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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

PARKER BEDNASEK,
Plaintiff,

v.

Docket No. 15-9300-JAR

KRIS W. KOBACH,
Defendant.

STEVEN WAYNE FISH, et al.,
Plaintiffs,

v.

Docket No. 16-2105-JAR

KRIS W. KOBACH,
Defendant.

Kansas City, Kansas
Date: 03/07/2018

Day 2 - (A.M. Session)
Pages 308-437
.....

TRANSCRIPT OF BENCH TRIAL
BEFORE THE HONORABLE JULIE A. ROBINSON
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For Case No. 15-9300 Plaintiffs:

Mr. Mark P. Johnson
Mr. Curtis E. Woods
Dentons US LLP
4520 Main Street
Suite 1100
Kansas City, MO 64111

Mr. Mark T. Emert
Fagan, Emert & Davis, LLC
730 New Hampshire
Suite 210
Lawrence, Kansas 66044

(Appearances continued on next page)

1 APPEARANCES:

2 (Continued)

3 For Case No. 16-2105 Plaintiffs:

4 Mr. Dale E. Ho	Mr. Stephen D. Bonney
5 Mr. R. Orion Danjuma	ACLU Foundation of Kansas
6 Ms. Sophia Lin Lakin	6701 West 64th Street
7 Ms. Emily Zhang	Suite 200
8 American Civil Liberties	Overland Park, KS 66202
9 Union Foundation - NY	
10 125 Broad Street	
11 New York, NY 10004	

8 Ms. Angela Liu
9 Ms. Daphne T. Ha
10 Mr. Neal A. Steiner
11 Ms. Rebecca Waldman
12 Dechert, LLP - NY
13 1095 Avenue of the Americas
14 New York NY 10036

13 For the Defendant Kris W. Kobach:

14 Mr. Garrett Roe
15 Mr. Kris Kobach
16 Ms. Susan Becker
17 Kansas Secretary of State
18 120 Southwest 10th Avenue
19 Memorial Hall, First Floor
20 Topeka, KS 66612

18

19

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23 Kimberly R. Greiner, CRR, RMR, RDR, CRC
24 Official Court Reporter
25 259 U.S. Courthouse, 500 State Avenue
Kansas City, Kansas 66101

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I N D E X

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E X H I B I T S

Fish Plaintiffs'
Exhibits

Offered

Received

1		313	313
2		313	313
3		313	313
4		313	313
5		313	313
7		346	346
8		346	346
13	313,	357	313, 357
14		340	340
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E X H I B I T S
(continued)

Defendant's
Exhibits

Offered

Received

801	313	313
802	313	313
803	313	313
804	313	313
816	313	313
825	313	313
829	313	313
833	313	313
837	313	313
838	313	313
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883	313	313
1027	313	313
1052	313	313
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1059	313	313
1061	313	313
1069	313	313
1078	313	313
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1 (9:06 a.m., proceedings commenced.)

2 THE COURT: All right. Are we ready with
3 the next witness?

4 MS. LIU: Your Honor -- Your Honor, I have
5 an administrative issue.

6 THE COURT: I'm sorry?

7 MR. STEINER: We just have an
8 administrative --

9 MS. LIU: Administrative issue that I wanted
10 to deal with that I wanted to raise.

11 THE COURT: Okay.

12 MS. LIU: So the parties have already
13 admitted a list of exhibits by a stipulation that was
14 filed on February 19th, 2018. It's docket entry 469,
15 and I just wanted to read these exhibits into the
16 record.

17 THE COURT: Is this -- okay. I have -- oh,
18 okay, wait. I have the Notice of Joint Pretrial
19 Stipulations, Stipulations to Exhibits 469.

20 MS. LIU: Yes.

21 THE COURT: So you want to go ahead and
22 admit those for the record now? It might make it a
23 little bit more efficient.

24 MR. JOHNSON: Your Honor, I was not party to
25 that stipulation. Would the parties mind if I become

1 party to that stipulation?

2 THE COURT: Okay. That would be fine.

3 MR. JOHNSON: Thank you, Your Honor.

4 THE COURT: All right. So we'll go ahead
5 and make a record of all the exhibits we're going to
6 admit I actually highlighted here on the list. So
7 Exhibits 1 through 5 admitted by stipulation, Exhibit 13
8 admitted, Exhibit 22 -- these are Plaintiffs' Exhibits
9 so far -- Exhibits 40 through 46 admitted by
10 stipulation. Exhibit 48, Exhibit 50, Exhibit 55,
11 Exhibit 61, Exhibit 65, Exhibit 80, 95, 96 all admitted
12 by stipulation. Exhibits 97 through 101 admitted by
13 stipulation. Exhibits 110 through 112 admitted by
14 stipulation. And then those were Plaintiffs' Exhibits,
15 Plaintiff Fish's exhibits.

16 Defendant Exhibits 801 through 804 admitted
17 by stipulation. Exhibit 816 admitted. We've already
18 admitted 825 and 829 by stipulation. Exhibit 833
19 admitted. Exhibit 837 admitted by stipulation. We'd
20 already admitted 838. Exhibits 848 through 851
21 admitted. Also Exhibit 853, Exhibit 859 through 862
22 admitted by stipulation. Exhibit 882 and 883,
23 Exhibit 1027 admitted by stipulation. Exhibit 1052,
24 1058, 1059, 1061 admitted by stipulation. 1069
25 admitted, 1078 through 1081.

1 I think that's it. Did I miss anything?

2 MS. LIU: No, Your Honor. We just would
3 like to note that Plaintiffs' Exhibits 42 and 44 should
4 go in under seal actually because they basically contain
5 methods of registration. They're large spreadsheets.
6 We just wanted to make sure that those two exhibits went
7 in under seal.

8 THE COURT: Exhibit 42, 43 admitted under
9 seal.

10 MS. LIU: 42 and 44.

11 THE COURT: I'm sorry, 42 and 44. Any
12 objection to admitting those under seal? Okay. Did I
13 miss anything else?

14 MS. LIU: No, Your Honor.

15 THE COURT: All right. Do you think I
16 missed anything, Miss Becker?

17 MS. BECKER: No, Your Honor. I do have
18 another issue though when Your Honor is ready for any
19 other.

20 THE COURT: Okay. Go ahead.

21 MS. BECKER: Are we on the record this
22 morning?

23 THE COURT: Yes.

24 MS. BECKER: Okay. Thank you. Your Honor,
25 yesterday we were alerted to the -- the desire by the

1 plaintiffs to play a videotape deposition rather than
2 reading the line-page designations. And --

3 THE COURT: It's a video deposition;
4 correct?

5 MS. BECKER: Correct, of Secretary Kobach,
6 and I'd like to make an argument as to why we would
7 rather just have the line-page designations read into
8 the record or read by counsel as opposed to having the
9 video played.

10 First of all, we were not given a copy of
11 whatever supplied videotape portions they've designated.
12 And, in fact, we were only given line-page designations.
13 And so we have not had an opportunity to review and
14 maybe verify the accuracy. I've got line-page
15 designations from them which we had. You know, we're
16 ready to be -- prepared if that was going to be Your
17 Honor's ruling with regard --

18 THE COURT: Okay. That's fair. Do you have
19 -- do you have a copy that you can share with them
20 before you get to this deposition today?

21 MR. DANJUMA: Yes. Yes, absolutely. Just
22 to be clear, we did provide free of charge to opposing
23 counsel the full deposition. But we are happy to
24 provide them with a subset that has anything that we
25 would be playing and we can incorporate any counter

1 designations that they would like to have in that.

2 MS. BECKER: Okay.

3 THE COURT: Because there were counter
4 designations made -- well, Mr. Kobach, of course, filed
5 a motion *in limine*. But I think that motion said that
6 if in the event the court denied the motion *in limine*,
7 he did have counter designations. So those do need to
8 be incorporated.

9 MR. DANJUMA: And they are.

10 THE COURT: Okay. So how long -- how long
11 is it as modified?

12 MR. DANJUMA: Forty minutes approximately.

13 MS. BECKER: And that actually goes to
14 our --

15 THE COURT: Isn't much time to do that.

16 MS. BECKER: Your Honor, that actually goes
17 to our second point, that is we actually don't see any
18 probative value and we think it's actually kind of a
19 waste of our time, of the court's time to watch the
20 video versus having it read or letting the court read it
21 at your convenience. I mean, obviously it needs to go
22 into the record, but we have been prepared just to do
23 the depo designations.

24 You know, our timing, as far as getting to
25 start our case, we just thought that the, you know,

1 45 minutes of a video without a jury seems a little bit
2 unnecessary and a waste of judicial resources.

3 THE COURT: Okay. About that, I've given
4 that some thought too because, you know, I have the
5 discretion to go either way and sometimes it depends on
6 the case and how many deposition designations there are.
7 There are enough deposition designations in this case.

8 And, frankly, I spoke to this yesterday,
9 some of them, especially like Mr. Bryant, are a mess in
10 terms of the pleading that objected to certain
11 designations and then what you all gave me in terms of
12 highlighting that. I decided that I would prefer to
13 have the depositions presented live or, you know, read
14 or played or whatever that might be during the trial
15 rather than me taking it under advisement and try to go
16 through this because there are several of these
17 depositions that I was concerned am I going to be able
18 to really figure out what I can read and what I can't
19 read. And I thought it would be better to have them
20 read, the objections raised contemporaneously and then,
21 you know, maybe we're all here at the same time and it
22 would be better for me to figure it out.

23 So understanding it's going to take more
24 time at trial to do it that way, but I just want to make
25 sure I'm actually considering what I really should

1 consider because I'm a little confused on some of these
2 as to there's inconsistencies between the pleading
3 objecting and what was marked. So I thought we could
4 resolve that by reading it live.

5 Now, a 40-minute deposition you're not going
6 to have time to review that during the trial. So I am
7 concerned about that, I mean, because you're here today.
8 If you're going to play it today, unless I have an
9 extended lunch hour or something --

10 MR. DANJUMA: We can play it tomorrow. It
11 does not need to be today and we'd be happy to provide
12 the version to counsel to review.

13 MS. BECKER: Well, Your Honor, I would
14 actually -- that really doesn't change -- I mean, we
15 still have limited time and resources as far as the
16 witnesses and beginning our case and I still don't
17 understand the probative value of the video. Is this
18 the only video you guys are -- because it's 45 minutes.

19 MR. DANJUMA: We do have --

20 THE COURT: If they read it aloud, it's
21 going to be 45 minutes as well.

22 MS. BECKER: Well, I don't think that it
23 would be just because, you know, there's not a lot of --
24 well, I don't know. I haven't seen the video but...

25 MR. DANJUMA: Your Honor, it would take as

1 long to read and we felt that it was important for the
2 court to see the videotape deposition to -- to evaluate
3 the -- the demeanor of the witness to assess his
4 credibility. That's a normal way that a video
5 deposition is used.

6 My reading of Rule 32 is that you can -- you
7 can -- you can use depositions for any purpose if it's
8 the adverse party and they've had access to this video
9 since August 3rd, 2017. So that's a lengthy period to
10 review it.

11 MS. BECKER: We --

12 THE COURT: All right. I -- it's a video
13 deposition. It's going to come in by video. When
14 they're audio depositions -- there's no audio tape,
15 that's not the way it's presented; it's presented
16 through transcript. It takes as long to read a
17 deposition into the record as it takes to listen to it
18 if it's a video, that's been my experience.

19 You need time obviously to look at the work
20 they've done to excise out portions. You'll have
21 overnight. I'm not going to allow them to play it
22 tomorrow -- until tomorrow but I will allow them to play
23 it tomorrow.

24 MS. BECKER: Your Honor, I would like to
25 make my fourth and final point on the record with regard

1 to this that last evening Dale Ho, plaintiffs' lead
2 trial counsel, made a public statement, an extrajudicial
3 statement about evidence and he tweeted his intentions
4 with the video yesterday. He stated that it would show
5 the nation that the video -- that the videotape
6 deposition of Secretary Kobach will show that -- a grand
7 conspiracy to make it harder for people to vote.

8 And we do not think -- first of all, I think
9 that is a violation of Rule 83.2.1 or possibly 2.3. And
10 we had mentioned this in the pretrial conference with
11 regard to special orders in sensational cases. And here
12 we have lead counsel for the plaintiff purposefully
13 disseminating a public extrajudicial statement about
14 evidence that he expects to come in in an effort solely
15 to generate publicity.

16 And, number one, we believe he completely
17 mischaracterized the evidence. We haven't even seen the
18 supplied video. We have not been given start times and
19 stop times in the seconds. And I feel that it is unfair
20 and prejudicial to actually use the video when it would,
21 I believe, serve the exact same probative value for Your
22 Honor just to read the line-page designations.

23 And with regard to Mr. Orion's --
24 Mr. Danjuma's argument with regard to the normal use of
25 a videotape deposition, that's when the witness is not

1 present in the courtroom. But Secretary Kobach is here.
2 You are the fact finder. You have had plenty of
3 opportunity throughout the litigation and certainly this
4 week to assess his credibility and his demeanor. So I
5 don't think that that is a -- a sound reason to allow an
6 inflammatory use of a -- for publicity.

7 Rather, it's clear that Mr. Ho intends to
8 generate more publicity stating that it's going to be
9 the video versus just that it's his testimony, and so we
10 would -- we think that the testimony has the same
11 probative value as the video.

12 MR. DANJUMA: Your Honor --

13 MS. BECKER: We would ask that it just be
14 read like everything else. Thank you.

15 MR. DANJUMA: Your Honor, if I may just
16 respond briefly, and my colleague, Mr. Ho, can speak to
17 this I think directly. My understanding is that
18 Miss Becker has mischaracterized what's happened. I
19 don't know that -- we don't understand that that was --
20 statement was made.

21 But to Miss Becker's point about Secretary
22 Kobach testifying live, there is nothing that prevents
23 the Secretary from -- from testifying in this case.
24 That is a choice that he's willing to make. One of the
25 reasons we decided to use the videotape deposition is

1 because the Secretary himself, as you may recall in the
2 extensive litigation over these documents, said that he
3 did not want to appear because there may be an ethical
4 issue with lead counsel appearing as a witness and we --
5 we -- there was briefing on this. We said we didn't
6 feel that was an issue because it was a bench trial, but
7 we wanted to make sure we weren't in the position of
8 forcing him to testify live rather than using the
9 videotape deposition.

10 If he would prefer to testify about the
11 content of the video, that is something that is up to
12 him and he would be obviously open to cross examination,
13 but that's a choice that he would make.

14 MS. BECKER: Your Honor, Secretary Kobach,
15 the defendant, had previously stated that the reason he
16 was concerned about testifying live was for ethical
17 considerations. And, as everyone knows, he is -- the
18 state has chosen him to represent the Office of the
19 Secretary of State. And the problem is putting a
20 witness who is also the lawyer of -- the lead trial
21 counsel in the case in a video versus already -- he's
22 present. The video is --

23 THE COURT: Is he going to testify about
24 this live?

25 MS. BECKER: He's already answered all the

1 questions in -- in the deposition.

2 THE COURT: I mean, at trial is he going to
3 testify live about this?

4 MS. BECKER: No, because he's already -- the
5 -- the deposition was one hour limited to three
6 documents.

7 THE COURT: Right, I'm aware. So you're
8 saying -- you're not objecting to this deposition being
9 considered by the court because he's not going to
10 testify live about this subject matter?

11 MS. BECKER: That's correct, Your Honor.

12 THE COURT: You just think it ought to be
13 read and not shown?

14 MS. BECKER: Yes, Your Honor.

15 THE COURT: I already ruled on that. It's a
16 video deposition. Video depositions are played, they're
17 not read. And there's a reason people take video
18 depositions, it's because it allows the trier of fact
19 the opportunity to see the person testify live which is
20 better than reading from the pages of a deposition.

21 That's the choice the plaintiffs made and
22 that's the medium through which they've -- they chose to
23 take Mr. Kobach's testimony. So that's the medium I'm
24 going to allow them to play it, through a video.

25 I, again, will not allow that though until

1 tomorrow so the defendant has sufficient time to review
2 your handiwork.

3 MS. BECKER: Thank you, Your Honor. I would
4 also like for the record to re-assert our objections to
5 the videotaping of the deposition we made previously in
6 a hearing in front of Judge O'Hara because we were not
7 given notice of the fact that they were planning to
8 videotape it and it went forward anyway. So I'm just
9 going to reassert that for the record. Thank you.

