



1 APPEARANCES:

2 Ron O'Brien  
3 Franklin County Prosecuting Attorney  
373 South High Street  
4 14th Floor  
Columbus, Ohio 43215  
5 By Mr. Patrick J. Piccininni,  
Assistant Prosecuting Attorney,

6 On behalf of the Board.

7 Mr. Donald J. McTigue  
8 Attorney at Law  
3886 North High Street  
9 Columbus, Ohio 43214

10 On behalf of ACORN.

11 ALSO PRESENT:

12 Ms. Carolyn Petree  
13 Ms. Katy Gall  
Ms. Teresa James  
14 Ms. Barbara Clark

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	INDEX	
	Witnesses	Page No.
1		
2		
3	Nathaniel Clark, Jr.	8
4	Hector Mercado	35
5	Frances Bowman	49
6	Robyn Brown	73
7	Donald Broomfield	87
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		

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P R O C E E D I N G S

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DIRECTOR DAMSCHRODER: This meeting

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is being held pursuant to a Board Resolution

6

wherein the Franklin County Board of Elections

7

authorized the Director, Matthew Damschroder,

8

and the Deputy Director, Denny White, to issue

9

subpoenas of the Board to ask individuals who

10

are believed to have possibly submitted

11

registration cards for individuals that are

12

questioned by the Board as to their veracity,

13

and that was what this meeting is.

14

The Board is being represented this

15

morning by Patrick J. Piccininni of the

16

Franklin County Prosecuting Attorney's Office.

17

18

The first individual having

19

responded to the subpoena is Mr. Nathaniel

20

Clark, Jr., of 189 Macenroe Drive, correct?

21

THE WITNESS: Can you change that?

22

DIRECTOR DAMSCHRODER: Sure. You

23

can go ahead and state what your --

24

(Interruption in proceedings.)

1 THE WITNESS: 5095 Algean Drive,  
2 that's A-l-g-e- --

3 MR. PICCININNI: Yeah, hold on one  
4 second before we do that, okay, and we'll take  
5 care of that in a minute. Let's get Mr.  
6 McTigue's statement on the record first and  
7 get rid of all the housekeeping stuff, and  
8 then we'll correct your address when we begin  
9 the questioning, after we've got him under  
10 oath. Okay?

11 MR. MCTIGUE: I'm Donald McTigue,  
12 and I'm an attorney representing ACORN. I  
13 just want to state for the record that I'm not  
14 representing the individual witnesses who are  
15 providing testimony today, except for any  
16 ACORN staff that might testify. And by ACORN  
17 staff, I mean other than registrars; I'm not  
18 representing the individual registrars.

19 MR. PICCININNI: Okay.

20 - - - - -

21 NATHANIEL CLARK, JR.

22 being first duly sworn, testifies

23 and says as follows:

24 - - - - -

1 MR. PICCININNI: Before we begin,  
2 Matt, do you want to advise him of what the  
3 nature of the proceedings is and what could  
4 happen?

5 DIRECTOR DAMSCHRODER: Yeah. It's  
6 important for the record and for you to know,  
7 Mr. Clark that, obviously, you are under oath  
8 and that the information resulting from the  
9 conversation we have today will be referred to  
10 the Franklin County Board of Elections for  
11 consideration, and after they review the  
12 transcript from today's proceedings, they will  
13 decide whether or not to refer any activities  
14 from any of these proceedings to the Franklin  
15 County Prosecuting Attorney for further  
16 investigation and possible indictments, or  
17 presentation to the grand jury for indictments  
18 for criminal proceedings. So it's important  
19 for you to know that.

20 THE WITNESS: Yes, sir.

21 DIRECTOR DAMSCHRODER: From the  
22 start.

23 MR. PICCININNI: And just some basic  
24 ground rules, just for the purposes of

1 testimony. Have you ever given testimony  
2 before? No? Okay.

3 This gentleman right here is a court  
4 reporter. He is taking down -- is an official  
5 stenographer. He is taking down everything  
6 that is being said verbatim, so a true  
7 transcript of the proceedings is prepared.

8 It's important that you understand  
9 the questions that are being asked by  
10 Mr. Damschroder and/or Mr. White. If you  
11 don't understand them or didn't hear them,  
12 please let them know that you didn't  
13 understand the question or didn't hear it, and  
14 they will take the appropriate action.

