn't
19	A. Yes. Absolutely.	19	that true?
20	Q. Now, the reason that you don't ask the that your	20	A. It would depend upon the circumstances. I would say
21	employees are not asked I'm sorry.	21	that 99.9% of individuals go through the normal process which
22	The reason your employees are not instructed to ask the	22	would be to come to PennDOT for the initial issuance.
23	customer whether they want it for voting, I think you've	23	Q. Right. Now, there is a process for renewing a driver's
24	described it a little bit, but they might say yes. If you	24	license online, right?
25	say, do you want a free ID for voting, and they haven't	25	A. There is, that's correct.
25		25	
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	already said the V-word, they might say yes, and that's the		Q. And you have to pay for that, right?
2	reason that you would don't instruct your customer service	2	A. If you the customer does, yes.
3	representatives to ask?	3	Q. Right. They have to use a credit card. And you can't
4	A. No, that's not the reason.	4	use you can't renew your photo ID online if your driver's
5	Q. Because once they once they say yes, then you have to	5	license is expired for more than six months, is that right?
6	give it to them for free; isn't that true?	6	A. I believe that's correct, yes.
7	A. Which is fine. Again, as I said earlier, we're in the	7	Q. And there's also a process for renewing a driver's
8	business of issuing IDs, not denying them.	8	license by mail; is that right?
9	Q. And I would put it to you that other than the fact that	9	A. That's correct, yes.
10	they would get it for free, there's no reason not to ask a	10	Q. Basically, what happens is you get a computer generated
11	customer whether they want a free ID for voting, is there?	11	renewal application in the mail; is that right?
12	A. I think that's an assumption on your part, which I would	12	A. It's a renewal notice, yes.
13	reject. The fact of the matter is is that PennDOT has a	13	Q. And that's supposed to happen before your identification
14	budget out of the General Fund to reimburse us in the Motor	14	is going to expire?
15	License Fund for the monies that we spend associated with	15	A. That's correct. We send it out about two-and-a-half
16	giving out free IDs.	16	months in advance of when it expires.
17	There is no cost to PennDOT in doing this. We have no	17	Q. Then you complete the application, and then you get a
18	motivation other than to issue individuals IDs. We want to	18	camera card; is that right?
19	make sure they get the right ID, which is what my staff is	19	A. That's correct, yes.
20	trying to do. They're trying to do the right thing, which is	20	Q. Then you have to go down to PennDOT to get your picture
21	to insure that they get an ID that they can use for the	21	taken?
22	purposes that they want.	22	A. That's correct. One of the photo centers can do that
23	It's you know, to suggest that there is some	23	transaction.
24	underlying motivation from my staff not to issue free IDs is	24	Q. Okay. Now, PennDOT doesn't say anywhere that there's
25	just totally off-base.	25	some different process to get your photo ID for voting, does
	XZ		



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	it?	1	centers.
2	A. Some different.	2	There are photo centers in every one of the 71 driver's
3	Q. Your free PennDOT ID; there's no different process for free photo IDs?	3	license centers, and then there is an additional 28 or 29 stand-alone photo centers.
5	A. Well, that would be the initial issuance, which is	5	Q. Okay. You can't apply to a photo license center to get
6	different than a renewal process.	6	a PennDOT ID, can you?
7	Q. I'm not talking about the Department of State ID right	7	A. That's correct. No, you cannot.
8	now. I'm just talking about the PennDOT ID.	8	Q. And you can only get you can only go to a driver's
9	A. Right.	9	license center to get a PennDOT ID; is that right?
10	Q. If you want to renew it, it doesn't matter when it's an	10	A. On initial issuance, yes.
11	identification for voting or an identification not for voting?	11	Q. Now, voters have been confused about that, haven't they?
12	A. That would be correct.	12	A. You know, I think as I said earlier, that the process
13	Q. You have to go down to PennDOT to get your picture	13	has certainly evolved over time. There have been a number of
14	taken.	14	changes, and in the early stages, I do believe that there was
15	A. You have to come down and get your picture taken, yes.	15	clearly some confusion on the part of not only customers, but
16 17	Q. And there's also a surrender process?A. You're referring to the medical surrender program?	16 17	others as to the difference between a driver's licensing center and a photo center. And I think there were certainly
18	Q. Yes.	18	some misinformation that was sent out based upon that.
19	A. Yes.	19	As time has gone by, the defining between the two, I
20	Q. And you can and that's set up by a different statute	20	think, has improved dramatically.
21	under the Pennsylvania law?	21	Q. You heard I'm sorry.
22	A. I forget the specific statute that it's in. It's in the	22	A. Go ahead. I'm sorry.
23	Vehicle Code. I forget the section number of it, but, yes, it	23	Q. I interrupted. Were you finished.
24	says if you voluntarily surrender your driver's license,	24	A. Are you done.