10 THE COURT: All right. That objection is
11 preserved for the record and overruled but preserved.

12 All right. Is there anything else to take
13 up on a preliminary basis? All right. Call your next
14 witness, please.

15 MS. LAKIN: Good morning, Your Honor.
16 Sophia Lakin representing the Fish plaintiffs. At this
17 time the Fish plaintiffs call Miss Margaret Ahrens to
18 the stand.

19 MARGARET AHRENS,
20 called as a witness on behalf of the Fish Plaintiffs,
21 having first been duly sworn, testified as follows:

22 MS. LAKIN: Your Honor --

23 THE COURT: Yes.

24 MS. LAKIN: -- I'd like to hand Miss Ahrens
25 a binder with several documents marked as exhibits for

1 her -- use in her examination. May I approach?

2 THE COURT: Yes.

3 THE WITNESS: I didn't turn it off, did I?
4 It's on? Okay. Thank you.

5 DIRECT EXAMINATION

6 BY MS. LAKIN:

7 Q. Good morning, Miss Ahrens.

8 A. Good morning.

9 Q. Can you, please, state and spell your full name
10 for the record.

11 A. Margaret Ahrens, M-A-R-G-A-R-E-T, Ahrens,
12 A-H-R-E-N-S.

13 Q. And how old are you, Miss Ahrens?

14 A. I'm 76.

15 Q. What do you do for a living?

16 A. I'm a retired clinical social worker.

17 Q. Where do you live?

18 A. I live in Topeka, Kansas.

19 Q. And how long have you been living there?

20 A. Thirty-five years.

21 Q. Miss Ahrens, are you familiar with an
22 organization known as the League of Women Voters?

23 A. I am.

24 Q. How are you familiar with the League of Women
25 Voters?

1 A. Well, I first joined the League of Women Voters
2 when I was 23 and living in Minnesota. And I continued
3 to join it when I moved across the country to Oregon and
4 then back to Illinois and back up to a couple of places
5 in Minnesota. And I joined again when I moved to Kansas
6 35 years ago.

7 Q. And have you been a member since then?

8 A. I have not been a continuous member in the Kansas
9 league. I have been a member for 14 years.

10 Q. What is the League of Women Voters called in
11 Kansas?

12 A. The League of Women Voters is called the League
13 of Women Voters of Kansas.

14 Q. And for ease of reference I'm going to refer to
15 the League of Women Voters of Kansas as the Kansas
16 League today; is that okay?

17 A. Yes.

18 Q. What roles do you have with the Kansas League
19 currently beyond being a member, if any?

20 A. I am the immediate past co-president of the state
21 League of Women Voters -- the League of Women Voters of
22 Kansas and I am a -- somewhat of a coach and mentor to
23 the existing board and new members and I'm specially
24 assigned to the Sedgwick County League and I advise on
25 policy and strategy.

1 Q. And how long were you co-president of the Kansas
2 League?

3 A. Two years from 2015 to 2017.

4 Q. When did you step down as co-president of the
5 Kansas League?

6 A. This April, April 2017.

7 Q. Before you were co-president of the Kansas
8 League, did you have any particular roles?

9 A. Yes. I had been on the state board. I had been
10 the membership leadership development coordinator for
11 the state League of Women Voters, and prior to that I
12 had been the president of the Topeka, Shawnee County
13 League of Women Voters.

14 Q. Were any of these roles paid positions?

15 A. Oh, no, we are a volunteer organization.

16 Q. Now, you testified a moment ago that you are
17 currently a mentor and a coach with the Kansas League.
18 What are some of the things that you do in this
19 capacity?

20 A. I follow the board. I watch the developments
21 and -- with our law cases and I try to continue to keep
22 the information flowing between us and watch what's
23 happening especially in regard to elections.

24 Q. And as co-president of the Kansas League, what
25 were some of your responsibilities?

1 A. Well, as a co-president, it's -- the
2 responsibilities are specific. You lead the league.
3 You speak for the league. You plan the board meetings,
4 meetings of members across the state and -- and
5 convention, large meetings, and you plan policy and
6 strategy.

7 Q. And are you authorized to speak on behalf of the
8 Kansas League on the issues related to the case today?

9 A. I am.

10 Q. Now, Miss Ahrens, what is the Kansas League at a
11 very general level?

12 A. Well, the -- are you asking about the
13 organization of the League of Women Voters?

14 Q. What is it?

15 A. It is -- it's actually a national organization
16 but it's both top down -- top down and bottom up. It's
17 a grassroots organization. It's -- it was founded
18 directly following the end of the Suffrage Act movement
19 and the accomplishment of the 19th Amendment, and the
20 first league in the whole nation was in Wichita, Kansas.
21 We have a lot of pride about that.

22 The league was established in order to help
23 the new -- newly gained voters learn how to -- to reach
24 the vote, to -- to sign up for the vote, register, and
25 also to participate in the vote in a way that was -- so

1 that they knew some public policy. And those two
2 missions of both registering voters, getting people
3 attached to the vote and then also studying issues,
4 public policy issues, and acting on the consensus
5 reached by the members are the major ways that the
6 league has functioned now for just about a hundred
7 years.

8 Q. Is -- does the Kansas League have any political
9 affiliation?

10 A. We are non-partisan. We're not-for-profit. We
11 have about a thousand members in the Kansas League at
12 this time and our work is all accomplished by
13 volunteers.

14 Q. And what are some of the -- some of the -- what
15 -- can you describe some of this work that the Kansas
16 League does?

17 A. Well, transparency in government is a major issue
18 we try to follow overall. So it's common for a local
19 league -- and we have nine local leagues in the state of
20 Kansas. You do have an observer core, a group of
21 volunteers who go to individual governmental meetings,
22 just take notes and watch. The meetings are conducted
23 according to open -- open law, open records and open
24 meetings laws. They bring the issues back to membership
25 that -- that membership may have already had a study or

1 an interest on.

2 We conduct candidate forums. We've had
3 candidate debates televised just in the last few years.
4 We frequently gather information about candidates and
5 distribute it in any way we can.

6 In the past we've paid for an expensive
7 program called Vote 411 for the whole state so that we
8 -- so that people might learn about candidates and their
9 positions. We sometimes -- some leagues are actually
10 publishing information about candidates and the issues
11 before them.

12 Q. And are there specific activities that the Kansas
13 League undertakes with respect to protecting the vote
14 and promoting the vote?

15 A. The biggest passion of the league is to engage
16 every possible citizen in the vote and that -- that's
17 really not bigger than we are. That is the intent of
18 our volunteers. And for the last 30 years league
19 volunteers have -- have wanted to and are passionate
20 about registering -- assisting persons in registering to
21 vote and in any area where there was a league and where
22 there was a need.

23 And so that -- that, for instance, in
24 Shawnee County there are 50 members signed up to help
25 people register to vote and that's not a very big

1 county. It is a passion.

2 Another group that's extremely passionate
3 about -- passionate about registering to vote are the
4 Johnson County and other counties, Shawnee and Sedgwick
5 County League members, who register people at
6 naturalization ceremonies. They've been asked by judges
7 to appear to do that, to assist people, new citizens and
8 their families on-site. And there are so many at these
9 sites and so many newly naturalized citizens that the
10 league is limited by how many they can register at a
11 time.

12 Q. And you mentioned some other issues that the
13 league, Kansas League, studies and does work on. Can
14 you describe some of those issues?

15 A. Yes. We have an ongoing update on water policy
16 right now. And that means that every local league and
17 all of those members who can participate in looking at
18 an existing -- we have an old policy on water from maybe
19 25-30 years ago and we're updating it now because, of
20 course, water is a critical issue, the most critical in
21 Kansas in -- in terms of natural resource issues at this
22 time.

23 We have studied juvenile justice, crime.
24 We've studied at the national level gun control.

25 At the local level local leagues study

1 issues that are very important to them. There's a
2 statewide study and consensus on mental health. There's
3 one on equitable and adequate funding of public schools
4 and equitable taxation for the state, and those are two
5 of the major issues actually including water -- three of
6 the major issues facing the state at this time.

7 Q. Now, going back for a moment to your voter
8 registration efforts, are there particular populations
9 that the Kansas League targets with those efforts?

10 A. There are. Our league members and -- and of
11 course that's -- that's not just women. I mean, it's
12 anyone who wishes to join the league. Our league
13 members are pretty unilaterally committed to engage in
14 the underrepresented in the vote, and by that I mean the
15 first time voter.

16 So in a number of our organizations, it is
17 the common practice for members to go to the local high
18 schools annually. Some now have created curriculum on
19 the importance of the vote and then helping students
20 register. I participated in one in a small town outside
21 of Topeka at -- in the cafeteria of a high school and
22 assisted a number of students with registering to vote
23 who were 17 or 18 about -- they would be voting for the
24 first time.

25 And we have worked with other organizations.

1 The Johnson County League set up a big voting event with
2 the NAACP in Kansas City. We have done all we can to
3 offer our information to groups representing the
4 populous -- the populous. But our main concern at this
5 date are the kinds of people we run into who do not have
6 the resources to -- to do complex moves. They can't do
7 multiple things for a number of reasons. It would be
8 that they don't -- it could be that they don't have the
9 time. We have -- we have registered people who work
10 three jobs. We don't -- it could be that they don't
11 have a vehicle, and that has been a particular concern
12 -- excuse me, when -- when photo ID came out first. So
13 they don't have a vehicle. They may not have the money
14 to pay for transportation. And so that population is of
15 great concern to us.

16 And historically we have worked with the
17 elderly to make sure they have access to the vote. The
18 Emporia League has brought voting machines to nursing
19 homes in Emporia for a number of years.

20 Q. Now, you're mentioning these local leagues, the
21 Emporia League, the various other leagues. Can you
22 describe the organizational structure of the Kansas
23 League?

24 A. Yes. When you join the League of Women Voters,
25 if you join with a local league -- I mentioned there are

1 nine in the state and they represent the largest
2 communities except for Wyandotte County and also a
3 number of small communities. When you join, you are a
4 member of the state league and the national League of
5 Women Voters.

6 You pay dues and our local leagues don't --
7 they're not necessarily pleased with this. When you pay
8 your dues of maybe \$55, 21 of it goes to the state
9 league and 31 of it goes to the national league and
10 there you are with money to run your local program. But
11 you can't be a local league without being a member of
12 the state and national league.

13 Q. So just to be clear, can local leagues exist
14 independently of the state league?

15 A. No. Their bylaws are approved by the state
16 league. If they wish to form a league, they have -- the
17 state board sends a liaison to assist them, and we've
18 had that happen in the -- in the last few years. They
19 -- they have to comply with the bylaws that actually are
20 complying with national bylaws too.

21 Q. And can a member -- can you be a member of a
22 local league without being a member of the Kansas
23 League?

24 A. You may not.

25 Q. How are the issues that the Kansas League focuses

1 on different than the ones that the local leagues focus
2 on?

3 A. Well, there's -- that's a good question. They
4 are all statewide issues. So a local league will focus
5 on their purview. They will look at -- Johnson County
6 did something about building a new courthouse. Sedgwick
7 County did one on building a new library. They did a
8 study. They do -- they act. They lobby their local
9 officials. They help if it -- if it means an increase
10 in taxes, they'll help on that issue. And those are --
11 those are --

12 In -- in Topeka, Shawnee County, there was
13 an excellent mental health study that dealt with the
14 mental health and health services for that community.
15 So those -- it was not -- it was not a result of
16 necessarily the statewide position on mental health
17 where there is a strong state position. But that is the
18 nature of the way that we operate. Is that clear?

19 Q. Can you -- can you tell us a little bit more
20 about how statewide positions are developed?

21 A. They come usually from the bottom up. That's
22 where it's grassroots. And in every January a league
23 has a planning meeting and they send forward issues they
24 -- they wish to be studied on the state or national
25 level. So they're sent in a -- in a tier.

1 In fact, how this change on the water policy
2 came about is that a Great Bend League asked that we
3 modify the water policy to watch out more carefully for
4 the issues of the water fall in the -- in the
5 conservation district there. I've forgotten the name of
6 the flyway, but at any rate, and, of course, Western
7 Kansas where they are extremely concerned about water
8 issues for the future. That's why we're updating that
9 issue right now. That was their specific request.

10 Q. And are policies adopted at the state level?

11 A. Yes, they are. And so the decision to make -- to
12 do a study or to create policy can be -- will be done at
13 convention or possibly at council, which is the other
14 year. And the policies to act are made also certainly
15 by the state board of directors.

16 Q. And are those statewide policies, do they apply
17 across the state?

18 A. They do.

19 Q. And do they apply to all local leagues?

20 A. They do.

21 Q. And what are some examples of these statewide
22 issues? You've mentioned a few.

23 A. I have -- yeah, I have. Well, of course, the
24 statewide issues that we're worried about is the issue
25 of voting.

1 Q. Now, how did the work of the Kansas League on
2 these statewide issues get done?

3 A. The work is done by volunteers. It is -- it's a
4 volunteer organization and in the truest sense.

5 Q. Now, I'd like to turn to the law that is at issue
6 in this case. Miss Ahrens, are you familiar with the
7 Secure and Fair Elections Act commonly referred to as
8 the SAFE Act?

9 A. I am.

10 Q. And when did you first become familiar with the
11 SAFE Act?

12 A. When the act was in the legislature, I was called
13 by the then president of the League of Women Voters of
14 Kansas, Ernestine Crable, who could not get up for a
15 hearing and was in Wichita. And she asked me to create
16 testimony and testify. And I was at that time the
17 president of the Topeka, Shawnee County league and that
18 was probably a natural request. So I did testify on
19 behalf of the League of Women Voters of Kansas in
20 opposition to the SAFE Act.

21 Q. And why was the Kansas League opposed to the SAFE
22 Act?

23 A. We saw it as a complex network of hoops and jumps
24 for the average Kansas citizen or the person -- the
25 persons we attempt to assist that was going to create

1 barriers to the vote and we'd never seen such barriers
2 to the vote in Kansas, at least that I know of.

3 Q. I apologize.

4 A. That's all right.

5 Q. What are some specific provisions in the SAFE Act
6 that the Kansas League opposed?

7 A. Both photo ID and proof of citizenship.

8 Q. Now, I want to ask you a few questions about the
9 documentary proof of citizenship requirement. When did
10 that requirement go into effect, if you know?

11 A. January 1st, 2013.

12 Q. And when the documentary proof of citizenship
13 requirement first went into effect, what impact did it
14 have on the Kansas League's ability to fulfill its
15 mission?

16 A. It was huge. It was a dead hit. It was
17 absolutely a blow and I found the word shock to be
18 appropriate in thinking about this. The league was
19 really knocked off its feet. And the reason for that is
20 we recognize that the handling of documents was
21 something that we would not accept liability for for our
22 members, our volunteer members. We were not going to
23 accept that liability, and we did not want to endanger
24 any citizens' privacy with having contact with their
25 documents.

1 It was really a kind of devastation and but
2 at the same time we were -- we have been cognizant of
3 our mission and remain cognizant of that mission which
4 is to protect the vote and to -- to bring as many people
5 as possible into the vote. So it was a direct -- as I
6 said, it was a direct blow both to us we thought and
7 also to the citizens and we had to sit back and -- and
8 -- and take it in and understand what that meant for us
9 as an organization.

10 Q. So as a result of the league's concerns with
11 liability in terms of handling documents, what, if
12 anything, happened with registration efforts?

13 A. Well, what happened first is that the president,
14 Ernestine Crable -- now we've gone through this is --
15 this is our -- we're into the fourth series of team
16 leadership for the state League of Women Voters for
17 different sets of leaders since this bill went into
18 effect and Ernestine Crable was still president at the
19 time and she did her research.

20 They called manufacturers of copy machines.
21 They got statements from them about the fact that at
22 that point in 2013 they could not assure the privacy of
23 a copy machine. Because that was the first idea, let's
24 copy these documents for people. They'll come up with
25 us -- they'll bring their documents to us and we'll copy

1 them. We learned that there -- the copy manufacturers
2 were not willing to -- to promise that the image would
3 not be -- would be safe and secure and so we stopped
4 registering voters and it was just that clear and
5 simple.