15 Additionally, because this is all  
16 being taken down, all your answers must be  
17 verbalized.

18 THE WITNESS: Yes, sir.

19 MR. PICCININNI: Okay? Uh-huhs,  
20 huh-uhs, nods of the heads don't translate  
21 well in the transcript. We want the record to  
22 be clear, we want it to be accurate, because  
23 it may be used later on.

24 THE WITNESS: I understand.

1 MR. PICCININNI: Okay.

2 - - - - -

3 EXAMINATION

4 BY DIRECTOR DAMSCHRODER:

5 Q. Mr. Clark, during this calendar  
6 year, beginning January 1, have you received  
7 compensation from any individual or group or  
8 organization for the purposes of registering  
9 other people to vote?

10 A. So you're asking is that my job for  
11 ACORN to register to vote, right?

12 Q. Well, have you received compensation  
13 for that purpose at any time during this year?

14 A. Yes, sir.

15 Q. Okay. And what were the names of  
16 the individuals or organizations that provided  
17 you compensation for that purpose?

18 A. The organization's name is ACORN.

19 Q. Okay. And when did you begin  
20 receiving compensation for that purpose?

21 A. I don't know the very exact dates we  
22 started voter registrations, but I guess even  
23 as ACORN leaders can't give you exact dates, I  
24 can't give you exact dates.

1 BY MR. PICCININNI:

2 Q. I just want -- could you state your  
3 name for the record?

4 A. Nathaniel Clark Jr.

5 Q. And your current address, sir?

6 A. 5095 Algean Drive, that's

7 A-l-g-e-a-n, Canal Winchester, Ohio, 43110.

8 Q. Okay. And what's your date of  
9 birth, sir.

10 A. 7-2-73.

11 MR. PICCININNI: Okay. Go ahead,

12 sorry.

13 DIRECTOR DAMSCHRODER: That's all

14 right.

15 BY DIRECTOR DAMSCHRODER:

16 Q. Do you remember, since you don't  
17 recall the exact date, do you remember  
18 approximately the month when you started doing  
19 that?

20 A. I've been with ACORN for like two  
21 years, so I don't know the -- I did voter  
22 registration in 2004, and then we started back  
23 in 2005, but I can't give you the exact date.

24 Q. Okay.

1 A. I don't know the very exact date.

2 Q. Okay. During this calendar year,  
3 during 2006, do you recall how you've been  
4 compensated?

5 A. Well, ACORN pays every two weeks, so  
6 every two weeks I would receive a paycheck for  
7 voter registration.

8 Q. And was that compensation provided  
9 as a result of, like, by a rate-per-hour?

10 A. I think I made like eight an hour at  
11 that time.

12 DIRECTOR DAMSCHRODER: Okay.

13 BY MR. PICCININNI:

14 Q. Any payment on a  
15 per-registered-voters basis?

16 A. No. No, sir.

17 MR. PICCININNI: Okay.

18 BY DIRECTOR DAMSCHRODER:

19 Q. I'm going to show you a series of  
20 voter registration cards.

21 A. Yes, sir.

22 Q. And ask you some questions about  
23 some of those cards. The first card is from a  
24 registered voter, a Marie, M-a-r-i-e,

1 Hargrove, H-a-r-g-r-o-v-e. Show you that  
2 card. Do you have any recollection of that  
3 individual that submitted that -- that  
4 completed that card?

5 A. Not this specific individual.

6 Q. Okay.

7 A. But this seems like to me --  
8 because some cards I fill out myself, like if  
9 a person is in a rush, I fill it out. But  
10 this seems like this is in her handwriting and  
11 her signature. I may have filled in the date,  
12 you know, Columbus, Franklin County, but this  
13 seems like to me this is her handwriting.  
14 This is not my handwriting.

15 Q. Okay. At the bottom of the card,  
16 the card provides for a space for the  
17 registrar to sign; is that your signature?

18 A. I believe so. I don't want to say  
19 yeah and then I come back later and say --

20 DIRECTOR DAMSCHRODER: Right.

21 BY MR. PICCININNI:

22 Q. So you're not saying -- you're  
23 saying that you believe that that's your  
24 signature at the bottom of the card, you don't

1 know if it's your signature at the bottom of  
2 the card?

3 A. I don't think so. When I sign my  
4 signature, it's usually like, you know,  
5 legible.

6 Q. Okay. Then the question I have is,  
7 this is -- so it's your statement here that  
8 that's not your signature, somebody else  
9 submitted this signature?