25	PennDOT will replace it with a free ID card.	25	Q. You were in the courtroom when Miss O'Donnell testified?
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1	Q. Right. And if you do that, your driver's license can't	1	A. Not for all of it, I was here for part of it.
2	already be expired, right?	2	Q. She is still confused; did you hear that?
3	A. I'm sorry. Can you just ask the question again?	3	A. That was at the end, from the two. Yes, she clearly did
4	Q. If you want to surrender your license because for	4	not understand the difference between the two.
5	medical reasons, you can't your driver's license cannot be	5	Q. In fact, five months after the law was enacted, the
6	already expired?	6	Department of State was sending people to the wrong places,
7	A. I believe that it can, yes.	7	wasn't it?
8	Q. If it's expired, you have to pay?	8	A. I'm not aware specifically of that, or I don't recall
9	A. No, if it's expired and you surrender your driver's	9	it. I'm not suggesting it didn't happen. I just don't recall
10	license, under that program for medical reasons, you can get a	10	it.
11	free ID.	11	Q. Okay. Let me show you Respondents Exhibit 20.
12	Q. And for medical reasons, you have to show that there's	12	A. Thank you.
13 14	some medical reason that you no longer can drive? A. I forget what the specific questions are on the form,	13 14	Q. Do you recognize Respondents Exhibit 20, Mr. Myers?A. No. This is not an email that I have seen before.
14	whether or not there's anything specific. I think it's just a	14	Q. Were you aware that the Department of State had been
16	general representation that you're surrendering it for that	16	contacted by the Department of Transportation, and told that
17	reason, and then we replace it for free. But it could be a	17	they were sending people to the wrong place?
18	product that is expired, I believe.	18	A. Again, I know that there were times when especially
19	Q. Now, PennDOT has some facilities called driver's license	19	in the early stages where people did go and give bad
20	centers; is that right?	20	information as to, you know, where they should be going to get
21	A. Yes.	21	ID.
22	Q. It also has something called driver's license photo	22	I don't know who here reached out I'm assuming it
23	centers; is that right?	23	might have been Scott who reached out to the Department of
24	A. Not exactly. We have the driver's license center which	24	State to say, we have people coming in who are saying they
25	are the 71 that I referred to before, and then we have photo	25	want a free ID, but they're coming to a photo center, and
	X Z		



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1	Page 1429	1	Page 1431
1	that's what generated this outreach to help correct that.	1	information that goes out that's incorrect. I totally agree that that's an issue. And it needs to be sure that as we go
2	Q. It's understandable why	2	-
3	MR. KEATING: Your Honor	3	forward that those types of things are corrected, if they
4	Q people would be	4	haven't already been corrected.
5	MR. KEATING: as a point of clarification,	5	That's why I say, even if the issue that you brought up
6	you are asking questions about this email that he doesn't	6	earlier, okay, there is no reason why from the standpoint
7	recognize and know about, or are you just asking general	7	of our staff, that they don't ask, do you want this for
8	questions? You are keeping the exhibit up on the screen as	8	voting? So, I'll make the change tomorrow. I'll send a
9	though you are asking questions about this email that he has	9	message out to all of my staff tomorrow and make sure that
10	testified he doesn't know anything about. And I'm objecting,	10	that is a question that is added.
11	if you are asking questions generally, but you're suggesting	11	Just as we have made a number of changes that the
12	it has to do with it.	12	plaintiffs have brought to our attention over the last year to
13	THE COURT: I'm going to be contrarian,	13	improve the process. We'll continue to do that.
14	Mr. Keating. I'm going to let the photo stay up and let her	14	Q. Mr. Myers, let's just go back to that for a minute.
15	ask questions.	15	A. Sure.
16	BY MS. CLARKE:	16	Q. You were asked the same series of questions in September
17	Q. Mr. Myers, it's entirely understandable that voters	17	of 2012; do you recall that?
18	would be confused about the difference between a photo	18	A. I don't recall the specifics of that; was it at a
19	licensing center and a driver's licensing center, isn't it?	19	deposition, was it at hearing or
20	A. Is it totally understandable? Again, I think it gets	20	Q. Do you recall that during the September 25th hearing in
21	back to the idea of a shared responsibility.	21	this case, you were also asked and you also testified that the
22	Certainly certainly there shouldn't be misinformation	22	voter was not asked whether they wanted the or the staff
23	that's being put out by state agencies. This was clearly a	23	was not instructed to ask the voters if they wanted ID for
24	case where we were trying to get something corrected.	24	voting; do you recall that testimony?
25		25	
25	My comments earlier were to the general fact that it's a	25	A. I don't recall the specifics of it, but I will say
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1	fact that there were times when misinformation went out as	1	again, I think we are going at this in two directions, but the
2	this process evolved, and it was corrected.	2	results are the same.
