

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TEXAS DEMOCRATIC PARTY;)
BOYD L. RICHIE, in his capacity as)
Chairman of the Texas Democratic)
Party; HARRIS COUNTY DEMOCRATIC)
PARTY;)
GERALD BIRNBERG, in his capacity as)
Chairman of the Harris County)
Democratic Party; J. GOODWILLE)
PIERRE; ALEXANDRA GIBBS;)
JEFFREY T. VANSCHOONHOVEN;)
BONI SUE LESZCZUK; and ERIC J.)
GALLOWAY)

Plaintiffs,)

VS.)

Cause No. 4:08-CV-03332)

LEO VASQUEZ, in his capacity as)
Harris County Tax Assessor Collector)
and Harris County Voter Registrar)

Defendant.)

ORAL DEPOSITION OF
MICHELLE DIXON
MARCH 11, 2009

ORAL DEPOSITION OF MICHELLE DIXON, produced as a witness at the instance of the PLAINTIFFS, was taken in the above-styled and numbered cause on March 11, 2009, from 10:25 a.m. to 12:24 p.m., before Lori Childers, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the offices of Clinton Gambill, 1019 Congress, 15th Floor, Houston, Texas 77002, pursuant to the Federal Rules of Civil Procedure.

1 Q Okay. All right.

2 A No.

3 Q So it's just the affidavit itself?

4 A That's correct.

5 Q And when the -- when the affidavits are brought in,
6 are they brought in in an -- individually in an envelope? Or
7 how are they brought in?

8 A That's when the provisional -- now, the provisional
9 ballots themselves, I'm not sure because that's taken to the
10 county clerk. But the affidavits -- the affidavits are in a
11 sealed -- they have to be in a sealed envelope.

12 Q Okay. Who's the person responsible for opening the
13 sealed envelope?

14 A The managers.

15 Q And that would be Ed Johnson?

16 A Ed Johnson, Chris German.

17 Q George Hammerlein?

18 A George -- I haven't seen him open too many.

19 Q Okay. All right. He's got people to direct --

20 A Right.

21 Q -- to do that.

22 All right. Fair enough.

23 A He's the director.

24 Q Okay. So imaging takes it over?

25 A Uh-huh.

1 A That's like the main reasons, is if they moved out of
2 the county, they're living in another county, they've died,
3 and they've been on suspense that time and they didn't update.

4 Q So those are the three reasons you can think of
5 that --

6 A That I can think of.

7 Q Okay.

8 A Uh-huh.

9 Q And do you know who was in charge of purging voters
10 from the system?

11 A It would -- I know Ed Johnson but -- probably
12 Ed Johnson and Mr. Hammerlein. But I can't tell you which one
13 would actually go in and -- and go ahead and do it. I'm not
14 sure.

15 Q Okay. But Ed Johnson, as far as you know, is in
16 charge of those systems?

17 A Yes.

18 Q Okay. Now, did anybody ever send you an E-mail or a
19 memo or come and tell you, "Hey, don't throw away any
20 documents that you have from the 2008 election. Don't throw
21 away" -- "don't delete any E-mails that you have that concern
22 the 2000 (sic) election"? Did anybody --

23 A No.

24 Q -- come to you and tell you that?

25 A No.

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Defendant.)

ORAL DEPOSITION OF
ELIZABETH HERNANDEZ
MARCH 10, 2009

ORAL DEPOSITION OF ELIZABETH HERNANDEZ, produced as a witness at the instance of the PLAINTIFFS, was taken in the above-styled and numbered cause on March 10, 2009, from 9:57 a.m. to 12:50 p.m., before Lori Childers, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the offices of Clinton Gambill, 1019 Congress, 15th Floor, Houston, Texas 77002, pursuant to the Federal Rules of Civil Procedure.

1 Q You weren't involved in the request?

2 A No.

3 Q Would it have been Frances, if anyone was involved in
4 that?

5 A Probably Mr. Johnson, Ed Johnson.

6 Q Is it fair to say that Mr. Johnson is actively
7 involved in managing your department?

8 A Yes.

9 Q Other than Mr. Johnson and Frances, who were the
10 other fairly active managers of the department?

11 A Mr. Johnson's pretty much the one that does
12 everything. Hammerlein doesn't really do too much. Chris
13 German's kind of active in doing things, as well.

14 Q Any others?

15 A No, that's about it.

16 Q When Mr. Bettencourt was in office, how would you
17 describe his involvement or supervision of the registration
18 office?

19 A I hardly ever seen him go in our office.

20 Q Did you receive any communications, memos, E-mails,
21 et cetera from him?

22 A Regarding?

23 Q Voter registration.

24 A Yeah, we would get memos every once in a while.

25 Q And some of these memos would come from

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ORAL DEPOSITION OF
KIMBERLY SHOEMAKER
MARCH 10, 2009

ORAL DEPOSITION OF **KIMBERLY SHOEMAKER**, produced as a witness at the instance of the PLAINTIFFS, was taken in the above-styled and numbered cause on March 10, 2009, from 3:05 p.m. to 3:34 p.m., before Lori Childers, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the offices of Clinton Gambill, 1019 Congress, 15th Floor, Houston, Texas 77002, pursuant to the Federal Rules of Civil Procedure.

1 A Yes.

2 Q Okay. Tell me about that training.

3 A Our -- our manager told us how to handle it.

4 Q Okay. And who's the manager, again?

5 A Ed Johnson.

6 Q Ed Johnson. What did Ed Johnson tell you about
7 provisional ballots?

8 A To put the -- where to put the sticker on it.

9 Q Okay.

10 A Or who it needs to go to next and to the processors.

11 Q Okay. Is there any kind of, what the police could
12 call, chain of custody? Like, when the provisional ballots
13 come in, does somebody have to sign for them, that you're
14 aware of?

15 A No.

16 Q Okay. Is there anybody standing around watching you
17 guys to see what you're doing with the provisional ballots, or
18 is it pretty much just a free for all?

19 A Sometimes our manager will stand over us.

20 Q Okay.

21 A Ed Johnson will stand over us.

22 Q Sometimes he will, and sometimes he won't?

23 A Yes.

24 Q Okay. Thank you.

25 MR. PRATHER: Can I see Exhibit 1 one real