10 A. Yes, sir.

11 Q. Okay. Would you be willing to  
12 provide a handwriting sample?

13 A. Yes, sir.

14 Q. Okay. What I need you to do --  
15 Where are all the cards?

16 DEPUTY DIRECTOR WHITE: I have a  
17 question. If that's possibly not his  
18 signature, how did we identify him on this  
19 registration?

20 DIRECTOR DAMSCHRODER: We have a  
21 series here of a whole bunch of different  
22 ones.

23 THE WITNESS: That's my signature  
24 there.

1 MR. PICCININNI: What about on this  
2 one?

3 THE WITNESS: That looks like a  
4 Natalie or -- that's not my signature, no,  
5 sir.

6 MR. MCTIGUE: I think we better  
7 identify for the record what card that is.

8 MR. PICCININNI: This is a card  
9 belonging to Zenria, Z-e-n-r-i-a, Cunningham.

10 DEPUTY DIRECTOR WHITE: Why would we  
11 think, if this is his signature, that that  
12 would be also his signature?

13 MR. MCTIGUE: I think we need to --  
14 he already on the record already testified  
15 this is his signature.

16 MR. PICCININNI: That's his  
17 signature.

18 MR. MCTIGUE: We need to identify  
19 this for the record.

20 MR. PICCININNI: Yeah, we will  
21 identify that for the record, too.

22 BY MR. PICCININNI:

23 Q. Okay. I'm going to ask you to take  
24 a look at a signature or card, it's a

1 photocopy, for a Sapphira (ph.), S-a-p-p-h- --  
2 Sapphire, I'm sorry. S-a-p-p-h-i-r-e. Last  
3 name Jessie, J-e-s-s-i-e. Do you recognize  
4 this card?

5 A. Yes, right here.

6 Q. Is that your signature at the bottom  
7 of that card?

8 A. Yes, right here.

9 Q. Okay. Now, on this particular one,  
10 do you remember obtaining this one?

11 A. I don't remember the specific  
12 person. That is my handwriting, and this is  
13 my handwriting up here.

14 Q. Okay.

15 A. So I would say that is a card that I  
16 filled out.

17 Q. You filled out this complete card,  
18 and then the voter signed it?

19 A. Yes, sir.

20 Q. Okay. Now, did you receive the  
21 information from Sapphire Jessie?

22 A. Yes, sir. Because, as you can see,  
23 she gave me, I guess, her original address.

24 Then she gave me a change of address. So in a

1 million years, I could never guess two of her  
2 addresses.

3 Q. Did she give you the wrong birthday?

4 A. That's the birthday that she gave  
5 me. All the information on here is the  
6 information that she gave me.

7 Q. Okay. But she didn't fill it out  
8 but she did sign it?

9 A. Yes, sir, she did sign it.

10 MR. PICCININNI: Okay.

11 DEPUTY DIRECTOR WHITE: What is the  
12 concern with this registration?

13 MR. PICCININNI: Well, we received  
14 these all from you. These were all received  
15 -- I mean we started this investigation with  
16 the ones that you've identified.

17 DEPUTY DIRECTOR WHITE: Is this a  
18 real person with just a wrong birthday?

19 DIRECTOR DAMSCHRODER: Yes.

20 DEPUTY DIRECTOR WHITE: We don't  
21 know if it's a real person?

22 DIRECTOR DAMSCHRODER: There was a  
23 previous registration that has another date of  
24 birth.

1 THE WITNESS: They have previous  
2 records of this address, 1178 Oakwood, so she  
3 had to exist at this address, because the  
4 Board of Elections has her listed for this  
5 address here. The only thing is, it's the  
6 wrong birth date, which I had no control of  
7 what birth date that she gave me.

8 DEPUTY DIRECTOR WHITE: How old is  
9 she? What is the birth date of this person?

10 MR. PICCININNI: It's right here.

11 MR. MCTIGUE: Can I say something?  
12 Just so the -- things are going to get very  
13 difficult for the court reporter, okay?  
14 (Speaking inaudibly to the witness.)

15 DEPUTY DIRECTOR WHITE: I still  
16 have a question. Why would we --

17 MR. PICCININNI: Let's go off the  
18 record for a second.

19 DEPUTY DIRECTOR WHITE: -- for this  
20 one, the signatures aren't even the same?

21 MR. PICCININNI: Okay.

22 DEPUTY DIRECTOR WHITE: And I want  
23 to be on the record asking that question.

24 MR. PICCININNI: Okay.

1           DEPUTY DIRECTOR WHITE: Why would we  
2 question this gentleman for signatures that  
3 are totally different?