3	But I wouldn't necessarily go with the premise that it's	3	My staff is asking people why they want ant ID. You've
4	understandable that a voter wouldn't understand the difference	4	now said, we don't specifically say, "Do you want an ID for
5	between a driver licensing center and a photo center.	5	voting?" And what I have said is, if that will help address a
6	Again, there are 9.8 million people in this state that	6	concern that people are paying for an ID that they perhaps
7	have either an ID or a driver's license. They figured it out	7	would qualify for free, I will happily make that change at my
8	over the years of where they go to get their photo taken for	8	driver licensing centers to make sure that that that there
9	an initial issuance, and where they go to get the renewal	9	is no confusion whatsoever.
10	done.	10	Q. Mr. Myers, I had a simpler question, and that is, you
11	Q. So, is it your view you mentioned this word shared	11	were asked the same question last year in September, weren't
12	responsibility a number of times. Is it your view that if	12	you?
13	people can't figure this out, it's their fault?	13	A. I don't recall the specific question. I'm sorry.
14	A. No, not at all. Not at all. I'm simply saying is that	14	Q. The question is in the record. But you did not go back
15	we all have a responsibility in life to take responsibility	15	at that point and change the instructions to your staff, did
16	for what we want done and what we need and so forth and so on.	16	you?
17	All I'm simply saying is that there is an effort in	17	A. Not at that point in time. No, I didn't.
18	everything we do in life, even if it's going to the grocery	18	MS. CLARKE: Your Honor, we are not closing
19	store for goodness sakes. There's an effort in life.	19	our cross-examination because we are moving for discovery of
20	I'm simply saying that there's an effort that you need	20	all of the documents that Mr. Myers testified about, and we're
			-
21	to know what it is that you need when you come to a driver	21	also asking for a deposition of Mr. Shenk and others who
22	licensing center. I have made it clear that that's why we put	22	participated in the creation of the spreadsheet.
23	that information out on our website, that's why that	23	So, we are doing two things: We're asking for
24	information is available at our call center.	24	discovery so that we can see what we have heard about today.
25	I do not like the idea that there's when there's	25	MS. HICKOK: Your Honor, we would object to
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1	their having to to PennDOT's having to produce anything	1	So, there remain issues for all of us about
2	that it produced to its counsel.	2	what the meaning of this latest information is that we got
3	The testimony today was clear that when the	3	last night.
4	spreadsheets were produced, they were produced to PennDOT's	4	THE COURT: Mr. Myers, you're around town,
5	counsel. That's clearly attorney/client privileged	5	aren't you?
6	information, and the form that it then takes is a different	6	THE WITNESS: Yes, Your Honor.
7	issue. You understand our objection.	7	THE COURT: So, we'll keep you on the alert.
8	THE COURT: Well, I'm guilty because I tried	8	THE WITNESS: Very well.
9	to get the parties to agree on the mysterious 144. So, I'm	9	MR. KEATING: Your Honor, is that meaning that
10	denying discovery.	10	they have the right to call him up in rebuttal in their case,
11	MS. CLARKE: Your Honor, we move to strike	11	if they so wish?
12	Mr. Myers' testimony to the extent that it was based on	12	THE COURT: Yes.
13	documents and information that have not been produced to us	13	MR. KEATING: Okay. So, does that mean that
14	that should have been produced to us, and so this is really	14	I am not going to recross Mr. Myers. Does that mean that
15	litigation by surprise. So, we move to strike that portion of	15	they have rested their case?
16	the testimony.	16	MS. CLARKE: Your Honor.
17	THE COURT: How was it litigation by surprise?	17	THE COURT: We're going to give them a day or
18	As I understand from your cross-examination, you have deposed	18	two.
19	him on more than one occasion?	19	MR. KEATING: A day or two. Okay.
20	MS. CLARKE: In fact, Your Honor, when we	20	THE COURT: Well, we're not in session
21	asked Mr. Myers at his June 2013 deposition about the	21	tomorrow, and there's the weekend, and then on Monday, I'm on
22	spreadsheet and the exceptions spreadsheet that Mr. Marks	22	another panel. So, when we start on Tuesday, they should have
23	testified about, Mr. Myers said I don't know anything about	23	enough time to do what they want to do, I expect to have more
24	it. You know, that's then.	24	motions about it.
25	He just testified today that they didn't	25	MR. KEATING: Okay.
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1	really start working on this project until about three weeks	1	MS. HICKOK: Your Honor, did you say we're not
2	ago which was after the deposition. So, yes, we have had many	2	in session tomorrow?
3	depositions, but we have not had any depositions about this	3	THE COURT: Or Friday. I've lost track.
4	work.	4	MS. HICKOK: Believe me, I understand.