6 Q. Now, I'd like to -- I'd like you to turn to Tab 1
7 in your binder, which is marked as Plaintiffs'
8 Exhibit 14.

9 A. I see that.

10 Q. Miss Ahrens, are you familiar with this document?

11 A. Yes, I am.

12 Q. And what is this document?

13 A. Well, this is a policy created by the League of
14 Women Voters of Kansas to give information about the
15 whole issue of registering people to vote and handling
16 documents.

17 Q. And who created this document?

18 A. This was created by the board and I think it
19 might have been the -- the board of the League of Women
20 Voters in 2014.

21 MS. LAKIN: At this time I would like to
22 offer Plaintiffs' Exhibit 14 into evidence.

23 THE COURT: Any objection?

24 MS. BECKER: No objection.

25 THE COURT: Exhibit 14 is admitted.

1 MS. LAKIN: Can we put the document up on
2 the screen?

3 THE COURT: Yes.

4 MS. LAKIN: Thank you.

5 BY MS. LAKIN:

6 Q. Why did the Kansas League create this policy?

7 A. Well, to protect our members and to protect the
8 public.

9 Q. And what went into creating this policy?

10 A. Well, a lot of experience and effort and lots of
11 hours of volunteer time.

12 Q. Once the Kansas League had this policy in place,
13 did the league begin voter registration efforts again?

14 A. Not until approaching the 2014 election. So it
15 did give us a backbone and it gave us protocols to use,
16 and that's the point I believe that we began using some
17 iPads. It depended on the league. But some county
18 election officials began providing iPads to copy, for
19 instance, especially at the naturalization ceremonies,
20 because naturalization records are not supposed to be
21 copied. And so there were a number of details that had
22 to be dealt with.

23 But in 2014 most of the leagues in the state
24 began registering before the elections because you've
25 got all this pent up energy and people still believe

1 that they're going to be able to do something. There is
2 a -- even when we discussed not -- not registering
3 voters, there was disagreement, and the Lawrence Douglas
4 County League refused to cooperate.

5 Q. Now, you said that most leagues began registering
6 -- assisting with registration again in advance of the
7 2014 election. Were there any leagues that did not?

8 A. Yes, that Great Bend League in Barton County
9 refused to register a single voter or assist with voter
10 registration for years.

11 Q. And why is that?

12 A. They were intimidated. They felt that they were
13 stepping on ground they could not expect to hold them
14 and they were further frightened by later legislation
15 that gave the Secretary of State the right to prosecute.
16 They thought they would be on the stand like I am.

17 Q. Now, Miss Ahrens, do local leagues regularly keep
18 track of registration numbers?

19 A. Well, they do but there is -- there's certainly a
20 variation between the leagues about -- about their
21 recordkeeping. We are all volunteers and typically a
22 voter service chair would be watching the numbers that
23 people are able to assist with registration. But
24 sometimes there isn't a voter service chair. So,
25 anyway, there are degrees of organization and reporting.

1 Q. And do those local leagues attempt to at least
2 regularly keep track of registration numbers, do they
3 provide those reports to the Kansas League board?

4 A. Yes, some informally and some on a more regular
5 basis, they do. So by phone or by e-mail they report
6 what seems to be happening.

7 Q. And have you seen or heard these records?

8 A. Oh, yes.

9 Q. And in what capacity?

10 A. Well, as the -- in capacity as co-president.

11 Q. You testified a moment ago that eight of the nine
12 local leagues began voter registration efforts again --

13 A. In 2014.

14 Q. -- in 2014?

15 A. Uh-huh.

16 Q. Can you tell us what the effect of the
17 documentary proof of citizenship requirement was on
18 those registration efforts?

19 A. This is -- this was very telling. Because of the
20 venues and the attitudes and our experience with high
21 schools, for instance, the kinds of places we go, public
22 libraries, art fares and others -- sometimes grocery
23 stores if they'll allow us, the -- what happened was
24 that the numbers compared with previous years and
25 previous elections dropped, the numbers of persons we

1 were able to assist with voter registration. So
2 Sedgwick County reported that they had assisted 4,000
3 citizens with voter registration in 2012. In 2014 it
4 was 465, a drop of almost 90 percent.

5 And Emporia, the Emporia League, which is
6 Lyon County, reported that their experience going to
7 high schools was devastating. Prior to this law, they
8 would go to a high school, talk about the importance of
9 the vote, show the voting equipment so the new students
10 would see what they were -- what they were up for -- up
11 -- going to be up to and -- and register them on the
12 spot.

13 And what happened was, was at least -- what
14 the -- the voter service person said that registrations
15 of high school students in their purview were down 75
16 percent. And I am a member and was a member of the
17 Topeka, Shawnee County League and that league went from
18 900 to 265 in those two -- between those two elections
19 and in the interim after the documentary proof of
20 citizenship law.

21 Q. If you could look under your binder Tab 2 what's
22 been marked as Plaintiffs' Exhibit 7.

23 A. I don't have anything in my Tab 2. Oh, I do. I
24 do. Sorry. Okay. This is a report.

25 THE COURT: What's the exhibit number?

1 Seven?

2 MS. LAKIN: Exhibit 7. Plaintiffs'
3 Exhibit 7.

4 BY MS. LAKIN:

5 Q. Can you explain what this document is?

6 A. This is a report of Carole Neal, the co-president
7 and long time voter registration person. She's now a
8 voter service chair back in Sedgwick County. And she
9 reported for the benefit of the board what had been
10 happening with the Wichita League since the documentary
11 proof of citizenship.

12 Q. And how is this document related to the reports
13 on voter registration that you were describing earlier?

14 A. Well, I -- this is -- this is the kind of message
15 that we were hearing from around the state, that
16 volunteers were limited in what they could do to assist
17 anybody, and they could explain what was next, what the
18 -- what the person had to do next and send people home
19 disappointed because they were not fully registered to
20 vote.

21 Q. Is this one of the types of reports that you
22 would --

23 A. It is.

24 Q. -- receive?

25 A. It is.

1 MS. LAKIN: Your Honor, at this time I'd
2 like to offer Plaintiff's Exhibit 7 into evidence.

3 THE COURT: Any objection?

4 MS. BECKER: No objection, Your Honor.

5 THE COURT: Exhibit 7 admitted.

6 BY MS. LAKIN:

7 Q. If you could look in your binder under Tab 3
8 what's marked as Plaintiffs' Exhibit 8. Is this another
9 example of a report for registration numbers that you
10 typically receive?

11 A. Yes, this is. This is a report of the activities
12 and difficulties of the Emporia League.

13 MS. LAKIN: At this time I'd like to offer
14 Plaintiffs' Exhibit 8 into evidence.

15 THE COURT: Any objection?

16 MS. BECKER: No objection, Your Honor.

17 THE COURT: Exhibit 8 admitted.

18 BY MS. LAKIN:

19 Q. Now, I'd like to just follow up on you mentioned
20 you described these concrete efforts about registration
21 numbers declining. Can you tell us why those numbers
22 declined?

23 A. We did not find people willing and eager or
24 knowledgeable about the necessity for bringing in a
25 birth certificate or proof -- proof of citizenship to a

1 voter registration table or a place where they could
2 expect to register to vote with help. That was not
3 something people had.

4 The children -- and I will call them
5 children. I don't want to demean them, but high school
6 students I think would be the least willing to go and
7 ask mom and dad for a birth certificate and the -- maybe
8 even the least organized to do such a thing. And that's
9 what we were finding.

10 When the Douglas County League went to high
11 schools as they have gone where they have gone many,
12 many years, they'd come back with large numbers of
13 incomplete voter registrations. But they were so
14 diligent they wouldn't give up. And so they would call
15 the families and they'd call the school and they'd go
16 back. They went back three times to try to get as many
17 young people registered.

18 Q. Now, Miss Ahrens, are you familiar with something
19 called the suspense list or incomplete voter
20 registration list?

21 A. I am.

22 Q. And what is the suspense list in your
23 understanding?

24 A. Well, we learned about the incomplete voter
25 registration list through the press in the summer of

1 2015 and I don't believe we knew about it before then.
2 And so we learned about it and at that time it had I
3 think 36,000 people on the list. And we asked
4 immediately for a meeting with Mr. Caskey to understand
5 this list because, of course, it was about what we do,
6 it was about our mission. And so we met with Mr. Caskey
7 at the Secretary of State's Office and it was August of
8 2015.

9 Q. And what did you come to understand the suspense
10 list to be?

11 A. Well, Mr. Caskey said that -- he said a number of
12 things. But he said that there were a very large number
13 on the list from the DMV. And I misunderstood and
14 thought, because I had put one thing in my memory and
15 one thing in my notes from the day, and I believed he
16 had said that 87 percent were from the DMV. But
17 actually in the last few weeks as I looked over my -- my
18 notes, I realized that my mistake was that it was
19 87 percent who had not supplied documentary proof of
20 citizenship.

21 And that -- that was horrifying to us but it
22 also validated our experience volunteers had put in
23 thousands of hours trying to do whatever they could and
24 knowing that they were being ineffective, because some
25 of the leagues, the more organized ones, were checking

1 against the voter registration lists and not finding
2 people on the list after they -- because they had the
3 person's name and other leagues didn't gather names.
4 They didn't feel they wanted to be that invasive when
5 they assisted somebody with a voter registration.

6 So now we had the situation with thousands,
7 many thousands of people who hadn't supplied proof of
8 citizenship which verified the fact that this was simply
9 not a natural function for the typical Kansas citizen to
10 anticipate. And in our memory, in our experience it was
11 beyond the call or the need.

12 We had had no experience with attempts at
13 voting by undocumented workers. We had -- and many
14 league volunteers serve at the polls. We had no
15 experience with undocumented people attempting to
16 register to vote.

17 But it does clarify for us that the
18 instructions at the DMV were -- were probably inadequate
19 because it would be so easy to make a mistake at that
20 point if you had -- if English was your second language,
21 if you were given just a very brief time in order to
22 complete a registration on a screen. I can imagine all
23 sorts of problems.

24 So we were really unhappy. And even worse,
25 we were notified that on the July 4th weekend the --

1 there had been a publication of a notice that -- that
2 the Secretary of State was going to ask for a
3 rule-making and then take everybody off the list who had
4 been on 90 days. We had learned that Mr. Caskey said
5 5,000 were on there always. So there was an old list of
6 people that by statute could not have been removed. But
7 this was an absolute threat to our work and to -- as far
8 as we were concerned to the rights of citizens to vote.

9 Q. Now, what, if anything, did you learn about the
10 size of this -- -- about the -- how individuals on the
11 suspense list applied to register to vote? I believe
12 you testified you had a mistake in memory of this.

13 A. Yes. And Mr. Caskey could not say and I -- my
14 recall is that he said it's large and but I don't -- and
15 this followed later reporting to us that we -- we did
16 not know where people registered to vote in the document
17 we had been purchasing. So we started purchasing
18 suspense lists in September and we did not know the
19 source of or the location of the voter registration by
20 those lists and so -- so we only knew it was
21 substantial, and that's all I can tell you.

22 Q. What did the Kansas League do with respect to the
23 suspense list after you learned about the number of
24 people on that list?

25 A. Well, we purchased the list and we started doing

1 it. We did it several times, maybe three or four, by
2 now more. And at \$50 we purchased the list from the
3 Secretary of State Office's and then we sorted it and by
4 county and we began distributing it to our local leagues
5 and later we sent it to local newspapers. So -- and we
6 put it on our website and we tried -- we did a press
7 release saying that go to our -- please go to our
8 website, you may not be completely -- you may not be
9 fully registered and we are -- and in order to vote.
10 You will not be able to vote is what we told them. If
11 you have this -- if you're on this list you will not be
12 -- your vote will not be counted in the next elections.

13 Q. Did the Kansas League buy any other registration
14 lists?

15 A. We did. I think two and maybe three times we
16 bought the full registration lists at a charge of \$200
17 each and we sorted them also to compare to each other to
18 see how many after the -- the 90-day ruling, how many
19 were able to -- how many people were actually canceled,
20 and -- and it was a lot. By April of 2016 we had 18,000
21 canceled votes by our data. And it was a volunteer
22 analyst, so I -- you know, we're not experts in this.
23 And -- and by summer of 2016 there were 24,000, almost
24 25,000 on that cancellation list.

25 Q. Had the Kansas League ever purchased the suspense

1 list before this time period?

2 A. We didn't know it existed, no.

3 Q. And did the Kansas League make any attempts to
4 reach individuals on the suspense list individually?

5 A. Yes. The -- particularly the Douglas County
6 League -- and that league is the one that just, you
7 know, they're very rebellious and they'll -- they just
8 do what they think is right.

9 And so they had maintained that they were
10 sure that they could reach people whose registrations
11 were incomplete and they were able to get lists from
12 their own election office. And they set out to first --
13 they wrote a great big policy and set of directions. I
14 think it's three pages or four pages long, and it says
15 what you now do is we're going to call these people
16 where we have a phone number. We're going -- and then
17 they went to the database for the KU -- the KU database
18 and found e-mail addresses for hundreds. I think they
19 had -- I think they had 2,000 on the incomplete voter
20 registration list at the time.

21 And they -- they got e-mail lists. And so
22 they started calling and nobody would pick up the phone.
23 It's a strange number. Nobody responded to voicemail
24 messages. So they tried e-mails and the e-mails were
25 ineffective. They couldn't get a single person to my

1 memory registered to vote.

2 So they decided, all right, we're down to
3 the election. It's 2014 and they got 16 volunteers and
4 they mapped out a core area in Lawrence, Kansas and they
5 spent two days, a Sunday -- a Saturday afternoon and a
6 Sunday and they went door-to-door and they carried a
7 copier with them, which they secured in a locked closet
8 afterwards, and they -- in the end out of 115 contacts
9 at people's homes or apartments, they got 31 people
10 registered to vote.

11 They actually copied five -- carrying this
12 thing around with them, they copied five documents and
13 the others -- the other 16 were completed later at some
14 other time. People did complete but that's all. So it
15 was 31 I believe, maybe 32 out of 115, and it was 32
16 volunteer hours because we go -- we like to go in pairs.

17 Q. Now, if you could look in your binder under
18 Tab 4, what's been marked as Plaintiffs' Exhibit 17.

19 A. Oh, yes. Okay. This is -- this is what the
20 document -- the document produced by Celia King and
21 volunteers at the Lawrence, Douglas League of Women
22 Voters.

23 Q. And what is in this report?

24 A. It tells them how to get people off the suspense
25 list.

1 Q. And how do you know what this document is?

2 A. I've seen it before and it was provided to the
3 state League of Women Voters board.

4 Q. Board.

5 MS. LAKIN: Your Honor, at this time I would
6 like to offer Plaintiffs' Exhibit 17 into evidence.

7 MS. BECKER: No objection.

8 THE COURT: 17 admitted.

9 BY MS. LAKIN:

10 Q. If we could turn to the second page and can we
11 zoom in on the results. Miss Ahrens --

12 A. Yes.

13 Q. -- can you turn to the second page of this
14 document.

15 A. Yes, and I have it in front of me, the results.

16 Q. And is this what you were trying to describe
17 earlier --

18 A. That's right.

19 Q. -- about the results?

20 A. That's right. So originally when I read it, I
21 thought, oh, they got 30, that's not bad, 30 people's a
22 lot of people considering the kinds of situations we've
23 been facing. But then I understood that they didn't
24 complete them there even. They completed them at some
25 point, because that league keeps going back to the

1 record and watching and waiting for people on the voter
2 registration list to know whether or not they're --
3 they're fully done, they're completed.

4 Q. Now, can you give us a general sense of how much
5 time Kansas League members devoted to working the
6 suspense list and reaching out to voters on the suspense
7 list?

8 A. I would say thousands of hours.

9 Q. And had the Kansas League ever reached out to
10 individuals to follow up on their registration
11 applicants -- applications prior to the documentary
12 proof of citizenship requirement going into evidence?

13 A. You know, there may be a few -- may have been a
14 few instances when I think they would be unusual.

15 Q. And why is that?

16 A. Because the form was very -- it was -- I don't --
17 the word -- what -- I'm trying to think of it. It's the
18 kind of thing people could easily do. So it met the
19 human need, which was you check off that you're a
20 citizen. You put down the last four of your social or
21 driver's license number. You fill it out with the right
22 address and it says on the bottom that it's -- you will
23 -- you will be charged with a serious crime if you've
24 done it dishonestly.