4           MR. PICCININNI: That's part of the  
5 problem, is that these were identified as all  
6 being from the same person.

7           DEPUTY DIRECTOR WHITE: Who  
8 identified? They obviously don't even look  
9 alike.

10          DIRECTOR DAMSCHRODER: But when they  
11 come in, before the Court struck down the  
12 portions of House Bill 3, they came in with a  
13 cover sheet, saying all of these registrations  
14 came from this specific person.

15          DEPUTY DIRECTOR WHITE: Oh, so they  
16 came -- okay. All right. Now I can see why  
17 we're doing that one. So then a cover sheet  
18 came in and said these were all his, even  
19 though the signatures didn't match.

20          DIRECTOR DAMSCHRODER: Right,  
21 exactly.

22          DEPUTY DIRECTOR WHITE: Okay. And  
23 who would provide that cover sheet? ACORN?

24          DIRECTOR DAMSCHRODER: Yes.

1           DEPUTY DIRECTOR WHITE: Okay. That  
2 answered my question. I was just curious.  
3 Trying to get a handle on it.

4           DIRECTOR DAMSCHRODER: But that  
5 portion of the statute has now been stricken  
6 down.

7           THE WITNESS: Stricken down, can you  
8 explain that? I mean, like, what was stricken  
9 down?

10          DIRECTOR DAMSCHRODER: The portions  
11 of the statute that require a person to  
12 preregister with the Secretary of State in  
13 order to be paid for registration and all of  
14 those rules.

15           (Discussion off the record.)

16          MR. MCTIGUE: My client is telling  
17 me that she believes that that might be in  
18 error, that Mr. Clark's name was on a cover  
19 sheet or a list tied to that particular  
20 registration. And he stopped -- he actually  
21 stopped registering people to vote in April;  
22 is that what you said? Or May 1st.

23          MR. PICCININNI: Okay, well, this  
24 one was taken on April 10th.

1 MR. MCTIGUE: Right, right

2 DIRECTOR DAMSCHRODER: And this one  
3 was taken in February.

4 MR. MCTIGUE: Right. And the cover  
5 sheets were implemented only after -- the  
6 cover sheets listing people who did  
7 registrations were only after May 1st, not for  
8 the registrations before May 1st, and it had  
9 to do with, you know, House Bill 3 going into  
10 effect, I believe. And so he only registered  
11 through April, and registrations that started  
12 in May are the ones that ACORN provided a list  
13 for.

14 MR. PICCININNI: Okay.

15 MR. MCTIGUE: Prior to that, it  
16 would have been based solely upon what was  
17 filled out at the bottom of the card.

18 MR. PICCININNI: So, just so I  
19 understand this, okay, and so the Board will  
20 understand this, you're telling me that this  
21 individual was identified by ACORN in error?

22 MR. MCTIGUE: No, I'm saying I don't  
23 believe it was identified -- that this person  
24 was identified by ACORN. I'm suggesting --

1           DIRECTOR DAMSCHRODER: You're  
2 suggesting that that card that Denny is  
3 holding, with -- what's the name on that?

4           DEPUTY DIRECTOR WHITE: A different  
5 signature.

6           DIRECTOR DAMSCHRODER: That that is  
7 not Mr. Clark and was not identified by Mr.  
8 Clark, but we're not --

9           MR. MCTIGUE: Right.

10          DIRECTOR DAMSCHRODER: No one is  
11 disputing whether Jessie Sapphire's  
12 registration was submitted by Mr. Clark.

13          MR. MCTIGUE: Right. The Hargrove  
14 -- the Deputy Director's question was, how did  
15 this Hargrove one, how did the Board call this  
16 man in on this one, okay, and the Director  
17 said it was based on lists provided by ACORN.

18                 But what I'm saying is, I think the  
19 Director may be in error on that point,  
20 because there was no list, is what I've been  
21 told, for these registrations that were taken  
22 before May 1st.

23                 So with regard to the Hargrove one,  
24 I don't think that that's the correct answer,

1 that his name was not on a list for this one.  
2 They were on lists for later ones and perhaps  
3 the other one that you showed us, which is not  
4 in dispute.