5	THE COURT: Okay. Mr. Keating.	5	THE COURT: Do we have anything further we can
6	MR. KEATING: We object to the motion to	6	put on this afternoon?
7	strike, Your Honor. You can give it the weight you think it	7	MR. KEATING: Not within the short amount of
8	deserves.	8	time that we have, Your Honor.
9	THE COURT: I'll deny the motion to strike.	9	MR. HUTCHISON: Your Honor, we did not intend
10	MS. CLARKE: I'm not sure about the motion for	10	any other witnesses after Mr. Myers. We are prepared to start
11	further discovery.	11	with Mr. Marks at 9:00 a.m. tomorrow morning.
12	THE COURT: And that's denied.	12	MR. RUBIN: Your Honor, there's one issue with
13	MS. CLARKE: Okay. We would like to keep this	13	that. I understand from the Court that we will be ending
14	cross-examination open until we have had a chance to review	14	tomorrow at 3:00. Mr. Marks will likely take a fair bit of
15	the information that we have.	15	time. To have Dr. Wecker after that currently on the schedule
16	MR. KEATING: We would object to that, Your	16	starting at 1:00, and I understand it's unclear whether we
17	Honor. Petitioners indicated once they are done	17	would have enough time from 1:00 to 3:00 to do direct and to
18	cross-examining Mr. Myers, they would rest their case. We	18	cross, and I'm not sure if Dr. Wecker is available to come
19	don't have any further direct. We would ask this Court to	19	back on Tuesday to continue the cross, but I just wanted to
20	have them rest their case, as the Court said.	20	alert the Court to that issue.
21	MS. CLARKE: Your Honor, in addition to the	21	MS. HICKOK: Your Honor, he flew across the
22	issues that remain open with Mr. Myers, this information we	22	country for this testimony.
			······································
23		23	THE COURT: Well
23 24	just got, and we may have additional we may have additional	23 24	
		23 24 25	

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1	that's flown across the country to give us testimony, so is it	1	REPORTER'S CERTIFICATE
2	possible we can put Dr. Wecker on at 9:00 tomorrow?	2	
3	MS. HICKOK: Your Honor, I think that	3	I, Marjorie Peters, a Registered Merit Reporter,
4	Dr. Wecker's testimony builds upon Mr. Marks' testimony. If	4	Certified Realtime Reporter, and Notary Public in and for the
5	it would be better for the Court, we can put Dr. Wecker on at	5	State of Pennsylvania, that the foregoing record was taken at
		6	the time and place stated herein and was recorded
6	9:00.	7	stenographically by me and then reduced to typewriting under
7	THE COURT: It's just better for Dr. Wecker,	8	my direction, and constitutes a true record to the best of my
8	I'm going to be here anyhow. So, if you want to do that, you	9	skill and ability.
9	can do that, that's going to help things along, but I'll find		_
10	out at 9:00. You can surprise me at 9:00 tomorrow.	10	I certify that I am not a relative or employee of
11	MS. HICKOK: I'll consult with my client, Your	11	either counsel, and that I am in no way interested, directly
12	Honor. Thank you.	12	or indirectly, in this action.
13	MS. CLARKE: Your Honor, I have one more	13	IN WITNESS WHEREOF, I have hereunto set my hand and
14	housekeeping matter.	14	affixed my seal of office this day of 2013.
15	I wanted to move into evidence the exhibits	15	
16	that were shown that Mr. Myers, Petitioners' Exhibits 2072 and	16	
17	1460, and Respondents' Exhibit 20.	17	
18	MR. HUTCHISON: Your Honor, we would move in	18	Marjorie Peters, RMR, CRR
19	Respondents Exhibits 74, 75, 76. They were introduced during	19	My commission expires March 13, 2016
20	the direct of Mr. Myers.	20	
21	THE COURT: Okay. They'll all be accepted.	21	Original certification on file at Miller Verbano Reporting.
22	MR. RUBIN: Your Honor, just on one	22	P (
23	housekeeping matter. There have been some exhibits that have	23	dan N Willow Custodian & Jam
24	been moved in with no objection, but I don't think we had a	24	Adam N. Miller, Custodian
25	verbal that these would be accepted. Can we assume without	25	
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1	objection that any exhibit that's been moved in is accepted?		
2	THE COURT: I think since I accepted them,		
3	they're moved in.		
4	MR. RUBIN: Thank you, Your Honor.		
	•		
5	THE COURT: Okay.		
6	MR. KEATING: You don't have any more		
7	housekeeping matters for this Court today, Your Honor, I		
8	swear.		
9	THE COURT: Well, if the Court Reporter says		
10	she has had enough, then we'll recess. Enough? We're		
11	adjourned.		
12	MS. HICKOK: Thank you, Your Honor.		
13	(THE PROCEEDINGS WERE RECESSED AT 3:56 p.m.)		
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