25 Q. And in the past, when individuals completed their

1 forms with the -- at our registration fair, what would
2 league members do with those completed forms?

3 A. Commonly League of Women Voters would --
4 volunteers would take the completed form after assisting
5 somebody with it and carry it -- hand carry it to the
6 election office.

7 Q. And, in your understanding, would those forms
8 then be complete applications?

9 A. Yes, that's my understanding.

10 Q. And how would you compare the amount of time it
11 took to assist a voter to successfully complete their
12 voter registration pre and post the documentary proof of
13 citizenship requirement going into effect?

14 A. I would say about three or four minutes, maybe a
15 little longer if there are some complications of any
16 sort.

17 Q. And that was pre or post?

18 A. That was prior. And -- and after the DPOC
19 requirement, for sure we're talking about an hour per
20 registrant.

21 Q. Now, you testified earlier that the Kansas League
22 also works to inform and educate voters?

23 A. Yes.

24 Q. Did the Kansas League do any voter education with
25 respect to the documentary proof of citizenship?

1 A. Oh, yes, we did.

2 Q. Miss Ahrens, if you look in your binder under
3 Tab 5 at what's been marked as Plaintiffs' Exhibit 13.

4 MS. LAKIN: Your Honor, the parties have
5 stipulated to the admission of this exhibit.

6 THE COURT: Exhibit 13. Yes, it's admitted.

7 BY MS. LAKIN:

8 Q. Miss Ahrens, what is this document?

9 A. This is a tri-fold created under the leadership
10 of Dr. Dolores Furtado and she was the president of the
11 League of Women Voters of Kansas before Carole and I
12 became co-president.

13 Q. And why did the Kansas League decide to create
14 this tri-fold?

15 A. The struggle of that previous board was to figure
16 out how to educate the public because that's a major --
17 we help people access the vote and we educate them on
18 the issues and -- and how to participate in the vote.
19 And that was the best way we could figure out at the
20 time that she could figure out to address our -- to
21 address our mission to -- to do that to educate the
22 public about the meaning of the new law.

23 Q. And I'm not sure we made this clear, but when was
24 this tri-fold created approximately?

25 A. I think it was the winter of 2015. I am not --

1 it could have been earlier. It -- no, I believe it was
2 -- I think it could have been 2014. I am sorry but I
3 don't recall.

4 Q. That's fine. That's fine. But was it post the
5 SAFE Act?

6 A. Oh, it was after the SAFE Act was passed, yes.

7 Q. And was it after the documentary proof of
8 citizenship requirement went into effect?

9 A. It was. And it was with what she knew at the
10 time and what the board knew at the time and actually
11 did something to change soon after the investment in
12 this -- in this -- in the publication of -- of this
13 tri-fold, paper tri-fold.

14 Q. What did you do, the Kansas League do with these
15 tri-folds?

16 A. The league made thousands of copies and they were
17 carried and sent out to community colleges, to -- they
18 were sent out to public libraries all over the state. I
19 know that league members took them to high schools and
20 any place they could distribute something like this to
21 help people understand the changes in the law and how to
22 participate in the vote.

23 Q. How much did this brochure cost to make and
24 distribute?

25 A. In my memory, I think it was about 3,800.

1 Q. And other than money, what resources went into
2 the creation and distribution of this tri-fold?

3 A. This is all volunteer time; the creation, the --
4 the distribution. I think anybody who's tried to do a
5 document like this knows how much it takes and it was a
6 lot. It's all volunteer.

7 Q. Did the Kansas League create any other public
8 education materials regarding the documentary proof of
9 citizenship requirement?

10 A. We did. We did. After Carole Neal and I became
11 co-president, we hired an intern, a political science
12 senior from Washburn University, and -- and she and we
13 together and with the board decided to work with KTWU
14 television and with two professors, Drs. Hamilton and
15 Peterson in the political science departments at
16 Washburn, to create a teaching manual and -- and a
17 teaching video. And that effort took place in the fall
18 of 2014.

19 Q. And why did the Kansas League decide to create
20 the video and teaching manual?

21 A. We were very concerned about the new voter. And
22 Natasha was a wonderful match for trying to put together
23 something visually and -- and we had extraordinary
24 support and cooperation from Washburn faculty and from
25 the public television and good ongoing relationships

1 with that television station anyway. So it was a
2 natural fit for us to try something that we could put on
3 our website and also that we could distribute to
4 universities. We were going to start with the core
5 group of state colleges and distribute to community
6 colleges, VoTechs and high school people and volunteer
7 organizations and as a means of telling people again how
8 to register to vote under the new law.

9 Q. How much did this video cost to make if you
10 recall?

11 A. It's -- it seems to me it was about \$7,000 with
12 Natasha's time as an intern.

13 Q. She was a paid intern; is that right?

14 A. She was a paid intern, yes.

15 Q. And other than money, what other resources went
16 into creating the video and the teaching manual?

17 A. Volunteer time. The professors gave their
18 volunteer time in creating the manual. We edited it
19 with them. And a volunteer, a professional writer who's
20 a member of the league in Manhattan, wrote the script
21 and several of us met even driving up from as far as
22 Wichita to -- to make the plans with KTWU.

23 Q. Has the Kansas League since made another version
24 of this video?

25 A. We did. We -- we did a version in Spanish.

1 Q. Now, where did the funds to pay for the video and
2 the tri-fold you discussed earlier come from?

3 A. The funds came from our own budgets and also
4 Dolores Furtado asked the local league to make a special
5 donation for the whole project of trying to power the
6 vote or make the vote go forward.

7 And so the tri-fold really was funded with
8 more extra donations from local leagues. And the video
9 was also made with a grant from the League of Women
10 Voters of the United States. And so literally the money
11 -- the projects were planned and funded by our own
12 money -- our own organization's money. We had a request
13 coming in but it took until December of when it was done
14 for that -- for that gift to come.

15 Q. So just to be clear, the -- you mentioned a
16 request. And that money came after the video was
17 done --

18 A. That's right.

19 Q. -- is that what you --

20 A. It was ready for distribution at the end of that
21 month.

22 Q. If the Kansas League hadn't spent this money on
23 the tri-fold and video, what, if anything, would the
24 league have done with that money?

25 A. We should have been working really hard on

1 educating the public on the -- on the funding of public
2 education, which was caught up in the courts, and on
3 adequate taxation, a real, real difficult situation in
4 Kansas, and mental health services which had been dried
5 up. Millions have been taken from mental health
6 services at the state level over the last 10 years. And
7 certainly we should have been working on the water issue
8 because they kept taking the water fund money out of
9 that agency to cover some other hole in the budget. So
10 we had serious issues we needed to be advocating on.

11 Q. And I think this follows, but, Miss Ahrens, what
12 impact did all the activities that the Kansas League
13 undertook in response to the documentary proof of
14 citizenship requirement have on the Kansas League's
15 other work?

16 A. I think it -- it drained us. It -- it totally
17 drained our resources in -- both in terms of
18 volunteerism and also in terms of money because we don't
19 spend money like that.

20 Q. And was this true even within the realm of the
21 Kansas League's other work to protect the vote?

22 A. Yes. We didn't even get anywhere with the photo
23 ID and it's a major issue. Immediately after photo ID
24 went into effect six months before proof of citizenship,
25 I was at that time president of the Topeka League and we

1 did exit interviews and checked the data and we were
2 alarmed by the changes in our poorer neighborhoods
3 between those who voted in prior elections and those who
4 voted after the photo ID. We had no resources to go
5 forward with that.

6 Q. Now, are you familiar with an alternative
7 procedure for satisfying the documentary proof of
8 citizenship requirement if you do not have one of the
9 requisite documents?

10 A. Oh, yes, the Secretary of State set up a
11 procedure.

12 Q. In your experience, how has the availability of
13 this procedure impacted the Kansas League's voter
14 registration efforts?

15 A. Not at all. I -- I don't -- I don't recall
16 anyone who would have had the -- the patience and the
17 gumption and the personal resources to wade through all
18 of this, end up with no document because, for instance,
19 they could have grown up in the military. We had a
20 number of people say that. But in our contacts we
21 didn't have anyone willing to go as far as to try to
22 meet with the Secretary of State over this issue and get
23 some kind of exemption. That's asking a lot of regular
24 people. Excuse me.

25 Q. Now, I'd like to ask you a few questions

1 regarding events following this court's preliminary
2 injunction ruling in this case. What has been the
3 effect of that ruling on the activities of the Kansas
4 League, the preliminary injunction ruling?

5 A. Right. Well, we chose as a policy to use the
6 federal form to register voters because of the
7 preliminary injunction and the protection it gave voters
8 at least temporarily. And that meant that the Great
9 Bend League, which had just been waiting for years has
10 set out to register voters at their community college
11 and their high schools and everywhere. They're having a
12 real revival of enthusiasm for the vote and for bringing
13 people into the vote. And across the state I think it's
14 fair to say that that's what's happening. We still
15 caution people in our documents that -- that there is a
16 possibility that they would have trouble later and but
17 -- and we urge them still to bring in documents if they
18 are available to them.

19 Q. Has the preliminary injunction ruling affected
20 the Kansas League's voter education efforts with respect
21 to the documentary proof of citizenship requirement? I
22 hear that you say you still do some education.

23 A. Well, we certainly are educating people for the
24 upcoming elections and we are telling people that we
25 want them to vote. I'm trying -- I'm trying to think of

1 anything else that's affected. We're trying to be clear
2 in our message.

3 Q. Has the league had to do as much voter education?

4 A. I'm sorry, would you repeat that?

5 Q. Has the league had to do as much voter education
6 since --

7 A. No, no.

8 Q. -- the court's ruling?

9 A. We're not -- we're not using the -- the video at
10 this time and -- and we don't have plans to create any
11 -- any new such education. We don't have to go that far
12 at this time.

13 Q. Now, what, if anything, has the Kansas League
14 done with respect to the suspense list following the
15 court's preliminary injunction ruling?

16 A. Well, we posted it on our website and we gave it
17 to newspapers all over the state and individual leagues
18 contacted people. So that of late we bought the last
19 one in summer or I -- maybe it was October this -- in
20 2017 intending to still -- no, I think it was summer and
21 I think we even posted it. And I think at that time
22 there were 18,300 people on the suspense list. And we
23 posted it but we started to investigate the names on it
24 and found that they were some of the people we had just
25 finished registering on the federal form, and that was a

1 shocking piece of news.

2 So we pulled it off our website because we
3 had always told people that if they were on the suspense
4 list, they would not be able to vote and we couldn't
5 deal -- we couldn't -- I mean, the whole -- the whole
6 matter of our -- force of our education is to organize
7 people in such -- help people be organized enough so
8 that they can really be prepared to register to vote in
9 Kansas and not confuse them. So we had always said if
10 you're on the list, you're not going to be able to vote;
11 you must get your documents in. That was our message
12 for, what, how many years? Three years.

13 And now the list included people who had
14 registered using the federal form and had not brought in
15 documents. And that didn't meet our incomplete voter
16 registration definition of that list, that is it no
17 longer was that in our minds and so we pulled it off our
18 website.

19 We contacted the Secretary of State's Office
20 and -- and request -- and made a request, and I think
21 the request date in writing was October 26th, for a
22 separate list so that we could -- for a list that
23 separated out the groups of people; the DMV people, the
24 federal form people who had not registered at the DMV,
25 and then the state voter registrants. And it took two

1 months before we got a reply. So in -- it was December
2 21st and the reply said that they were unable to
3 separate the list out in a meaningful way for us to use
4 them any longer.

5 Q. Now, you mentioned that you -- the Kansas League
6 discovered that there were individuals on the suspense
7 list in the summer who had used the federal form?

8 A. Yes.

9 Q. Is the Kansas League aware of whether or not
10 there were individuals on the suspense list that had
11 registered via the DMV?

12 A. We -- we have heard -- yes, we have heard that
13 people who registered at the DMV but that -- they have
14 told us, so we know they're on there. We don't -- but
15 we cannot determine who -- whom we can help. We don't
16 know whom we can help.

17 Q. Now, has the Kansas League encountered any other
18 issues with respect to voters covered by the preliminary
19 injunction?

20 A. Yes. I received an e-mail from a Manhattan
21 League member. She had just come home from talking with
22 her election official. And they had talked with her,
23 had brought in a number of voter registrations, and she
24 said, "Well, now these people are in; right?" And she
25 was told, yes, they were fully registered and that they

1 would get a letter and --

2 MS. BECKER: Objection. I'm sorry, Your
3 Honor.

4 THE WITNESS: I'm sorry.

5 MS. BECKER: This is hearsay and I'm not --

6 THE COURT: All right. I'll sustain.

7 MS. BECKER: Thank you.

8 THE WITNESS: Okay.

9 MS. LAKIN: Your Honor, may I inquire?

10 THE COURT: I'm sorry?

11 MS. LAKIN: May I inquire of the witness
12 just to establish --

13 THE COURT: Yeah, rephrase your question.

14 BY MS. LAKIN:

15 Q. Do local leagues routinely collect information
16 from county election officials on voter registration?

17 A. They do.

18 Q. And do you routinely ask questions about how
19 registered voters are getting information about going to
20 the post?

21 A. Would you state that again please?

22 Q. Do you routinely collect information regarding
23 what individual voters should expect as registered
24 voters in terms of being registered and going to the
25 polls?

1 A. Yes. Our members have --

2 MS. BECKER: Objection, Your Honor. This
3 witness is not an election official and I'm not sure
4 that she would know exactly what election officials...

5 THE COURT: I don't think that was the
6 question.

7 MS. LAKIN: I'm not asking that question.

8 THE COURT: I think she's trying to lay
9 foundation. I don't know if it's for business records
10 exception or not, but I'll let you lay the foundation.
11 I didn't hear that question to be calling on expertise
12 about election -- election offices. Proceed.

13 THE WITNESS: Our members have close
14 relationships with local election officials because they
15 frequently volunteer for elections. They sit in on the
16 counts following elections and they need to work with
17 election officials in order to do the job that they do,
18 assisting with registrations responsibly.

19 BY MS. LAKIN:

20 Q. And do they collect this information on a
21 league-by-league basis?

22 A. They do.

23 Q. Regularly?

24 A. They do.

25 Q. And do they report this information to the Kansas

1 League Board?

2 A. If they see a problem, they would be notifying
3 the Kansas League Board.

4 Q. And you were discussing some information from one
5 of the local league counties regarding some of this
6 information about registration information that voters
7 receive. In what capacity did you hear that
8 information?

9 A. I heard that information as a -- I'm trying to
10 think. It came -- I think it came on an e-mail that was
11 sent to me because of concerns about the -- just the
12 legal concerns, that's why it came to me. So the legal
13 issues which I continued to follow. And I'm not an
14 attorney. I'm just -- I -- but I do follow those for
15 the state League of Women Voters. So it came to me as I
16 think I -- I don't know if it's an e-mail or a phone
17 call. And this league member said --

18 THE COURT: All right. Stop.

19 THE WITNESS: That's it.

20 THE COURT: Stop for now.

21 THE WITNESS: Okay.

22 THE COURT: So you're -- she's now reached
23 the point where she's wanting to convey what someone
24 said to her. There's a hearsay objection.

25 MS. LAKIN: Yes, Your Honor. These are the

1 reports of regularly conducted voter registration
2 collection efforts done by local leagues reported to on
3 a regular basis to the Kansas League Board. This
4 information came through, information that is regularly
5 reported in that manner. And as such as -- Miss Ahrens
6 is aware of that through these regular reporting methods
7 and therefore this information is not hearsay.

8 THE COURT: All right. I'm going to sustain
9 the objection at this point. There's been an
10 insufficient foundation because one of the things -- one
11 of the things you have to show to have an out-of-court
12 statement be admitted as a business record is that the
13 information was actually recorded. And so just to --
14 that it was recorded in the actual course of business
15 and that -- it was in the ordinary course of business
16 and that it was in the ordinary course of business to
17 make such a recording. Business records obviously are
18 records meaning they've been recorded in some fashion.
19 So just an oral statement from one person to another I
20 don't think meets the exception, at least on this
21 showing. So I'll sustain the objection.

22 MS. LAKIN: Your Honor, I also --
23 Miss Ahrens is just simply reporting on what she has
24 heard. I don't know if at this time we need to -- if
25 I'm offering it for the truth of the matter.

1 MS. BECKER: Your Honor, I believe that
2 would still be hearsay. I'd also mention best evidence,
3 if there is an e-mail, we don't have the e-mail.

4 THE COURT: Well, right. If -- well, one
5 exception to the hearsay rule is things that are not
6 offered for the truth of the matter asserted. But I'm
7 not understanding what the relevance is if you're not
8 asking me to consider these statements to be true.

9 MS. LAKIN: Your Honor, the relevance would
10 be the belief of the league that the local elections
11 officers are not sending certain information for certain
12 registered voters and therefore have extended resources
13 and taken efforts in order to ensure that those
14 individuals are getting the information that they need.

15 THE COURT: All right. Proceed. I'm going
16 to disregard what this person or person said to this
17 witness. But if it's just as -- you're offering it as a
18 foundation to explain why the League of Women Voters
19 responded by doing certain things, I'll consider it in
20 that context and only in that context; otherwise, it
21 would violate the hearsay rule.

22 BY MS. LAKIN:

23 Q. Miss Ahrens, can you describe what you learned
24 about the practices of certain local leagues with
25 respect to sending out information concerning an

1 individual's voter registration?

2 A. What I've learned from local leagues is that some
3 election officials do not send out postcards which are
4 certificates of registration to persons who registered
5 using the federal form unless they attach -- they've
6 attached documentary proof of citizenship to that form.
7 And so for persons who have registered to vote and still
8 have not brought in proof of citizenship in some
9 counties in the state are not receiving postcards that
10 tell them where they will vote.

11 So the letter they get, which tells them
12 they are fully registered, but tells them to go to a
13 website or to their local election official to find out
14 where they will vote and that's a really -- that's a
15 really big issue in this way: The postcard is
16 considered by traditional in Kansas to be the way you
17 know you're fully registered to vote.

18 Q. And when you learn this information from one of
19 the local leagues, what efforts did the Kansas League --
20 what, if anything, did the Kansas League do in response?

21 A. People checked with their local officials and
22 found varying practices among election officials in
23 regard to this postcard issue.

24 Q. Now, I'd like you to turn to Tab 6 at what's been
25 marked for identification as Plaintiffs' Exhibit 66.

1 Miss Ahrens, are you familiar with this document?

2 MS. BECKER: I'm sorry --

3 THE COURT: Just a minute.

4 MS. BECKER: I'm sorry, I was just asking is
5 this in the notebook?

6 MS. LAKIN: I believe so under Tab 6.

7 MS. BECKER: Thank you.

8 THE COURT: And it's Exhibit 66?

9 MS. LAKIN: That's correct.

10 MS. BECKER: No objection.

11 THE COURT: Are you offering it?

12 MS. LAKIN: I'll offer it into evidence at
13 this time.

14 THE COURT: All right. Exhibit 66 admitted.
15 It's State of Kansas County Election Manual, is that
16 what it is for the record? I'm sorry it's the Shawnee
17 County Voter Registration Certificate.

18 MS. LAKIN: That's correct.

19 THE COURT: We need to identify it other
20 than just the number, that's why I was saying --

21 MS. LAKIN: Apologies.

22 THE COURT: That's all right. 66 admitted.

23 BY MS. LAKIN:

24 Q. Miss Ahrens, are you -- what is this document?

25 A. This is actually a certificate of registration

1 postcard and it's -- it is one I received just two weeks
2 ago in Shawnee County.

3 Q. Are you sure this one is the one that you
4 received two weeks ago?

5 A. Uh-huh.

6 Q. Can you, please, take a look again?

7 A. Wrong. Just a second here. It's upside down.

8 Q. You can look at it in your binder, Tab 6.

9 A. Oh, it was a long time ago.

10 Q. And is --

11 A. Yeah, it was, it was October. I'm sorry. But
12 what's good about this is that it tells how somebody is
13 registered and which local and state and national
14 jurisdictions they are. So it gives them an idea of the
15 kind of candidates they need to watch for and also it
16 tells them where they will vote.

17 Q. And when the Kansas League learned that
18 individuals might not be getting this postcard, can you
19 explain why that was a concern for the Kansas League?

20 A. Well, I think I've said that before. It's
21 because it's traditional. And somebody just stopped me
22 last week and said, "I didn't get a postcard. Do you
23 think I'm really registered?"

24 That is the way we think about being fully
25 registered in Kansas. The postcard is significant.

1 MS. LAKIN: Thank you, Miss Ahrens. I have
2 no further questions for Miss Ahrens at this time.

3 THE COURT: All right. Why don't we take
4 about a 15-minute break and then Mr. Johnson --

5 MR. WOODS: He stepped out for a period.

6 THE COURT: Before cross, do you know if
7 Mr. Johnson intended to do any further direct?

8 MR. WOODS: No, Your Honor.

9 THE COURT: All right. So we'll come back
10 after 15 minutes and do the cross examination.

11 (Recess.)

12 THE COURT: Cross examination.

13 MS. BECKER: Yeah, I was just waiting. Is
14 Mr. Johnson going to be --

15 MR. JOHNSON: I'm here.

16 MS. BECKER: But were you not going to --

17 MR. JOHNSON: I have no questions for
18 Miss Ahrens. Thank you very much.

19 CROSS EXAMINATION

20 BY MS. BECKER:

21 Q. Good afternoon, Miss Ahrens. How are you?

22 A. Good afternoon.

23 Q. You testified that you think there is a burden on
24 -- on Kansas citizens to have to produce documentary
25 proof of citizenship -- proof of citizenship; is that

1 correct?

2 A. That's correct.

3 Q. You said I believe that the burden, as you sort
4 of described it, was that many did not have -- did not
5 have it in their possession; is that true?

6 A. That's correct.

7 Q. If registrants had their birth certificates, do
8 you think that would still be a burden?

9 A. I think that the -- there -- it's complicated by
10 the fact that the people that the League of Women Voters
11 helps to register -- and we're certainly not
12 discriminatory -- but they are busy or do not have
13 documentation with them. If they are poor, they are
14 less likely to have documentation at all in their
15 possession, that they have to find it and in some cases
16 pay for it and that they -- it's costly and costly in
17 time. And but worse yet, I think that the issue is, is
18 that they don't know why they have to; they're citizens.

19 Q. And that's -- that's one of the -- the missions
20 of your group is to explain the law to them; is that
21 correct?

22 A. That's right, because we do honor the law. We
23 respect the law. And so as long as those kinds of laws
24 are on the books, we recognize the law, teach about what
25 the law is and probably fight against it --

1 Q. And --

2 A. -- in the legislature.

3 Q. Fight against the law?

4 A. Yeah, against the law in the legislature in legal
5 matters, in legal ways.

6 Q. But you just said you respect the law?

7 A. But we respect the law, absolutely. So we teach
8 -- we teach the public and our members what the law is.

9 Q. Okay. How long have you been teaching -- not you
10 -- and when I say "you," I think you understand that I
11 -- you're here as a representative of the League of
12 Women Voters; is that correct?

13 A. League of Women Voters of Kansas.

14 Q. Of Kansas.

15 A. Thank you.

16 Q. So if I accidentally say "you," I'm referring to
17 you or in your capacity speaking on behalf of the
18 leagues; is that fair?

19 A. Uh-huh.

20 Q. So how long have you been educating the public on
21 election law or registration requirements?

22 A. I believe that the League of Women Voters of
23 Kansas started assisting people have the vote -- first
24 of all, at its founding about a hundred years ago. And
25 I don't know what happened in the period, but since the

1 '80s. And so they would have been producing documents
2 to teach people how to register to vote, for instance,
3 and how to participate in the vote.

4 Q. So there was a need for the assistance, if you
5 will, since at least the 1980s --

6 A. It --

7 Q. -- is that correct?

8 A. It was part of the mission of the league. And
9 for whatever reasons that's when the league decided to
10 begin assisting people directly with registrations.
11 It's always been a concern that the most possible people
12 participate in democracy because it strengthens
13 democracy.

14 Q. So there -- is it your testimony then that there
15 was a need to explain registration procedures and help
16 people even before the SAFE Act went into effect?

17 A. To a very minimal degree because it was a very
18 simple format. It was predictable. And people knew
19 that when they registered, their registrations would go
20 through, they could vote. Very different scenarios
21 since the proof of citizenship, a very varied night and
22 day.

23 Q. But yet it was a major focus for the league for a
24 long time. So you're -- I just want to -- I'm going --

25 A. It's a value and a passion and a mission but it

1 was --

2 Q. Sure.

3 A. -- not consuming. This consumed us. This
4 consumed us since 2013.

5 Q. Okay. Let me ask you: I believe you testified
6 with regard to Plaintiffs' Exhibit 8, which is -- it was
7 Deposition Exhibit 27, and it discusses your experience
8 in Lawrence, Kansas specifically. Do you recall
9 testifying -- or I'm sorry. Do you recall discussing it
10 with your -- with your counsel about how volunteers went
11 door to door to assist with registration? Do you recall
12 that just from today?

13 A. Well, I'm very familiar with the -- with the
14 people who did it.

15 Q. Okay. But you recall that that was one of the
16 methods that you used in Lawrence that you testified
17 about --

18 A. That's right.

19 Q. -- previously?

20 A. That's right.

21 Q. Okay. Did -- did those volunteers, did someone
22 have a copy machine with them; is that what I heard you
23 testify?

24 A. That's correct, they brought -- I don't know if
25 they had more than one, but they had at least one copy

1 machine with them which they then secured and they
2 copied --

3 Q. Tell how -- how --

4 A. Yes.

5 Q. I'm sorry to interrupt you, but how is that
6 having the copy machine made the registration easier?
7 And I believe you've used the word in the past "it was
8 easy." So do you have an opinion --

9 A. Oh --

10 Q. -- on --

11 A. -- that notion that it was easy after somebody --
12 after all of these volunteers and all of these hours,
13 after phone calls and e-mails had gone to 115 places of
14 living and then some -- one of those 115 finishes his or
15 her application at the door with a copy machine copying
16 their documents which were in their place of living, of
17 course they could make a remark. That's a funny thing
18 to say, what did they know? It wasn't easy.

19 Q. Well, I believe that -- that you had -- you had
20 -- you did agree it was easy because you did comment on
21 it in your -- in your deposition that --

22 A. Well, the document says that a person said to the
23 volunteer team, "Oh, well, it's easy." But it wasn't
24 easy. That's a typical kind of thing somebody would say
25 after someone has spent 32 hours trying to get one

1 registration completed. It was the comment it's --
2 it -- in context it's hilarious. It doesn't mean that
3 the process was easy. It was definitely not easy;
4 otherwise, the person would have long taken themselves
5 off the suspense list.

6 Q. Is -- is it your understanding then that
7 registrations were complete simply because documents
8 could be copied at a person's home?

9 A. Apparently in that instance after hers was done,
10 that's right.

11 Q. So in those instances where the copy machine was
12 used to actually go to a registrant's home who was on
13 the suspense list, they were able to complete their
14 registration because of the copy machine; is that true?

15 A. I can't tell you that for sure because I don't
16 know the full context of that quote.

17 Q. It's you just --

18 A. But I think it says something like when they were
19 finished, they said, "Oh, well, that was easy,"
20 because --

21 Q. Well --

22 A. -- obviously they had thought it was difficult.

23 Q. And, I'm sorry, I'm just asking you generally if
24 people brought -- if people, as you said, had their
25 documents at their home and then someone drove up with a

1 copy machine and copied them, do you consider that to be
2 easy for the -- the registrant to complete their
3 registration with a -- with a copy machine coming to
4 their door?

5 A. Of course. But who can afford it? Who can give
6 that kind of service? And what is --

7 Q. I'm sorry --

8 A. What is the need?

9 Q. I'm sorry, just listen. It's a yes or no
10 question.

11 A. Oh, I'm sorry.

12 Q. That's fine.

13 A. Well --

14 Q. I'll just ask the next --

15 A. Okay.

16 Q. -- the next question.

17 Is it your understanding if documents are
18 being copied that the documents are in the possession of
19 the people at the home?

20 A. I would assume that, yes.

21 Q. Okay. So the people whose documents were copied
22 at home, they must have had either their birth
23 certificate or one of the 13 other forms of
24 documentation that the Secretary's Office accepts; is
25 that true?

1 A. That was five out of 115. Five.

2 Q. But so the burden for those people would be
3 leaving their house with papers in hand; is that true?

4 A. Well, I believe it could mean requiring
5 transportation. It could -- it could mean more than
6 that.

7 Q. Sure. So there are other burdens, wouldn't you
8 agree, to completely completing a registration besides
9 not having proof of citizenship?

10 A. Not many under the old law.

11 Q. Well, then what -- what were the burdens and the
12 hurdles people faced prior to the new law that your
13 organization spent 20-30 years assisting with?

14 A. Very few. We made voter registration available
15 that -- and at places where people were likely to be so
16 they could register in passing where they were.

17 Q. Did you -- did you --

18 A. I'm sorry.

19 Q. It's probably me.

20 Did you previously testify though that the
21 -- the folks that you help had issues with
22 transportation, they had issues with learning where --
23 where they needed to go, they have maybe not computer
24 access -- I'm not sure you mentioned that -- but would
25 you agree --

1 A. Uh-huh.

2 Q. -- those are also burdens for people, anyone?

3 A. Even a cell phone. But you might note that in
4 our public libraries, at least in -- in the one in
5 Shawnee County, there are many, many people with few
6 resources come to that library. It's a great spot. We
7 -- we've gone to the rescue mission and Let's Help,
8 which is a food kitchen. And so -- and the bus does
9 come to the library and that's usually the case in most
10 cities. So it's -- and the public schools and private
11 schools.

12 Q. And so are you saying that that's where you have
13 volunteers go to --

14 A. Yes, I am.

15 Q. -- assist people?

16 A. Uh-huh. And the public schools, private schools.

17 Q. Are you aware of any other circumstances for
18 which a -- a voter -- excuse me. Let me withdraw that
19 question.

20 I just want to wrap up though what I was
21 asking with regard to the -- the copier service. I just
22 want to ask: Does your organization currently have a
23 portable copy machine?

24 A. No.

25 Q. Did you?

1 A. But individual leagues have taken money out of
2 their own budgets and have purchased them and now they
3 have purchased secure ones such as iPads and then they
4 also have agreements with local election officials to at
5 some -- especially at naturalization ceremonies to use
6 the election office's iPads.

7 Q. And is that -- isn't that because documentation
8 can actually be e-mailed or texted to the Secretary of
9 State's Office?

10 A. Well, there's some problems with that. First of
11 all --

12 Q. Well --

13 A. -- I mean --

14 Q. -- is that -- your reference to iPad though is --
15 how does that make it easier?

16 A. That -- well, it's a secure iPad if it comes from
17 the election office, so there's no responsibility for
18 us.

19 Q. Okay. Well --

20 A. I don't know what -- how they manage the data
21 after it's --

22 Q. I understand. But I'm asking if the reason that
23 -- that iPads are used, whether they're secure, not
24 secure, who owns them, is because it is true, is it not,
25 that a person can e-mail or take a picture of their

1 documentation and send that directly to the Secretary of
2 State's Office's numbers available on your brochures, in
3 the law itself; is that your understanding?

4 A. And my understanding is that many of the people
5 we serve do not have access to -- even to cell phones,
6 to -- don't know how to manage a computer, won't take a
7 picture of something and text it. No, it --

8 Q. Yes --

9 A. They won't do it.

10 Q. -- but is it your understanding though that --

11 A. It can be done.

12 Q. -- it can be done?

13 A. It's allowed under the law.

14 Q. Okay.

15 A. But the law is not in my estimation -- in our
16 estimation it's not designed --

17 Q. Uh-huh.

18 A. -- for people.

19 Q. Miss Ahrens, have you sat through the trial this
20 week so far as -- as a party?

21 A. I have yesterday.

22 Q. Do you recall --

23 A. Yesterday.

24 Q. -- Dr. Michael McDonald, I think he's one of your
25 experts that testified I believe yesterday?

1 A. I was here when he testified.

2 Q. I just have -- I'm not going to quiz you. But do
3 you recall he and I discussing -- or not he but him
4 discussing the prevalence of cell phones among those
5 ages 18 to 29?

6 A. Actually, I don't. Please tell me what you're
7 thinking of.

8 Q. Okay. It's your testimony that there are a lot
9 of people that -- that don't have access to cell phones;
10 is that correct?

11 A. It certainly isn't the younger group. It's
12 certainly not young children -- you know, young
13 children. People do use cell phones a lot.

14 Q. Well --

15 A. There are many people who can't take a photo with
16 their cell phone. They have the cheapest model --

17 Q. Miss Ahrens, I'm sorry --

18 A. Uh-huh.

19 Q. -- please just answer the question.

20 MS. LAKIN: Objection, Your Honor.

21 Miss Becker keeps interrupting Miss Ahrens while
22 answering her question.

23 MS. BECKER: I am trying to get her to not
24 ramble and be responsive.

25 THE COURT: All right. Let's not -- reframe

1 the question and go from there. Typically on cross
2 examination people tend to ask questions that beg a yes
3 or no answer, although not always. But, I mean, if it's
4 a question that's open-ended enough, I think the witness
5 should be able to complete their narrative answer.

6 Reframe your question, we'll go from there.

7 BY MS. BECKER:

8 Q. Miss Ahrens, would you agree that of the
9 population that use smart phones, it is more likely than
10 not that it is the younger versus older, for example, a
11 20-year-old --

12 A. I agree, yes.

13 Q. -- versus a 70-year old; is that true?

14 A. Yes.

15 Q. Did you testify earlier that the activities of
16 the league have been less effective since the passage by
17 the Kansas legislature of the SAFE Act?

18 A. Can you define less effective for me?

19 Q. Well, I can but it is -- it is actually your
20 parties' position in filings that the league has been
21 less effective because of the law. Are you aware of
22 that?

23 A. Less effective in some ways. I think we've been
24 very effective in doing our best to notify people about
25 how to register to vote, what happens if they're on a

1 suspense list, those kinds of things but I -- but less
2 effective in any other area.

3 We had volunteers attend a few of the
4 committee meetings on taxation, a few of the committees
5 on public -- on funding of public education. We haven't
6 even spoken about the water issue. So I'm -- I'm saying
7 definitely, yes, we are less effective as an
8 organization to educate the public about policy.

9 Q. Well, and actually I'm glad you mentioned that,
10 because I was going to ask about the other involvements
11 that the league and other issues that the league cares
12 about and volunteers for. And so you mentioned some of
13 them --

14 A. Uh-huh.

15 Q. -- the water issues --

16 Actually, could you, please, name four or
17 five issues?

18 A. Mental health, funding of public education,
19 adequate taxation, just taxation and -- and water.
20 That's four.

21 Q. Is it your testimony that you've been less
22 effective in those areas as well because of this law or
23 that they --

24 A. Definitely less effective. Definitely.

25 Q. Okay. And why is that?

1 A. Because our energies and our volunteer time and
2 our funding has been directed essentially towards the
3 issue of the voter law; complying, educating people and
4 getting people to be able to fully vote.

5 Q. Miss Ahrens, I'm trying to understand. If you
6 have so many other issues that you -- your league
7 supports, are -- you're saying basically that they are
8 not getting enough attention?

9 A. I would say that our policy, direction and
10 efforts have been towards this issue of voting because
11 it's the basis on which we were founded.

12 Q. Are your efforts with regard to voter
13 registration though less effective?

14 A. I did tell you that they were until the
15 preliminary injunction. I -- I did testify to that.

16 Q. I believe you testified that that was because
17 there was a drop in -- in membership in volunteers; is
18 that correct?

19 A. Oh, no, it was not. Our membership has
20 increased. So there's a lot of passion out there to
21 protect the vote.

22 Q. Earlier though you were saying that people were
23 concerned about how to hold or process people's personal
24 documents and no one was really experienced. Did I
25 misunderstand that?

1 A. That was in the first year following the passage
2 of the SAFE Act.

3 Q. Were you effective -- did your membership rise at
4 that point?

5 A. I think our membership has risen related -- very
6 definitely related to the desire to help people overcome
7 the barriers to the vote, very definitely.

8 Q. Earlier you testified that it was your opinion or
9 your experience, rather, that you heard that kids in
10 high school -- and I believe there was an exhibit to
11 this effect -- the opinions were that kids in high
12 school were not registering to vote and that those
13 registrations were dropping when they turned --
14 obviously turned 18. Do you recall saying that?

15 A. That when the league activity was involved, it
16 was extremely difficult to get the young people
17 registered in high schools, yes, I did say that.

18 Q. Do you know -- well, first, you did testify that
19 the efforts I think you said were -- were devastated due
20 to the new law and these were the efforts going into the
21 high schools; is that correct?

22 A. That's right.

23 Q. Are you aware of the requirements for obtaining a
24 driver's license in Kansas?

25 A. Yes. But the trend in among high school students

1 is away from getting their own cars. So --

2 Q. I --

3 A. And I can't expect that the young people in a
4 poorer high school will have gone to the DMV.

5 Q. Well, Miss Ahrens, you're not -- you're not an
6 expert or even a lay witness testifying about trends and
7 surveys, are you?

8 A. I am not but I know that the kids at Topeka High
9 don't have a lot of cars.

10 Q. Well, my question actually wasn't about whether
11 they owned a car or had a car. My question was about
12 whether they -- if you know what the requirements are
13 for anyone turning 16 to get a driver's license in
14 Kansas?

15 A. Yes, I do.

16 Q. Okay.

17 A. I know you have to supply a proof of citizenship.

18 Q. Okay. Despite the requirement of having to
19 provide proof of citizenship in order to get a new
20 driver's license as a new driver in Kansas, is it your
21 testimony that high school graduates are not getting
22 driver's licenses?

23 A. Some are not.

24 Q. Is it your testimony that it has deterred people
25 from getting -- kids from getting a driver's license

1 when they turn 16?

2 A. I would know nothing about that.

3 Q. You would be speculating?

4 A. No.

5 Q. But, I mean, you would be guessing; is that true?

6 A. (No response.)

7 Q. If a -- if a 16-year-old gets their birth
8 certificate to go get their driver's license, can you
9 think of a reason why they wouldn't also be able to get
10 it when it's time for them to vote when they go to the
11 DMV?

12 MS. LAKIN: Objection, Your Honor. Calls
13 for speculation.

14 MS. BECKER: I'll rephrase.

15 THE COURT: I'll overrule. You can answer
16 if you can.

17 MS. BECKER: Could you, please, read back
18 the question?

19 THE WITNESS: Can you repeat the question?

20 THE COURT: Can you think of any reason why
21 a 16-year-old has a birth certificate who gets their
22 driver's license -- reframe the question. I'm not
23 answering it right -- or asking it right.

24 MS. BECKER: Certainly. Yeah.

25 BY MS. BECKER:

1 Q. It was just can you think of any reason why a
2 16-year-old who got -- who obtained their driver's
3 license -- or obtained their birth certificate and got
4 their driver's license would have a problem two years
5 later presumably in showing that same documentation to
6 register to vote?

7 A. No. I'm not sure about the rules at the DMV.
8 Could they register at that time, I'm not sure, at the
9 time they get their driver's license?

10 Q. Well, I think they need to be 18 to register.

11 Miss Ahrens, I'd like to touch briefly on
12 what is Plaintiffs' Exhibit 66 that's -- I think it's in
13 your notebook and it is a postcard.

14 A. Yes.

15 Q. I think it's under tab -- maybe it was the last
16 tab, Tab 8. It -- was it your -- is it correct your
17 testimony was that you were concerned that some people
18 weren't getting these cards; is that correct?

19 A. That's right.

20 Q. Are you aware that counties in Kansas have been
21 sending out these very same cards for decades?

22 A. Oh, yes.

23 Q. Are you aware that the -- the SAFE Act law has --
24 has nothing to do with these cards?

25 MS. LAKIN: Objection. Calls for a legal

1 conclusion, Your Honor.

2 THE COURT: I'll sustain.

3 BY MS. BECKER:

4 Q. Are you aware that these postcards are sent out
5 regardless of whatever law about providing proof of
6 citizenship? That if you're a registered voter you will
7 still get this card no matter what?

8 MS. LAKIN: Same objection, Your Honor.

9 THE COURT: I'll sustain. I think you're
10 asking about it within the context of the law itself.
11 So I'll sustain it as to the form of that question.

12 MS. BECKER: Okay. I'll rephrase. Thank
13 you, Your Honor.

14 BY MS. BECKER:

15 Q. Prior to today, had you seen this exhibit,
16 Miss Ahrens?

17 A. Prior to today?

18 Q. Yes.

19 A. Yes, I have seen the postcards. Yes.

20 Q. Have you seen this particular postcard that it is
21 a copy of?

22 A. Yeah, it's my postcard.

23 Q. Even though it looks like your name must have
24 been redacted; is that true?

25 A. That's right.

1 Q. Okay. So is it your testimony that you yourself
2 are not getting this card as often as you used to?

3 A. No, my testimony is not that. I got the card.

4 Q. Are you a registered voter?

5 A. I am.

6 Q. Okay. Do you know what those on the suspense
7 list get or those that fall under the preliminary
8 injunction -- I believe you have discussed the
9 preliminary injunction. Are you aware of what they
10 receive in the mail?

11 A. Yes. They receive a letter telling them that
12 they are fully registered to vote and that they should
13 go to their election office or on-line to find out where
14 to vote.

15 Q. Have you ever gotten that yourself?

16 A. No, but I've seen it. It's been sent to me by
17 league members.

18 Q. Are you aware that that is exactly the notice
19 that is required by this court to be sent to them?

20 A. I'm not a lawyer.

21 MS. LAKIN: Object.

22 BY MS. BECKER:

23 Q. But you've looked at the notice, correct, and is
24 it --

25 A. I --

1 Q. -- is it different than what you receive?

2 A. Oh, yes. It's not a postcard --

3 Q. Okay.

4 A. -- telling me where to vote.

5 Q. Do you have an issue with the postcard and its
6 regularity being sent to you? Has that changed?

7 A. No.

8 Q. Well, earlier I believe that you said there were
9 irregularities and that the postcards -- people weren't
10 receiving them?

11 A. I'm sorry. The people not -- I may not have made
12 myself clear. The people not receiving postcards, that
13 was -- actually that was a friend who stopped me last
14 week that I mentioned.

15 But the people not receiving postcards are
16 the persons who have registered to vote using the
17 federal form in some counties, they are not being sent a
18 postcard telling them where they will vote.

19 Q. Are you aware that there are postcards sent to
20 those that fall under the preliminary injunction and
21 then there are these postcards which are unaffected by
22 the preliminary injunction? Are you aware of that?

23 A. I've been told that postcards are -- in some
24 counties are not sent --

25 Q. Okay.

1 A. -- telling people where to vote.

2 Q. Okay. All right.

3 MS. BECKER: I would ask that that be
4 stricken. I think that's hearsay, Your Honor, but...

5 THE COURT: I'm not going to strike it
6 because I tried to draw the parameters and say I wasn't
7 going to consider this for truth of the matter asserted.
8 But then you've been asking her a bunch of questions
9 that sort of relied on her knowledge of this. So I'm
10 not going to strike that last response.

11 BY MS. BECKER:

12 Q. Miss Ahrens, did you attend the League of Women
13 Voters convention last year?

14 A. Do you mean the --

15 Q. Of Kansas, I'm sorry.

16 A. In Kansas. Oh, yes, it was -- I was in charge of
17 the convention.

18 Q. Have you attended every year or the majority of
19 years?

20 A. Most -- most years I do attend.

21 Q. Okay. I just have a couple of questions with
22 regard to that. At the convention -- hold on just a
23 second, please.

24 Miss Ahrens, I've handed you a document and
25 do you recognize this document?

1 A. I do.

2 Q. Can you identify it for me, please?

3 A. It's --

4 THE COURT: First of all, is it -- wait a
5 minute. Is it marked with an exhibit number?

6 MS. BECKER: It is not but we can -- I'd
7 like to mark it for identification purposes only as
8 Defense Exhibit 1200.

9 THE COURT: 1200. All right.

10 BY MS. BECKER:

11 Q. I'm sorry, Miss Ahrens, can you just describe
12 what this document is?

13 A. This is a convention booklet I believe for our
14 convention in 2017.

15 Q. Okay. And I -- I just want to ask you about some
16 of the comments in it. Are you responsible for the
17 content of this?

18 A. Yes. I and Carole Neal are responsible for the
19 content.

20 Q. I want to touch a little bit on your comments
21 about the effectiveness of the organization with regard
22 to voter registration. If you take a look at page 6,
23 please --

24 THE COURT: Don't publish it. Don't have
25 her testify to the content. It's not in evidence.

1 MS. BECKER: Well --

2 THE COURT: You need to offer it into
3 evidence if you want to have her testify about the
4 contents of it.

5 BY MS. BECKER:

6 Q. Miss Ahrens, you've already testified that this
7 appears to be the handout from your convention; is that
8 correct?

9 A. Yes, it does.

10 MS. BECKER: Okay. Your Honor, defendant
11 offers Defense Exhibit No. 1200 into evidence.

12 THE COURT: Any objection?

13 MS. LAKIN: Objection, Your Honor. This --
14 this document wasn't identified on their witness list,
15 nor was it produced to us until we've been sitting here.

16 THE COURT: Yeah, we can't hear you.

17 MR. JOHNSON: Your Honor, I can't decide
18 whether I have an objection or not because I haven't
19 been given it copy of it.

20 THE COURT: So it wasn't disclosed before
21 now?

22 MS. BECKER: No. It's for purposes of cross
23 examination because it's from the -- the website of the
24 League of Women Voters and --

25 THE COURT: Well, it still -- if you're

1 going -- all right. So the rules are you can't either
2 display an exhibit or have somebody testify to its
3 contents unless it's admitted.

4 If you want to impeach someone with a
5 document, which I think maybe is where you're headed,
6 you don't have her testify to what it says. You ask her
7 a question doesn't this document say -- not quote it but
8 doesn't this document generally say --

9 MS. BECKER: Certainly.

10 THE COURT: -- something. But that's to
11 impeach something, like she's given inconsistent
12 testimony or you're impeaching her credibility or her
13 bias or prejudice or something like that. So if that's
14 what you're trying to do --

15 MS. BECKER: I'll just --

16 THE COURT: I won't admit it. I'll sustain
17 the objection. I'm not saying you can't use it to
18 impeach her as long as it's done properly.

19 MS. BECKER: Then I'm just going to read
20 from it and ask if she agrees.

21 THE COURT: No.

22 MS. BECKER: No, I'm not doing that either.

23 THE COURT: That's publishing the contents.

24 I mean --

25 MS. BECKER: That's all right, I'll just use

1 it as a guide.

2 THE COURT: I mean, is there something in
3 the document that you -- that you think is inconsistent
4 with something she's just said testified to? If that's
5 what -- you're trying to impeach her with some
6 inconsistent statement in a document that she --

7 MS. BECKER: Got you.

8 THE COURT: -- says she's responsible for?
9 I'll let you do that but I'm not going to let you read
10 the contents into the record.

11 MS. BECKER: Certainly.

12 THE COURT: That's publishing it and not
13 admitted at this point.

14 MS. BECKER: Certainly.

15 BY MS. BECKER:

16 Q. Miss Ahrens, you testified earlier that the
17 efforts of the league were less effective in other areas
18 because of your massive -- I think you used the word
19 massive effort to assist with voter registration; is
20 that correct?

21 A. Yes, I did.

22 Q. Did your league, however, though still spend
23 hundreds of hours in donated time to school finance?

24 A. Yes, they did.

25 Q. Did your league still spend hundreds of hours in

1 time to the Tyson chicken position?

2 A. Which position, please?

3 Q. Any Tyson chicken position?

4 A. Tyson?

5 Q. Uh-huh.

6 A. I'm sorry, the League of Women Voters did not
7 have any kind of a position on the *Tyson* decision. We
8 had nothing, no.

9 Q. How about water?

10 A. To my knowledge -- to my knowledge, no.

11 Q. Okay. That's fine. How about -- are you --

12 And you are familiar with everything on your
13 website or no?

14 A. Currently? I haven't looked at it for a while.

15 Q. Okay. Well --

16 A. But -- go ahead. Okay.

17 Q. I want to ask you a little bit more about your
18 convention. What percentage of membership increase --

19 I believe you testified that it had
20 increased; is that correct?

21 A. That's right, it has.

22 Q. And do you have an idea of what percentage your
23 membership has increased?

24 A. In -- since 2013 I -- I would say it's about
25 15 percent but I -- that's a guesstimate. I don't have

1 those numbers in front of me.

2 Q. Okay. Well, that number is -- is in this
3 document. But if I represented to you that it was an
4 18 percent increase, would you have a reason to
5 disagree?

6 A. I wouldn't, but our membership does fluctuate.
7 People join and sometimes they don't renew, but I'll --
8 I'll take that, uh-huh.

9 Q. Is it your testimony though the membership
10 decreased because of the law or increased because of the
11 SAFE Act?

12 A. It was certainly a rallying cry. And being
13 called names helped too, I'm afraid.

14 MS. BECKER: Okay. Move to strike, Your
15 Honor.

16 THE WITNESS: Okay. But truly.

17 THE COURT: Wait a minute. Wait a minute.
18 I'm reviewing the answer. Your question was is it your
19 testimony the membership decreased because of the SAFE
20 Act?

21 THE WITNESS: That's right.

22 THE COURT: Increased. She said it was a
23 rallying cry.

24 THE WITNESS: That's right. It was a
25 rallying cry.

1 THE COURT: Which I think means increased.

2 MS. BECKER: Excuse me a moment.

3 BY MS. BECKER:

4 Q. Miss Ahrens, if your membership is increased, do
5 you consider the league's work to be less effective
6 overall?

7 A. I hope not. I would like to believe that the
8 respect for the organization and the work that we do and
9 our principles has -- has multiplied in our state since
10 the need to respond to these barriers to the vote.

11 Q. Would you, please, look at page -- no, never mind
12 actually.

13 Do you -- are you aware of how much money
14 the league spent from the year -- fiscal year 2017 for
15 your voter services issue, which would be voter election
16 assistance or registration assistance, I'm sorry?

17 A. Anymore I don't know that number without looking
18 at the report.

19 Q. Okay.

20 MS. BECKER: Your offer -- defendant offers
21 Exhibit 1200 into evidence so that the witness may look
22 at the report.

23 THE COURT: Is there an objection?

24 MS. LAKIN: Same objection, Your Honor. We
25 haven't received this report until today.

1 THE COURT: All right. I'm not foreclosing
2 that but I think they have -- the plaintiffs should have
3 a right to review the exhibit before you offer it. So I
4 will admit it but not allow you to examine her about it
5 now until the plaintiffs have had an opportunity to
6 review the exhibit.

7 BY MS. BECKER:

8 Q. Miss Ahrens, are you aware of a voter service
9 expense category in your budget?

10 A. I can't tell you how much it is now.

11 Q. But my question was just are you aware that that
12 is a specific category?

13 A. I am.

14 Q. Okay. And you -- your testimony is that you do
15 not have an idea of what the expense...

16 A. I do not --

17 Q. Okay.

18 A. -- not without checking it.

19 Q. You just attended this convention last year; is
20 that correct?

21 A. I did, uh-huh.

22 Q. Okay. But you don't -- you don't recall the
23 numbers of the -- of the budget; right?

24 A. I don't.

25 Q. Okay.

1 MS. LAKIN: Your Honor, plaintiffs have
2 reviewed the exhibit and waive any objections to its
3 admission.

4 THE COURT: All right. Exhibit 1200
5 admitted.

6 BY MS. BECKER:

7 Q. Miss Ahrens, would you, please, take a look at
8 page 7. And if you look at the bottom left-hand page,
9 does that say that the membership has increased by
10 18 percent in two years?

11 A. Yes, it does. Yes, it does.

12 Q. And could you, please, go to page 32. It's the
13 -- is that what appears to be the proposed budget for
14 2017 as far as the -- the title of that page?

15 A. Yes, that's the narrative.

16 Q. And then could -- I'm just trying to establish
17 this -- this is where the category of voter service
18 expense is listed out at the bottom under general fund
19 expenditures. Do you see that?

20 A. Yes.

21 Q. All right. Is it -- is it accurate that your
22 voter service expense covers the cost of programs to
23 facilitate registering, educating voters, and getting
24 out the vote?

25 A. That would be right.

1 Q. Okay. And then could you, please, turn to
2 page 28. Is it correct that that is titled Statement of
3 Activities and Changes For Fiscal Year 2017, changes in
4 net assets?

5 A. That's correct.

6 Q. Do you see under expenses the category action
7 voter services on page 28?

8 A. That's what I was looking at already. Did you
9 have something different earlier?

10 Q. Well, I may have misspoke. I actually want to
11 ask about the -- the expenses listed on page 28
12 associated with voter services. Could you read that
13 number for me, please.

14 A. The \$5,723.

15 Q. Okay. And was that for a fiscal year as stated?

16 A. April 2016 --

17 Q. Yes. Thank you.

18 A. -- to March 2017.

19 Q. And so that number then apparently represents the
20 reported expenses for the cost of educating the voters
21 for that year; is that correct?

22 A. That's dollars, right?

23 Q. Right, that's dollars.

24 A. Money spent, yes.

25 Q. And then right above that, could you read that

1 figure? Does that say that it is a number above that
2 for a consultant is \$7,100; is that true?

3 A. That's right. We have -- we've had a long time
4 consultant, Paul Johnson, who trains our advocates at
5 the legislature and keeps us up to date.

6 Q. And then there is another number on that page, is
7 there not of \$7,032.96 for meetings?

8 A. Yes.

9 Q. Okay. So of these three numbers, the numbers
10 spent on voter services is the lowest number; is that
11 true?

12 A. That's true in terms of money. It's a volunteer
13 activity.

14 Q. Right. And volunteer meaning you're not paying
15 anyone hourly for their time; is that correct?

16 A. That -- some -- some time for the intern may be
17 included in there because that's quite a bit of money.

18 Q. That's true. And that was the intern that helped
19 with the -- was it the video or the brochure?

20 A. That's -- the video.

21 Q. Okay. Had you made any other videos?

22 A. No.

23 Q. Is that the one and only time?

24 A. Yes.

25 Q. How about the brochure?

1 A. Maybe over the years but not in my memory
2 brochures were made.

3 Q. In what year did you start taking on the position
4 of co-president?

5 A. 2015.

6 Q. 2015?

7 A. Uh-huh. And a brochure was made earlier.

8 Q. Had brochures been made to assist voters or
9 applicants in registration though prior to that brochure
10 that was discussed with your counsel?

11 A. It's very possible but I do not know.

12 Q. But you're -- you're stating that from 2015
13 forward this was one that you're aware of, is that true,
14 that others were done?

15 A. Actually, this one came out probably in 2014
16 because it came out after -- it was the first voter
17 education effort. It was under a different president.

18 Q. The league has been operating though to assist in
19 registrations for decades; is that true?

20 A. Yes.

21 Q. Is it your testimony that there had never been a
22 brochure?

23 A. I could not -- I would not be able to say that.
24 No, I don't know.

25 Q. Isn't it true that if a brochure came out after

1 the law was changed and there had been a brochure prior
2 to the law, that the only difference is the content of
3 the brochure as far as --

4 A. Because I can't --

5 Q. -- the cost -- the cost --

6 A. -- I can't --

7 Q. -- is the same; is that right?

8 A. Well, no, because later things cost more. We all
9 know that. But I don't know. I can't answer.

10 Q. Did the league have any other written materials
11 that it could provide to folks at registration drives or
12 high schools or...

13 A. An individual league might be producing
14 materials, yes. I know Johnson County did and Douglas
15 County did. They may give instructions about the vote,
16 the dates of voting, the deadlines.

17 Q. So written -- so --

18 A. Yes.

19 Q. -- you'd agree though there are written materials
20 that are used to assist applicants at "Get Out the Vote"
21 drives, high schools, these places all -- all of these
22 various places where your league goes and assists
23 applicants; is that true?

24 A. And that's how local leagues use their budgets,
25 to make --

1 Q. Right. But my --

2 A. -- to --

3 Q. -- question is there are -- there have been
4 written materials used to assist voters prior to the
5 enactment of the SAFE Act; is that true?

6 A. Certainly but not to this extent.

7 Q. And, again, the content would change; true?

8 A. Yes. And as I said earlier, as soon as this was
9 printed, it had an error.

10 Q. Miss Ahrens, I -- I want to ask you, are you
11 aware of the other types of documentation that
12 registrants can provide to establish their citizenship
13 besides a birth certificate?

14 A. Yes, I am aware.

15 Q. Okay. I won't ask you to list them out, but I
16 just -- are you aware that hospital records are listed
17 as -- birth records from a hospital are listed?

18 A. I am aware and I can't imagine who's got their
19 birth records from a hospital.

20 Q. Right. But this law affects new registrants who
21 are typically aged 18; is that correct?

22 A. Uh-huh. Uh-huh.

23 Q. So they would have been born in 1998, maybe '96,
24 maybe 2000; is that true?

25 A. Yes.

1 Q. I'm sorry, it's simple math and I don't do math
2 usually either.

3 But my point is younger people have easier
4 access to their birth records -- or at least records
5 from hospitals are now in electronic format; would you
6 agree?

7 A. I would agree but I -- it's an unnecessary
8 burden.

9 Q. I have just a couple more questions to ask you
10 and I appreciate your patience.

11 I believe you testified earlier that the
12 Secretary of State's Office, though it offered a
13 telephonic hearing, you testified that that was too much
14 for -- to ask of someone to make that phone call. Do
15 you recall discussing that?

16 A. Yes, I did.

17 Q. Is it your testimony that making a phone call is
18 a burden?

19 A. It is my testimony that for someone to have -- to
20 have the confidence and the time to walk through the
21 system, make the application, fill out the form and make
22 a conference call with the Secretary of State and other
23 leaders in our state is more than almost anyone would
24 do.

25 Q. Have you ever participated in one of these

1 telephonic hearings?

2 A. I have not.

3 Q. Have you ever spoken to anyone who had?

4 A. I have not.

5 Q. Are you aware that the phone call can be made
6 from a cell phone and it --

7 I think you just mentioned just talking to
8 the Secretary of State. You don't think that the phone
9 call is to the Secretary, do you?

10 A. I believe people will not bother with another
11 form and another appointment and another effort.

12 Q. But I'm -- I'm asking about a phone call. So is
13 it your testimony that it is a burden to make a phone
14 call?

15 A. Not just any phone call but a phone call to three
16 leaders in our Kansas government is asking a lot of
17 confidence on the part of the person.

18 Q. So you have not though been on one of these phone
19 calls; true?

20 A. I have not.

21 Q. So your testimony that it's to three leaders, you
22 don't know who the people are on the other end of the
23 phone, do you, whether they're staff, whether they
24 are deputies, whether they are someone's agent?

25 A. I do not know.

1 Q. You don't --

2 A. I do not know.

3 Q. Okay. Were you speculating? Since you have not,
4 in fact, sat through a hearing yourself, are you
5 speculating?

6 A. My memory --

7 Q. Are you speculating?

8 A. My memory of the rule -- excuse me. I'm sorry.

9 Q. I just -- because you have not participated in
10 one of these hearings or assisted any of these people
11 that you help, you've not helped them sit through this
12 hearing, I'm wondering how you know that it is a burden
13 and that it is intimidating. Can you tell me?

14 A. My understanding of the original law was that it
15 would be the Secretary of State and --

16 Q. You're -- I don't want you to try to answer a
17 legal question.

18 MS. LAKIN: Objection, Your Honor. Asked
19 her a question and didn't let her finish it.

20 THE COURT: Yeah, I -- you're asking for her
21 understanding of the law. She should be able to explain
22 what her understanding is.

23 MS. BECKER: No, I actually -- well, I'll --
24 I'll skip.

25 MS. LAKIN: Your Honor, unless she withdraws

1 the question, she should be allowed to finish her
2 answer.

3 THE COURT: You can ask her on redirect.

4 BY MS. BECKER:

5 Q. Miss Ahrens, do you recall giving a deposition
6 some time in I believe it was 2016?

7 A. I do.

8 Q. Do you recall being asked about the amount of
9 donations that you collected to cover the cost of the
10 video that you discussed earlier?

11 A. Yes, I do.

12 Q. And do you remember what that amount was?

13 A. I -- I think it's \$7,000 that were collected I
14 believe or there was attempt to collect that much. I
15 don't recall that that much was collected.

16 Q. And it was your testimony that the video cost
17 approximately 7,000?

18 A. Yes, it did.

19 Q. Miss Ahrens, how important is one vote do you
20 think?

21 A. This is the reason we work so hard. It's for
22 every person to be able to vote, all the people.

23 Q. Is it your testimony that one vote is very
24 important to you?

25 A. Absolutely.

1 Q. Have you ever voted and found out later that a
2 friend or a spouse didn't vote the same way that you
3 voted?

4 A. Oh, sure.

5 Q. Would you agree in that case that your vote was
6 canceled out?

7 MS. LAKIN: Objection, Your Honor.
8 Relevance.

9 THE COURT: I don't know what the relevance
10 is because as we know the one vote definition of
11 substantial has already been rejected by the Tenth
12 Circuit.

13 MS. BECKER: Thank you, Your Honor. I'd not
14 asked -- I am purposefully not asking about the
15 definition of substantial. My point and I will just
16 move on and if -- you can stop me.

17 BY MS. BECKER:

18 Q. I want to ask though if having a vote canceled
19 out would also happen if an illegible (sic) vote was
20 cast, could that cancel out an eligible vote?

21 MS. LAKIN: Objection, Your Honor. Same
22 objection.

23 THE COURT: All right. I'll allow this line
24 of questioning. But, again, I'll remind you as it goes
25 to the one vote consequence --

1 MS. BECKER: Certainly.

2 THE COURT: -- that's not the proper
3 standard. You can answer if you can.

4 THE WITNESS: Oh, yes.

5 BY MS. BECKER:

6 Q. Miss Ahrens, is it -- would it be true to
7 characterize the -- one of the league's missions as
8 increasing voter registrations?

9 A. Yes.

10 Q. Are you aware that voter registration in Kansas
11 broke records and reached an all time high in the year
12 2014 for a non-presidential election?

13 A. I have -- I have heard that.

14 Q. That would have been after the SAFE Act went into
15 effect; is that true?

16 A. Correct, that's right.

17 Q. Okay. And then again in 2016 are you aware that
18 the record for a presidential election also was exceeded
19 and set in Kansas?

20 A. Yes.

21 Q. Does it seem then that voters' registration with
22 the increase has been negatively effected as far as
23 these numbers -- would you agree that it has not been
24 negatively effected?

25 A. It is my firm belief that certain persons have

1 been harmed in their ability to go through the voter
2 registration process. That may not be the same people.

3 Q. And your -- I believe you were emphasizing
4 earlier that it was the younger people and the
5 population that didn't have access to resources; is that
6 true?

7 A. I -- that's -- that's right. We also have heard
8 about numbers of elderly who had great difficulty
9 registering to vote.

10 Q. Would those be elderly over the age of --

11 A. Like elderly, elderly, like people moved here by
12 family members from other states into nursing homes.

13 Q. So --

14 A. We have a number of reports of this problem.

15 Q. But wouldn't the elderly have registered to vote
16 elsewhere or possibly maybe in the state but in another
17 city?

18 A. But they would not have to comply with the
19 requirements that are in place in Kansas.

20 Q. So it wouldn't affect them?

21 A. It does affect them because they -- they weren't
22 able to comply.

23 Q. Primarily though I believe it's your league's
24 position that the -- the young or disproportionately are
25 affected; is that true?

1 A. Our position is that, I mean, it's delightful to
2 know there is an increase in voter registration. I do
3 not -- our position is that the barriers to the vote
4 hurt unnamed many and create obstacles.

5 Q. Yet the voter registration has increased, you
6 agree; correct?

7 A. (Witness nods head.)

8 Q. Okay. I have one more question and then I -- I
9 just need to find it. If you just give me a moment, I'm
10 sorry.

11 I wanted to clarify, you testified earlier
12 about the -- the documentation. I believe you mentioned
13 that naturalization papers copies were not allowable to
14 be submitted. Do you recall testifying to that?

15 A. I did.

16 Q. Is it your understanding and your testimony that
17 the Secretary of State's Office requires all original
18 documentation?

19 A. No. But apparently the federal law related to
20 copying naturalization papers is -- is different. Now,
21 I'm -- this is not firsthand. This is the experience of
22 our Johnson County League. They had to go to court in
23 order to copy the naturalization documents.

24 Q. And was that -- but they weren't their own
25 naturalization. It was somebody else's; correct?

1 A. (No response.)

2 Q. So if I have naturalization papers, I can make a
3 copy; is that true?

4 A. I don't know.

5 Q. Okay. That's fine.

6 A. I don't know.

7 MS. BECKER: I have nothing else right now.
8 Thank you.

9 THE COURT: Thank you.

10 I want to return to your direct examination
11 and then there will be another round of redirect and
12 recross examination if the parties want that. But I
13 just wanted some clarity on something you testified to
14 and it has to do with your testimony about what happened
15 in Douglas County and their door-to-door campaign to get
16 people registered at their places of residence. So I
17 want to make sure I understand first the numbers.

18 As I understand it, the people -- the folks
19 in Douglas County, your members, made contact with 115
20 people at their residences?

21 THE WITNESS: That's my understanding, yes.

22 THE COURT: All right. And of those 115
23 residences, 30 of those people were ultimately
24 registered?

25 THE WITNESS: That's correct.

1 THE COURT: But those 30 include people that
2 were registered because they provided DPOC at their
3 house to your volunteers but also include a number that
4 evidently provided it later?

5 THE WITNESS: That's correct. The Douglas
6 County League provided an information sheet at every
7 door that they knocked on.

8 THE COURT: Okay. So you said -- I think
9 you testified that five of those 115 people, your folks
10 actually copied the --

11 THE WITNESS: That's correct.

12 THE COURT: And so presumably those were
13 five that were completed on-site?

14 THE WITNESS: Yes.

15 THE COURT: And then you testified that 16
16 were completed later, meaning they submitted their
17 additional documentation later not while your volunteer
18 was there?

19 THE WITNESS: Yes, Your Honor.

20 THE COURT: Okay. So that adds up to 21 out
21 of the 30; would that be fair to say?

22 THE WITNESS: Oh, I made a mistake. Can
23 you, please, state that to me again?

24 THE COURT: Okay. I just -- not that these
25 numbers have to necessarily be accurate, but the -- so

1 30 registered; 16 completed their applications later,
2 not on-site with your volunteers; your volunteers
3 actually copied documentary proof of evidence on-site.
4 That adds up to 21. I suppose the other nine people
5 could have had an extra copy they provided to your
6 people. I don't know. Do you know how that -- the
7 other nine people of the 30, what their situation was?

8 THE WITNESS: Right. I don't know and I
9 didn't notice that error. Thank you.

10 THE COURT: Okay. Well, I don't know that
11 it's an error. But the bottom line is I just want to be
12 clear out of the 115 contacts, only 30 registered. And
13 of those 30, it looks like at least half of them didn't
14 have their proof of documentary -- documents with them
15 there at the house or where they could find them at the
16 house so they could complete it. Then they had to
17 submit it later.

18 THE WITNESS: I would have to ask the source
19 of that league about that to clarify it for you, judge.

20 THE COURT: Okay. Understood. Also you
21 testified something about your background in conducting,
22 you know, voter registration drives, whether it's at
23 grocery stores or college campuses or high schools. And
24 would it be fair to say that this is a -- typically a
25 situation where you -- where people are, like, on

1 college campuses passing by the voter registration booth
2 and probably don't have proof of citizenship with them
3 because they don't carry around their birth certificate
4 as they walk around the campus?

5 THE WITNESS: Yes, Your Honor. And at
6 Washburn where a drive was conducted over a series of
7 weeks, so a table was set up a long time in the student
8 union, and there were many volunteers to help. And that
9 was the school that participated in creation of the
10 video. After I believe it was three solid weeks, 400
11 students had come by to attempt to register and only 75
12 completed because of this issue.

13 THE COURT: They had time to come back, in
14 other words?

15 THE WITNESS: That's right.

16 THE COURT: They could have gone back to
17 their door room if they had their birth certificate in
18 their dorm or frat house. But out of that population,
19 75 were completed?

20 THE WITNESS: We don't -- what we were told
21 by those students, that they actually didn't have those
22 documents on the campus. I'm remembering one fellow who
23 said in order to get one from California in time for the
24 next election, he'd have to pay \$75 for it because it
25 would have to be expedited.

1 THE COURT: All right. And then again
2 you've talked about registering -- focusing on people
3 that are underrepresented in terms of voter
4 registrations; the poor, the elderly, the young, the
5 underprivileged. And just -- and you've talked about
6 the barriers, not only money and getting off work, if
7 you can get off work, and all of those sorts of things.

8 But in terms of maintaining these important
9 documents either in their residence or somewhere they
10 have access to, what has been your experience about
11 those populations? For example, do they have file
12 cabinets in their house?

13 THE WITNESS: That's a really big issue.
14 They don't have their documents at hand. And as a rule
15 -- and I -- I think that people in poverty and young
16 people aren't -- that's the last thing they're about to
17 think about. They don't have those documents in hand.
18 And to add the burden and the complexities of attempting
19 to get a hold of them for this purpose is -- is asking
20 something -- especially they need to know why. We
21 educate people to be informed and they need to know why
22 they're doing what they're doing.

23 But in this case I think that's -- that is
24 a -- the poor move more often. They don't have locked
25 cases as I -- I think you could say that fairly and it's

1 just asking a great deal.

2 THE COURT: All right. Thank you. It's
3 10 minutes after 12:00. Unless the redirect and any
4 recross is going to be very brief, I suggest we break
5 for lunch unless you're going to be very brief.

6 MS. LAKIN: I have two questions.

7 THE COURT: Okay. Go ahead.

8 MS. LAKIN: Might be a handful more.

9 REDIRECT EXAMINATION

10 BY MS. LAKIN:

11 Q. Miss Ahrens, could you turn to Tab 6 of the
12 binder I think you still have there which is Plaintiffs'
13 Exhibit 66 which is the certificate of registration,
14 Shawnee County?

15 A. Yes.

16 Q. Now, Miss Ahrens, are you registered to vote in
17 Shawnee County?

18 A. I am.

19 Q. You are. Can you take a -- a look at the -- the
20 address on this document. I don't believe it's
21 redacted.

22 A. Yes, Shawnee County Election Office.

23 Q. Can you look at the entire address. No, not that
24 address. I'm sorry, the address of the registrant which
25 is on right above the redacted. I believe it's 544

1 Southwest --

2 A. Oh, okay.

3 Q. Is that your address?

4 A. No.

5 Q. Did you miss -- did you inaccurately testify when
6 you described this document as --

7 A. Yes, I did.

8 Q. -- your postcard?

9 A. Yes, I did.

10 Q. I wanted to make the record clear on that.

11 A. Thank you. I'm sorry.

12 Q. Now, I have just one last question. Could you
13 explain your understanding of that alternative process
14 for satisfying that documentary proof of citizenship
15 requirement?

16 A. I'm sorry, would you -- would you restate it?

17 Q. Sure. Can you -- the -- the alternative process
18 for the phone call that you can make to satisfy the
19 documentary proof of citizenship requirement as you were
20 discussing with Miss Becker, can you explain what your
21 understanding of that process is?

22 A. Well, my understanding is that you complete a
23 form, another piece of paper, and you -- you remit it to
24 the Secretary of State's Office and some kind of
25 appointment is made and you explain yourself why you

1 don't have a document. And in that process the
2 Secretary of State's Office or the Secretary himself
3 lets you know. I thought it was the Secretary of State
4 himself. I thought it was the -- it's two other
5 high-level officials I thought were in the law who you
6 would be speaking with and I thought it was originally
7 face-to-face.

8 MS. LAKIN: No further questions for
9 Miss Ahrens.

10 THE COURT: Mr. Johnson?

11 MR. JOHNSON: Just very -- you know, I would
12 say one question. It will probably turn into two.

13 REDIRECT EXAMINATION

14 BY MR. JOHNSON:

15 Q. Miss Ahrens, isn't it correct the procedure that
16 you've just been asked about involves the Kansas
17 Election Board?

18 A. Oh, yes. I'm sorry, yes, it does.

19 Q. Do you know who the members of the Kansas
20 Election Board are?

21 A. I can't recall.

22 Q. Is one the Secretary of State?

23 A. Yes.

24 MR. JOHNSON: In fact, could I ask the
25 parties to stipulate that the members of the Kansas

1 Election Board are the Secretary of State, the
2 Lieutenant Governor --

3 THE WITNESS: Lieutenant governor.

4 MR. JOHNSON: -- and Attorney General?

5 THE WITNESS: Thank you.

6 THE COURT: Does the state -- does the
7 defendant stipulate to that?

8 MR. KOBACH: We don't. I'll just do it.
9 The statute does not state that it -- the practice of
10 the Board is that the designees of the three officers
11 may also attend. So it's the -- it's the three
12 individuals you named or their designees, someone from
13 their office.

14 THE COURT: But you said the practice is for
15 designees --

16 MR. KOBACH: Yeah, I'm trying to remember if
17 the statute uses the word designee.

18 THE COURT: I remember having a phone
19 conference with all of you maybe a year ago and I
20 thought you represented at that time it required you,
21 the attorney general, and lieutenant governor. I don't
22 remember any discussion about designees, at least in the
23 language of the statute; is that fair to say?

24 MR. KOBACH: There's another --

25 MR. JOHNSON: There's a provision of 2309.

1 MR. KOBACH: Right. There's another statute
2 that all three offices have used to interpret that the
3 deputies may be used in the absence of the principals.
4 So the two statutes work together. I can't remember,
5 Your Honor, what I said in the previous statement.

6 MR. ROE: Your Honor, Mr. Caskey is going to
7 testify about this tomorrow as well on this issue.

8 THE COURT: Okay.

9 MR. ROE: But what it is, under Kansas -- I
10 don't have the statutes but -- and I don't think Caskey
11 can testify about the statutes themselves -- but there
12 are statutes that -- for the purposes of the offices
13 that any -- any action that an officer would be taking,
14 his deputies or whatever -- his designees, I can't
15 remember -- recall the language, but each office has
16 this and it's under -- I think it's Chapter 75 which is
17 where the state offices are but I can't recall. I can
18 get it to you after the trial if you'd like --

19 THE COURT: All right. No, that's fine.

20 MR. ROE: -- the particular statutes.

21 THE COURT: It needs to be presented by
22 evidence. This witness is probably not the best
23 witness.

24 MR. ROE: Right.

25 THE COURT: But anyway I'll hear from

1 whoever about what the statute --

2 MR. JOHNSON: I kept it to two questions.
3 Thank you, Miss Ahrens.

4 THE COURT: Thank you. All right.

5 Miss Becker, any more questions from you of
6 this witness?

7 MS. BECKER: Your Honor, I just have -- I
8 just have one -- yes, I do actually.

9 THE COURT: Go ahead.

10 MS. BECKER: Unless the court disagrees, I
11 probably have 5 or 10 minutes. Would we want to take a
12 break now or --

13 THE COURT: No, let's finish with this
14 witness so she can be on her way.

15 RE CROSS EXAMINATION

16 BY MS. BECKER:

17 Q. Miss Ahrens, you testified a few minutes ago in
18 agreement that a lot of college kids did not appear to
19 have or to your knowledge had copies of their birth
20 certificates?

21 MS. LAKIN: Objection, Your Honor. This is
22 outside the scope of redirect.

23 MR. JOHNSON: I join in the objection, Your
24 Honor.

25 THE COURT: I think I asked about this, so

1 it's within the scope of the court's questions. So go
2 ahead.

3 BY MS. BECKER:

4 Q. Do you recall?

5 A. I recall I talked about a specific instance at
6 Washburn University.

7 Q. Do you recall generally stating that kids didn't
8 have, like, safes or places to protect such documents in
9 their dorm rooms?

10 THE COURT: Actually, that was the way I
11 framed the question.

12 THE WITNESS: That was not -- that was
13 not --

14 THE COURT: She didn't testify to that.

15 BY MS. BECKER:

16 Q. Do you recall the court asking you about that and
17 discussing it with the court?

18 A. I don't believe, Your Honor, that I was
19 specifically talking about college students and safes in
20 their dorms. I was talking about persons with few
21 resources or persons who did not easily have their hands
22 on their documents.

23 Q. Okay. With regard to college students --

24 A. Uh-huh.

25 Q. -- is it your opinion that they do not have birth

1 certificates in their dorm rooms generally?

2 A. I can tell you that in the three-week voter
3 registration drive a large number could not complete the
4 registrations because they did not have access to their
5 documents.

6 Q. You haven't studied those students though; is
7 that correct? I'm sorry?

8 A. I have no more information. I have no more.

9 Q. Okay. So you have not actually done a survey of
10 those college students and found out why they didn't
11 complete their registration?

12 A. No, I haven't.

13 Q. Okay. Would you agree that parents can send
14 things to their students via text photographs; insurance
15 cards, credit cards, which would not be advised but
16 they've done it?

17 A. Yes. And when you're working with college
18 students, it also could be that they could choose to
19 vote in their home state; some do.

20 Q. So those would not actually even be eligible to
21 vote --

22 A. They make a choice.

23 Q. -- in Kansas --

24 A. They make a choice.

25 Q. -- if they're not residents; is that true?

1 A. Yes, uh-huh.

2 Q. You were asked a little bit about the -- the
3 numbers and -- and I totally sympathize. I do not --
4 math is not my strong suit. But the court was just
5 asking a follow-up with regard to the number of
6 completed registrations from the door-to-door campaign.
7 Do you recall that?

8 A. Yes.

9 Q. Was that also -- was it your testimony that there
10 was a survey or that that was representative of other
11 counties or was this just anecdotal?

12 A. It's not anecdotal but it's a -- it's one sample.
13 It's not anecdotal. They were all there. So it is --
14 it is -- it is the results of -- it's a report on one
15 weekend's efforts after careful planning about how to
16 address this problem.

17 Q. And the report was prepared by whom?

18 A. By the League of Women Voters of Douglas County.

19 Q. With regard to Douglas County; correct?

20 A. Only there. Only there.

21 Q. Have you done any follow-up or check to see if
22 any of the others, the numbers that we mentioned, that
23 had completed their registrations since the time of that
24 campaign?

25 A. Well, that was prior to the 2014 election and I

1 could not answer that for you. I couldn't answer that.

2 Q. So you don't -- so the numbers that we were
3 talking about you don't -- you don't know if any of
4 those people have since completed those registrations;
5 is that your --

6 A. I do not personally know that.

7 Q. And do you know the names of those individuals?

8 A. I believe that the league does, but I don't -- I
9 don't know if they have retained them, so I can't
10 answer.

11 Q. You wouldn't happen to know what the margin of
12 error is in -- in those types of estimates as far as the
13 study that they reported?

14 MS. LAKIN: Objection, Your Honor, not --
15 the -- this was not a statistical study of any sort.
16 She's not testifying as a statistical expert.

17 THE COURT: I'll sustain. I'll sustain.

18 BY MS. BECKER:

19 Q. So you're not actually claiming then that that is
20 representative of all of the people in Kansas and beyond
21 that county, are you?

22 A. I think that report is very clear that it only
23 talks about the experience of one league trying to go
24 the whole mile in regard to the suspense list and then
25 of course we have to learn from that.

1 Q. So wouldn't that, in fact, be anecdotal or a case
2 study in terms of --

3 A. It's --

4 Q. -- one experience?

5 A. I believe it's a case study because very real
6 people participated.

7 Q. All right. Thank you.

8 MS. BECKER: That's all I have.

9 THE COURT: All right. Anything more from
10 anyone? All right. May Miss Ahrens be excused if she
11 so desires? All right. You're excused. You can watch
12 the trial though now that you've testified. Let's take
13 a recess until 1:30.

14 MR. JOHNSON: Your Honor, Mr. Bednasek is
15 here. Could we have him testify at 1:30?

16 THE COURT: Yes.

17 MR. JOHNSON: Thank you, Your Honor.

18 (Recess for lunch hour.)

19 CERTIFICATE

20 I certify that the foregoing is a correct
21 transcript from the record of proceedings in the
22 above-entitled matter.

23 DATE: March 13, 2018

24 /s/Kimberly R. Greiner
25 KIMBERLY R. GREINER, RMR, CRR, CRC, RDR
United States Court Reporter