5 DEPUTY DIRECTOR WHITE: And, Matt,  
6 I'm not trying to confuse you, I'm just trying  
7 to get a handle on why we would question  
8 somebody for a registration that doesn't even  
9 match his signature, is all.

10 MR. PICCININNI: Well, that's part  
11 of the issue.

12 DIRECTOR DAMSCHRODER: That's part  
13 of the proceedings.

14 MR. PICCININNI: That's all part of  
15 the proceeding.

16 DEPUTY DIRECTOR WHITE: Okay.

17 MR. MCTIGUE: I mean, I will, you  
18 know, it does look like an N and a C, okay.

19 MR. PICCININNI: The couple of them  
20 here, that's part of the problem, I mean  
21 that's why we're doing this, is because these  
22 have all shown to have problems. I mean, in  
23 Ms. Jessie's situation, the address provided  
24 on the form you filled out says -- the date of

1 birth in the form you filled out says 6-5-86.

2 Our records indicate that her date of birth  
3 was 3-30-84. That's a big discrepancy.

4 That's two years and three months.

5 THE WITNESS: Can I go on record to  
6 say, the birth date on this card is  
7 information that she gave me.

8 BY MR. PICCININNI:

9 Q. Did you check her ID at all?

10 A. No, sir.

11 Q. Okay. And do you have any idea or  
12 do you remember where you solicited this  
13 particular registration?

14 A. Most of the time, I should be at the  
15 Franklin County Job and Employment Services,  
16 on Mount Vernon Avenue; that's where I would  
17 be at most of the time. The Welfare office, I  
18 guess. And I don't have, like, a book of  
19 Social Security numbers or birth dates. Any  
20 information that's given to me, I have to  
21 take; that's their information. Because as  
22 you can see, y'all have record of her being on  
23 Oakwood.

24 Q. Yeah, in '04, and that's not in

1 dispute, okay? But that's part of the  
2 problem, is that we've got a registration  
3 submitted by you with two different  
4 date-of-births.

5 A. No, I understand it's a problem.

6 Q. In which you've admitted that you  
7 filled out the beginning of -- the first  
8 portion of the card.

9 A. Yes, sir.

10 Q. And then there's a question of  
11 whether these signatures actually match on the  
12 two forms, okay?

13 DEPUTY DIRECTOR WHITE: And Jessie's  
14 signature doesn't look like it matches on the  
15 forms.

16 Q. No, the signatures don't match on  
17 the two registration forms.

18 A. You don't think so? This is the  
19 old one?

20 Q. That's the old one.

21 A. I believe the a-p-p-h-i-r-e looks  
22 similar.

23 Q. And the J and the S don't match.

24 A. Yeah, the J is different and the S

1 is different.

2 DEPUTY DIRECTOR WHITE: Did he do a  
3 handwriting?

4 MR. PICCININNI: No, he's going to  
5 do it right now.

6 BY MR. PICCININNI:

7 Q. Please fill out the top portion of  
8 the form, okay?

9 A. Yes, sir.

10 Q. And then what we want is, I want  
11 the --

12 (Pause in proceedings.)

13 BY MR. PICCININNI:

14 Q. Okay. And then the names that I  
15 want you to put on in the lines there are --  
16 well, let's identify this one. Do you  
17 recognize the registration of Hector Mercado?

18 A. I recognize the card, but --

19 Q. Is that your signature at the  
20 bottom?

21 A. Yes, sir.

22 Q. Okay. I would like you to put  
23 Hector Mercado --

24 A. Spell it in cursive?

1 Q. Spell it, no, the way it's written  
2 on the card.

3 MR. MCTIGUE: I'm sorry, what are  
4 you asking him to do?

5 MR. PICCININNI: We're asking him to  
6 provide a handwriting sample, and we're asking  
7 him to put the names the way, you know, if  
8 it's in print, in print, if it's in cursive  
9 writing, in cursive writing.

10 MR. MCTIGUE: Well, we have Hector  
11 out in the lobby.

12 THE WITNESS: Hector is out in the  
13 lobby.

14 MR. MCTIGUE: You want to call him  
15 in?

16 MR. PICCININNI: He is?

17 MR. MCTIGUE: Yes.

18 THE WITNESS: He said, you know, he  
19 can't believe that this --

20 MR. MCTIGUE: He's up sit.

21 THE WITNESS: He's upset he hasn't  
22 received his registration card, and voting is  
23 like two weeks away.

24 BY DEPUTY DIRECTOR WHITE: