1   things to try to figure out how to correct my

2   voting record.

3   And then on the Friday after the filings --

4   I filed on the last day because the candidate

5   that was supposed to run to represent a group of

6   us had sought out a candidate, did not file.

7   So on Thursday night, we had to file. I

8   came in Friday morning to file and make sure we

9   had somebody to represent the group in the

10   primary.

11   And so what happened was I got on at the

12   last second because of that, which didn't leave

13   any room for wiggle room here.

14   So on the Friday -- I learned on I think

15   the Wednesday or Thursday of the official

16   challenge -- no. That was the rumor, or I heard

17   it through the grapevine.

18   And I went to Ms. Bradford on Friday, not

19   knowing that she was going to make the

20   challenge, because I hadn't seen it officially,

21   and asked about being put -- to be validated, to

22   be on.

23   I can show you my credentials from South

24   Carolina. I was a Republican -- county

25   Republican. And, if I can approach here, I'll

1   show you this. This shows my record.

2   Thankfully, some people from South Carolina

3   finally responded. They're all very busy with

4   their primary coming up.

5   VICE CHAIRMAN LONG: Tomorrow.

6   MR. BALL: Yes. This one -- just for the

7   record, this one actually has the seal, if you

8   want to enter that into the record. I'd like to

9   keep the original, if I can. But if not, that's

10   the original.

11   It's a statement from the secretary of the

12   Republican Party there in Spartanburg County

13   that -- it's his personal blurb about working

14   together with me, and my official record with

15   the party, where I was, precinct president,

16   precinct committeeman, state delegate, national

17   delegate 2012.

18   And then you can see the rest. Spartanburg

19   County GOP, communications, and precinct

20   president and executive committeeman again, and

21   state delegate.

22   As well as it's certified, most

23   importantly, that in 2012 and 2014 in South

24   Carolina -- I know it's not Indiana. I know

25   what the statute says. This is what I've got to

1   live with.

2   In 2012 and 2014, I did vote in the primary

3   elections in South Carolina. And those two

4   pages that follow are the documentation from the

5   election committee in South Carolina.

6   CHAIRMAN BENNETT: Any cross-examination?

7   MS. BRADFORD: No.

8   VICE CHAIRMAN LONG: Can I make an

9   observation? Just because I like to see young

10   people involved, and you've obviously been

11   involved. The statute -- and maybe they ought

12   to consider that if you went here or if you

13   voted here --

14   MR. BALL: I agree.

15   VICE CHAIRMAN LONG: -- voted in a

16   Democratic primary, moved out of state for 25

17   years and were governor of another state in the

18   Republican Party --

19   MR. BALL: I agree.

20   VICE CHAIRMAN LONG: -- filed in Indiana.

21   I also remember a case that's a little

22   different than yours. I was on the Commission

23   then. I think there were three or four counties

24   that that district entailed. And every one of

25   the county chairmen in these counties came to

1   the Commission and supported her and said, you

2   know, if we weren't aware --

3   MR. BALL: Yeah, I agree. And I think --

4   VICE CHAIRMAN LONG: -- would have probably

5   kept her off. The Commission at that time voted

6   because she had those people there --

7   MR. BALL: -- Commission, I think, voted

8   that way because of the spirit of the law, why

9   we're supposed to -- I mean the rules are there

10   for the right purpose.

11   And that's why the Commission is here as

12   well, to look at it and judge it individually

13   and say, "Does this apply?"

14   The disenfranchisement's clearly going to

15   happen here if I'm not on the ballot in the

16   primary. The incumbent will be unopposed.

17   I believe in the lieutenant governor's

18   case, even though she did have the backing of

19   the other party chairs, there was not an

20   incumbent. As all of you can imagine, it's

21   rather hard to get backing of anyone when

22   there's an incumbent. Nobody wants to put their

23   name on it and risk their neck.

24   VICE CHAIRMAN LONG: Please stay active.

25   MR. BALL: What?

1   VICE CHAIRMAN LONG: Please stay active.

2   MR. BALL: Oh, I absolutely will.

3   But, you know, again, for me, I'm really

4   here at this point in representing 55 not even

5   elected, because I think they need a vote in

6   May. And that's the reason that the group of

7   people all got together. When he didn't file as

8   of Thursday night, I showed up Friday morning to

9   make sure we had a candidate on the ballot.

10   So I would ask that as in the lieutenant

11 governor's case, I be allowed to stay on the

12 ballot so that the voters have a choice and

13 don't have disenfranchisement.

14   CHAIRMAN BENNETT: Any other questions?

15   (No response.)

16   CHAIRMAN BENNETT: Is there a motion?

17   MS. BRADFORD: May I say something?

18   CHAIRMAN BENNETT: Yes, please.

19   MS. BRADFORD: We do have someone running

20 on that ticket.

21   VICE CHAIRMAN LONG: I gathered from his

22 comment.

23   MR. BALL: Yeah. And I just don't believe

24 that someone already being on the ticket should

25 preclude to eliminate someone else from being on

1 the ticket.

2   VICE CHAIRMAN LONG: The problem is, you've

3 got to have the county chairman's approval.

4   My wife would be awful upset with me

5 because she's the county chairman in our county.

6 So I try to be consistent.

7   Please stay active. We need young people.

8   MR. BALL: I hear that a lot.

9   COMMISSION MEMBER KLUTZ: I do wish it said

10 last primary election in the state in which you

11 resided.

12   VICE CHAIRMAN LONG: That, I think, makes

13 some sense.

14   He said that he thought it ought to say,

15 "The last primary election in the state in which

16 I resided," and I agree with that. I thought

17 that made some sense.

18   Unfortunately, it does not say that.

19   MR. BALL: But as the lieutenant governor's

20 case in front of the Commission, the Commission

21 still was able to make the decision to let her

22 stay on the ballot. She didn't have any

23 primary, in state or out of state, after she

24 voted Democrat.

25   I actually have primaries -- they were out

1   of state, but still, a better scenario than the

2   governor had -- lieutenant governor at the time,

3   obviously.

4   So the Commission at that point saw fit to

5   let her stay on the ballot when, in 2008, she

6   voted Democrat, 2010 there had been no other

7   votes, other than her Republican credential.

8   COMMISSION MEMBER KLUTZ: The key

9   difference was the county chairman allowing --

10   MR. BALL: I agree. And that's why I did

11   approach Ms. Bradford on that Friday after, to

12   get vouched.

13   I'm not really clear why -- why there was

14   no willingness, from my perception, to sit down

15   and look at this information, and let me show

16   proof, and that type of thing. But there was

17   not the willingness to hear this piece of it,

18   and to look at it to be validated. She would

19   not validate me at that point.

20   So I had no point -- or no choice but to

21   show up here with the evidence of my Republican

22   credentials and lay it out for the Commission,

23   hoping for the same thing we had happen in 2010.

24   CHAIRMAN BENNETT: Well, you've done a good

25   job of that. And I echo the comments of Vice

1   Chairman Long about wanting people like you

2   involved.

3   But how we decide here is indicative of our

4   need to follow the law.

5   MR. BALL: And the law affords you the

6   ability to vote the way that leaves me on the

7   ballot.

8   VICE CHAIRMAN LONG: I don't think so,

9   under the facts and the scenario.

10   I'll make a motion to sustain the

11   challenge.

12   COMMISSION MEMBER KLUTZ: I'll second.

13   CHAIRMAN BENNETT: We have a motion and a

14   second. All in favor say aye.

15   THE COMMISSION: Aye.

16   CHAIRMAN BENNETT: All opposed say nay.

17   (No response. Motion carried.)

18   CHAIRMAN BENNETT: Motion carried.

19   MS. BRADFORD: Thank you.

20   CHAIRMAN BENNETT: The Indiana Election

21   Commission has finished its business for today.

22   Is there a motion that the Indiana Election

23   Commission adjourn?

24   VICE CHAIRMAN LONG: So move.

25   CHAIRMAN BENNETT: We have a motion. Is

1   there a second?

2   COMMISSION MEMBER KLUTZ: Second.

3   CHAIRMAN BENNETT: Motion and a second.

4   Hearing no discussion, all in favor say aye.

5   THE COMMISSION: Aye.

6   CHAIRMAN BENNETT: All opposed say nay.

7   (No response.   Motion carried.)

8   CHAIRMAN BENNETT: We are adjourned.

9

10   (WHEREUPON, the meeting of the Indiana

11   Election Commission is adjourned on the 19th day

12   of February, 2016, at 8:19 p.m.)

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302
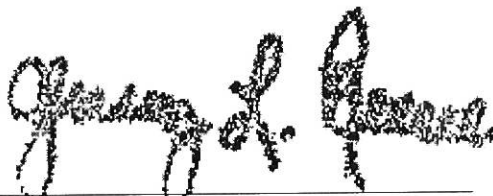
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 1    STATE OF INDIANA   )
                         )    SS:
 2    COUNTY OF HAMILTON)

 3

 4        I, Jenny L. Reeve, RPR, CSR No. 00-R-3006, a

 5    Notary Public and Stenographic Reporter within and

 6    for the County of Hamilton, State of Indiana at

 7    large, do hereby certify that on the 19th day of

 8    February, 2016, I took down in stenograph notes the

 9    foregoing hearing;

10        That the transcript is a full, true and

11    correct transcript, to the best of my ability, made

12     from my stenograph notes.

13            IN WITNESS WHEREOF, I have hereunto set

14    my hand and affixed my notarial seal this _____

15    day of February, 2016.

16

17

18                              _____
                                 N O T A R Y   P U B L I C
19

20    My Commission Expires:
      June 16, 2016
21
      County of Residence:
22    Hamilton County

23

24

25
```

288:10,14 295:16

25-young 189:6

26 189:8

26-young 189:6

27 189:8 203:3

27-young 189:6

28 280:9

28-young 209:5

29 104:22 210:11 283:19, 23

29-young 210:9

2A 177:12 179:15,18 180:20 182:24 183:4 188:1 200:19,21

2a-2c-zody 177:1

2B 177:12 179:15 180:1, 20 183:4

2C 177:12 179:15 180:8, 20 181:19,20

3
---

3 69:19,21,22 70:2,3 83:5, 9 115:15,21 168:13 177:17,22 206:5 240:22 244:25 256:20 257:14,19 258:4 265:5,11 271:21 275:14,21 278:3 280:9

3-1 49:1

3-12-1-12 157:21

3-5-2-23.2 192:18

3-5-6-2 157:15

3-5-6-4 230:5

3-5-6-5 230:19

3-5-6-6 230:25 231:14

3-5-7 39:21

3-5-7-5 39:15 40:8

3-6-12-10 179:13

3-6-12-7 177:8 178:16

3-6-12-8 179:10

3-7-26 232:19

3-7-26.3 93:19 233:10

3-7-26.3-9 192:12

3-8-1-1.1 158:11

3-8-1-2 142:8

3-8-1-8 280:16 287:6,8 288:24

3-8-2-7 246:20 255:24 258:11

3-8-2-8 64:13 142:24 177:8

3-8-2-9 143:15 170:24

3-8-3-1 103:11

3-hanford 257:9

3-lopez 240:20

3-stutzman 83:7

3-young 115:13

3-zody 177:18

30 22:4 210:12 283:19,24 284:2

30-young 210:9

307 247:8

31 210:12

31-young 210:9

32 120:23,24,25 205:16 212:16

32-young 212:14

33 212:16

33-young 212:14

34 213:11

34-young 213:9

344 86:12 101:25 111:13

35-young 213:9

355 111:14

357 101:9,23 126:21,22 129:5,7,14

36-young 213:9

37-young 213:10

38 220:9

38-young 220:7

39 220:9

393 85:21

4
---

4 19:17 69:1 100:15,16,17 115:16,21 140:10 168:13 183:11,12 184:1 206:5,7 241:15

4,500 143:2

4-0 162:10

4-4 70:4

4-lopez 241:13

4-stutzman 100:18

4-young 115:13

4-zody 183:24

44 226:5

44-young 220:7

45 121:2 204:21 205:9,14 226:6,9

45-young 226:7

46 227:11

46-young 227:12

47 162:13 188:22

48 151:19 192:19

486 163:2,4,5,13 188:25

489 163:2,13

497 58:3,9 67:12 71:12 75:2,9 86:7,16 90:11 101:16 107:10 109:16 110:15 114:9,22 116:9, 12,16,17 146:15 167:9 227:21

498 58:4,10 64:6 66:14,19 67:12 71:10,22,24 72:10 73:14 75:2,6,16 77:9 86:17 90:11 101:17 107:10,22,24 109:17 114:9,22 116:17 146:16 150:7,11,17 151:7,22 152:16 167:9,18 170:5 203:21 227:20,21

499 120:4

5
---

5 7:18,22 50:8 59:9 112:8 115:17,18 116:4 117:6 168:13 183:15,21 184:20, 25 186:14,15 193:2 198:14 199:8,13,15,19

202:20 206:6,7 243:17

5-3 70:4

5-lopez 243:18

5-young 115:13

5-zody 184:17

50 130:5

500 53:6 54:15 56:3 64:25 66:14 67:13 68:2,12,15 77:21 78:14 84:10 111:20 123:25 128:11 132:24,25 139:9 143:3,7 146:24 150:25 151:23 153:3 155:3,5,8 158:6 162:12, 15,18 165:7 167:10 170:12 171:17,20 172:6 174:14,24 175:20 187:23 188:11,24,25 207:17 221:9 229:6 231:18 233:20

500-plus 84:3

501 52:22 53:6 56:14 57:20 58:5 67:17 78:10, 14 79:12 80:11 104:16 116:19 128:16 129:5,9 133:7 139:21,23 153:18, 24 154:1,4,8,15,25 158:19,23 171:5 174:25 186:20

51 112:21 113:7 123:4,18 124:19 127:14 128:3 129:23 130:4,12,24 131:20 133:3 164:19

53 112:22 113:8 126:4,15

54 122:17,24 123:2 127:5 129:13 130:9 164:18

54th 122:22

55 297:4

5:00 165:20

5:18 176:8

5:30 176:9

5th 199:16

6
---

6 116:24 133:19 134:4 183:17,18 187:5,6 199:23 200:15 202:21

6-5 230:5

6-young 116:21

6-zody 187:1

600 90:10

6:41 224:15

6:51 224:16,20

6th 195:20 200:10

7

7 57:10 117:10,14 168:13 201:17 209:9 268:6 285:4

7-day 192:22

7-young 117:11

7/20/15 212:22

7/20/54 212:23

700 149:4

71 85:20

73 190:24

74 190:19 291:24

7th 268:22

8

8 101:3 117:14 168:13 200:24 206:8

8-young 117:11

800 188:25

84 160:12

8:30 184:13

9

9 117:14 168:13 190:11 206:8

9-young 117:11

90 243:15

936 156:10

A

ability 59:1,2 76:20 300:6

abject 197:7

abroad 34:18 35:14,15, 21 45:3

absence 239:20

absent 6:12 24:19 27:12

absolutely 14:17,21 88:7 297:2

abundantly 161:19

academic 111:19 281:21 288:5

accept 110:14 175:4,6, 10,16 179:1 222:8 237:10

acceptable 167:12

accepted 47:3

accepts 147:12

access 31:24 125:11 160:21 214:5,16,20 215:2,6

accommodation 169:19

accompanied 143:1

accompany 143:23

accordance 57:17 66:13 152:6 233:12

accountable 32:22

accounted 133:2

accounts 260:23

accuracy 110:22 261:9

accurate 162:6 291:14

accurately 261:11,13

acknowledge 73:25

action 245:11

active 81:9 119:17 252:7 269:3 296:24 297:1 298:7

activities 130:4

actual 40:19 41:11 66:16 67:19,24 70:22 71:13 76:25 78:7 99:14 102:18 139:24 169:22

add 40:7 58:21 59:1 86:15 106:2 163:5 167:8 287:21 288:24

add-ins 228:10

added 54:24 71:16 134:2 210:7 212:12 220:6,20

adding 71:16,25 159:19 289:3,4

addition 60:23 270:25

additional 9:13,21 10:15,25 11:9 13:17 38:8 50:2 54:24 126:11 146:23 177:9 184:20 206:15

additionally 35:9 188:4

additions 51:23

address 21:10 34:10 39:6 51:2 93:9 96:18 120:18 143:19 178:19 180:9,10 182:10 187:7 189:5,23 190:16,21,22 191:1,8 193:24 194:22 198:25 202:3,6 211:9 212:19 213:17,22 214:1,3 218:20,22 219:5,9,11,19, 21,25 220:12 222:15,17 225:11,14 226:12 228:8 229:24 230:12,15,20 234:2,6,10,11 243:11,14, 22 247:8 253:23 273:8

addressed 17:18 33:13 39:7 43:25 65:3 169:13

addresses 46:20 47:17 201:23

adds 164:19

adjourn 224:12 300:23

adjourned 301:8

administered 12:20

administration 12:11, 16,18

Administrator's 178:1

admission 22:23

admit 15:17 79:7 197:7 222:5 256:15 265:16 267:6

admits 269:19

admitted 222:4

adopt 11:13

adopted 8:16

adopting 12:4 277:16,19

adoption 18:9 19:1

advance 53:15

adverse 55:4

advice 251:10 252:17,21

advised 74:13

advocating 52:1

affairs 252:8

affect 26:20

affidavit 122:19,24 128:21 132:3,5 139:20,21 167:24 190:7,18 197:15 209:15 210:4 217:13,16, 17 220:16 236:13

affidavits 125:22 128:12 163:11 189:9 190:5 197:22

affiliated 256:3

affiliation 240:4 241:24 242:7 246:21,22 256:2,8, 10,21,23 263:14 265:9

affirm 10:2 14:7 268:10

affirmation 48:10

affirmative 218:11

affirmatively 219:7 220:3

affirmed 17:20 19:1 24:17 45:10

afforded 47:24

affords 300:5

afternoon 30:15 33:7 34:9

age 45:24 231:7,11 280:22 283:8,14,16,19,23 284:13,21 285:4,13

agenda 9:18 10:8 28:20 29:14 223:23

agree 26:13 51:20 56:22 57:2 87:17 88:3 89:15 91:5 92:8 102:1 105:23 106:11 107:1 120:15 133:21 134:3 135:20 136:4,11 139:6,12 161:6 170:8 191:14 206:11 220:21 236:22 289:1,6 295:14,19 296:3 298:16 299:10

agreed 111:2 161:15

agreeing 107:21,23 109:2 161:11

agreement 73:8

ahead 25:5 52:23 78:1 96:19 131:4 140:24 158:18 179:23 204:16 209:25 221:10 235:4 246:4

ahold 190:23

aid 105:5

air 150:13

Albert 240:24

Alberta 44:1

Alex 82:14

Alexander 29:9 33:4,8

alienage 18:25

aliens 19:10

allegation 110:13

alleged 74:20

alleges 255:12

allegiance 19:12

alleging 130:4

alleviate 15:11

allotment 221:6

allotted 10:24

allowed 160:2 171:14
188:19 263:20 286:19
292:3 297:11

allowing 163:8 264:11
299:9

alternative 20:17 137:14
268:8

altogether 114:25

ambiguous 161:20
220:2

amend 134:16 251:8,25
252:14 253:5

amendment 19:2 21:2,7,
10,13 27:13 30:3 33:22
72:7 252:2

amendments 30:2

America 252:10

American 35:13 41:17
252:8

Americans 45:3

amount 10:24 105:13
122:10 159:5 180:22
238:1

ample 148:12 237:20

amusing 203:9

analysis 119:21

Andrea 183:13 186:10,16
187:8,14 191:3,15

199:17,18 201:25 202:11,
12,24

Andrew 187:8,10 201:17
202:6,23,24 203:10

Andrew's 202:25

Angela 6:11 94:11

Ann 211:15

anomaly 102:2

answering 10:10 90:6

Anthony 6:8

anxious 98:19 113:13

anytime 94:20

apartment 240:19
241:21

apologies 271:4

apologize 37:4 132:14
183:7 187:3

apparently 118:16 145:1
204:3

appeal 21:24 53:23 57:4
192:1

Appeals 17:16 19:6
21:15

appearance 13:13 17:2
29:9 33:5 66:3 243:21,24
245:7,11 254:25 255:4
271:1,12

appearances 62:24

appeared 39:1 258:3

appearing 17:11 279:12

appears 31:13 32:24
44:12 51:25 159:16

applicable 40:9 142:19
148:7 168:14

application 192:20

applied 192:7

applies 41:17 256:5

apply 39:21 41:16 160:21
296:13

approach 30:19,24
33:25 34:12 37:18 140:8
240:8 246:6 256:16
271:24 293:25 299:11

approached 39:8

approval 7:16,25 257:6

298:3

approve 8:2,16 27:21
172:2 253:5 273:3

approved 22:9 235:10

approving 21:6

approximately 6:4

apt 212:1

arguably 188:22

argue 20:13 79:11 80:1,
2,3 135:25 287:4

argued 57:22 124:2
137:2 160:5 193:10 207:1

arguing 124:4 281:16

argument 23:2,12 25:9
33:19 34:7 38:23 40:10
53:18 54:1,6 55:21 73:24
79:18,22 88:19 91:20
128:15 133:9 139:17
208:6 234:5,8 236:14
237:13

argument's 234:7

argumentative 88:14

arguments 23:5,13
26:17 53:10,13 56:23,25
57:5 58:11 133:16

Ark 18:14 19:18 21:3

arrived 71:10,12 150:10

Article 18:2,7 19:16,20
22:17 24:18 33:21 36:1,2
280:18 283:9 285:9
287:22

Ashford 220:11

asks 218:25

aspects 55:4

assert 78:9 263:3

asserting 181:5,9,11

assistance 94:24 109:7

assisted 85:24

associate 252:9

Associates 6:16

assume 52:11 77:3
87:17 89:2,14,16 97:16
135:25

assuming 89:9 97:18
174:7 253:9

assumption 89:12

assure 261:18

assured 7:2

astounding 194:10

atrocious 237:13

attached 62:8,9 103:3,25
108:16 177:14 183:10
184:13 210:6

attachment 60:17

attachments 60:9,14
179:17

attack 110:22 149:12

attained 280:22 285:3

attempt 197:21

attention 120:7 148:21
157:14 207:5 233:10

attest 129:23

attorney 13:15 17:1 33:5
50:23 66:3 163:3 240:18
242:10 245:10 255:8

attributed 231:7,11

audience 239:17

audit 277:5,6

August 147:2

authorities 192:25

authority 27:20 47:1
272:25 286:7

authorization 258:14

authorized 10:20 246:8

Avenue 247:8

aware 66:25 178:2
198:21 199:1 255:24
296:2

awful 298:4

aye 8:11,12 12:5,6 27:24,
25 48:20,21,22,23 50:17,
18 65:13,14 173:16,17,18
175:23,24,25 238:7,8,9
239:2,3,4 244:13,14
248:13,14 250:22,23
253:10,11 270:5,6
278:18,19 289:11,12
300:14,15 301:4,5

ayes 8:15 12:9 28:3 49:1
50:21 65:17

B

B-a-l-l 291:12

B-o-b 30:16

back 17:24,25 18:13,20 26:14 31:12 32:6 36:5 46:1 53:2 66:18 67:7 75:4,16 76:9,13 77:14 79:5 85:7 86:15 87:3,9 96:17 98:8,9 101:17 106:17 109:13,17 110:11 112:8 126:10 134:11 136:3,5 139:15 141:9 146:15 150:5,10 151:14 160:16,24 161:2 169:6 170:22 176:7,11 190:15 191:11 201:13,16 207:9 210:7 211:25 218:18 219:10 220:20 222:21,22, 23,25 224:3,18 243:25 247:18 252:15 260:12 263:18 264:17 267:19 271:7 276:13 277:9,20 292:25

backing 296:18,21

backs 93:13

bad 91:10 153:12 159:18, 21

Ball 289:23 290:1,7 291:6,7,11 294:6 295:14, 19 296:3,7,25 297:2,23 298:8,19 299:10 300:5

ballot 20:19 27:21 28:7 31:13,24,25 32:3,6,25 33:2 39:2,16 40:13,23 41:21 46:7,8 49:5 68:14 151:3 156:16 157:7 160:3 162:9 165:18 171:1 178:8 232:1 237:15 243:3 255:17 258:16,18 259:4 261:18 263:16,20 267:5 272:14 273:9,13 281:4 286:16,21,23 287:5 292:4 296:15 297:9,12 298:22 299:5 300:7

ballots 190:19

Barack 261:19 263:7

Barclay 190:7

base 237:13

based 7:3 15:6 17:15,24 19:16 48:9,14 52:16 54:7 58:11,16 60:5 61:17 68:11,14 70:21 92:24

107:6 139:22,24 168:11 174:24 180:18 186:12 187:20,25 199:22 203:3 237:8 246:25 249:22 271:14 272:24,25 273:1,5 274:13

basic 23:11

basically 52:20 128:23 129:12 163:8

basis 104:2 108:23 145:24 192:16,18,19

batch 122:23 226:4,14

bear 6:25

bearing 22:8

bears 72:4

beating 98:18

beef 74:17

began 69:8 137:19,22,24

begin 6:17 8:22 9:17 12:21,23 13:3 177:15 285:23

beginning 64:1 260:13

behalf 17:2,11 29:9 51:14 56:19 77:19 245:7 255:1 271:12 279:23

belief 14:9 70:22 187:23

believes 272:20

Bennett 6:1,7 7:15 8:1,4, 7,10,13,15 11:17,23 12:2, 4,7,9,21 13:3,22 15:16,22 16:1,6,25 17:5 20:21 22:4,11,22 23:17 24:7,14, 21,24 25:5 26:1,6 27:22 28:1,3,19 29:12 30:11,24 32:16 33:3 36:22 37:2 38:3,18,22 40:6 41:3 42:1,3,6,10,15,22,25 43:7 48:3,23 49:1,9,19 50:13, 16,19,21 53:12 56:11,17 58:13,24 59:4,17,22 63:19 64:17,22 65:6,10, 13,15,17,25 68:16 73:4,7, 16 74:3 75:21 77:3,6,18, 23 78:1 80:10,13,16 86:21 88:20 89:13 91:19 94:10 96:19 97:9 99:2 100:8,13 105:7,10 109:25 110:14,18 112:10,14 115:10,16 116:12,15,20 118:12 119:22 120:1,5 125:5,7,9 127:15 128:11 133:12,18 138:21,25

140:19,21,24 141:13,17, 19 149:7 150:1 153:5 165:19,24 166:4,6 170:18 172:23 173:10,15,19,21 174:12 175:22 176:1,4, 10,18,23 188:14 198:4 203:5 204:9,12 206:13, 16,21 208:17,23 209:2,4, 25 217:1,3,5 221:11,15 222:25 223:5,17,22 224:5,11,17 225:25 227:3,14,17 228:10,13, 16,18 232:3,22 233:7 234:20 235:1,4,22 236:2 237:17 238:5,10,12,20,23 239:1,4,8,12 243:5,16 244:8,11,13,15,17,21 245:9 247:4,15,20 248:5, 9,12,15,17,25 249:7,12, 16 250:2,4,11,15,18,21, 24 251:9 252:13 253:6,8, 12,14,20 254:6,11,16 255:2 256:17 258:23 259:13,18,21,23,25 260:4 264:12,14 265:24 266:24 267:20 268:17 270:1,7, 10,18 271:3 272:3 274:18,20 276:16 277:11, 24 278:8,16,20,22 279:3, 15 282:22,24 287:16 289:5,9,13,15,24 290:9, 19 291:2,6,8 295:6 297:14,16,18 299:24 300:13,16,18,20,25 301:3,6,8

bet 198:2 251:14 284:11

betting 236:23

Biden 283:18

big 21:9 27:8 144:4 147:5 169:25

bills 241:20

binder 13:12 29:5 60:3, 15,20 61:5

binders 13:9 29:2 59:24 61:21 245:2 254:20 279:7 290:3

birth 16:19 18:24 19:13 24:10,12 29:18 30:10,21 31:3,6,14,15,17 32:7,11, 24 34:18 35:4,5,7 36:4 37:19,20,21 38:10 43:13, 19 44:13 178:18 182:8 184:4 201:23 202:11 213:4 240:25

birthdate 212:22 228:8 280:15

birthday 104:22

bit 58:22 211:18 263:3

biting 194:12

blamed 145:6

blank 87:7 89:21 90:23 91:2 92:7 98:2,6 117:4 118:7 134:7 141:9,12,13 175:11 180:11 193:13 213:15

blatant 236:19

Bloomington 166:11

blue 61:4 62:17 63:4,7 122:16

blur 201:24

blurb 294:13

BMV 240:24

board 14:14 123:21 135:12 146:5 207:15 242:11

boards 103:18,19

Bob 29:7 30:12,16 275:9

body 15:5 52:18 152:14 180:17 229:23 235:11 286:10

bold 264:7

bona 91:13

book 112:24

Bopp 51:14,21 53:13 54:4 56:25 74:3,4 75:19 77:8,10,22,25 80:17,18, 22,24 81:3,6,9,16,23 82:4,10,19,22,25 83:9,12, 15,19 84:9,13,16,18 85:1, 6,11,15,23 86:2,5,8,10, 14,19 88:14,16,19 91:7, 11,22 92:11,14,16,19 93:16 100:6,10,14,17,20 109:11,21 112:18 140:18, 20 141:24 142:8,13 149:8 150:1,15 160:11

Bopp's 57:6

borders 19:19 22:16

born 17:21,22 18:4,19 19:10,18,25 20:15 22:15 24:3 27:7 29:17 31:21 32:8,10,13 34:17 35:21 36:3,9 41:20 44:1,11,21 45:14 46:16 47:2 48:12 280:8

bother 269:12

bothered 144:21 149:17

bottom 101:1 177:24 205:2,22 210:1

bounce 243:25

bound 60:16

box 112:5 265:4

boy 277:14

Brad 6:12 132:3 139:20 140:9

Bradford 290:6,10,12, 13,22 291:1 293:18 295:7 297:17,19 299:11 300:19

break 64:18 115:6 223:2

Breakfast 190:10

briefly 38:24 129:18 189:10 288:22

briefs 23:4,14

bring 74:18,22,24 82:22 134:2

brings 261:24

broaden 27:15

Brooks 51:6,7 56:12,13 58:15 59:1 73:5,8,20 75:18,20,22 77:5,7 78:9, 13 79:17,21 80:9,11 86:22 87:4,7,9,22 88:5, 15,18,25 89:7,10,12,21 90:8,17,22 91:2,9,18,25 92:12,15,17,20 93:2,8,14, 22 94:5,9,16 95:2,10,13, 21,25 96:10,14,17,20 97:6,8,11,16 98:10,20,23, 25 99:4,19,25 100:5 105:12 106:19,22,25 107:11,15,18,20,23 108:3,8,11,17 109:20 110:3,17,21 111:4,11,23 112:1,4,11,15 113:25 114:6,10,15,17,23 115:12,15,17 116:14,17, 23 117:5,7,13 119:25 120:4,6,17 121:9,24 122:3 124:4,7,11 125:6,8, 15,19,22 127:17 128:13, 20 130:16 131:4,8 132:10,16 133:19,24 134:6,17,20 135:7,14,24 136:8,17,20,23 137:7,14, 22 138:1,5,7,11,14,18 139:12 140:1,5,14 141:5, 8,14,23 142:6 153:7

154:3,7,16,20 155:2,8 162:3,6 188:15,16 189:8 194:1,24 195:3,14,25 196:6,10 197:1,9,18,25 198:5,17 203:8,16 204:17,19,22,25 205:18 206:14,20,22,25 207:19, 23 208:1,4,20,25 209:3, 10,12,15,19 210:1,11,24 211:17,22 212:3,5,7,16 213:11,16 214:17,24 215:3,10,16,19 216:2,7, 11,14,19,21,25 217:2,4,7, 11,25 218:7,10 220:9,23 221:1,4,8 222:12,16,22 223:2,7 225:8,23 226:2,9 227:5,11,16,19 228:12, 15,17 232:7,9,12,15,17 233:1,4,9 234:21 235:9 279:19 280:13 281:9,13 282:3,7,14,17,23 286:5 287:9,13 288:21 289:2

Brooks' 235:5

Bross 117:16 120:2 133:20 141:7,8,13 167:22 175:10 207:5

brought 36:8 60:24 163:15 168:11 224:18 243:2

Brown 284:4,6,7

Bryce 6:7

buck 21:22

bunch 223:9

burden 43:4 237:24 238:2 278:14

Bush 275:8,9

business 46:23 300:21

busy 294:3

C

C-a-r-m-e-n 245:21

C-a-r-t-e-r 14:2

C-l-a-y 56:18 239:22

C-o-d-y 245:18

Calgary 29:18 32:13

call 6:1,5 7:8,16 44:7 48:18 58:19 80:18 157:14 163:19 176:10 194:8 224:14 225:2 227:8 238:5 250:6 251:15 270:2 291:2

called 8:21 242:16 268:6 272:19 292:18

calling 194:24

calls 277:8

campaign 14:14 51:9,15, 19 56:24 57:9 66:17 68:7 73:9 74:7 79:7 81:8 82:14 101:14 105:14,19,25 106:15 108:20 109:8 117:19 122:18 126:25 127:20 128:22 134:11 135:11,15,21 136:15 137:11,19,25 139:7 140:12 144:5 146:10 147:3 149:3 150:9,19 151:21 153:6,11,12 155:16 156:24 158:4 164:6,21 167:20 169:4 171:15 178:23 184:10 190:14 194:8,16 225:20 226:13 229:1,19 233:3 236:18

campaign's 55:19

campaigns 84:1 94:24 139:14

CAN-1 14:3 55:23 57:7,8 58:12 62:7,8,23 63:8 66:9 80:8,11 91:16,18 108:16 142:3 151:9,18,25 167:14 177:15 185:9 209:9,11 229:3,20 239:24 253:24 257:12,20 271:16

CAN-1S 62:2,3,22 63:17

CAN-2 256:21 257:1 263:13 266:20 269:9 271:19

CAN-4 66:23 67:11 134:11 150:3 184:13 186:12 230:12 231:20

Canada 29:18 44:19

Canadian 44:9,17,21,22 45:8 47:8,10

Canal 36:9

candidacy 36:7,16 54:11,12 56:5 69:5 81:24 82:9 101:15 102:20 103:16 142:5,10,12,23,25 143:6 146:23 243:1 251:4 255:14 256:1,14 264:23 271:19 291:24

candidate 8:18,21,25 9:10,16 10:20,23 11:3,5,6 13:5 14:18,23 28:23 33:6,

10 42:19,20,21 47:23 49:13 50:6 57:11 67:20, 21,23 101:20 102:7 103:23 104:9 139:8 141:22 142:18,20 144:7 147:4 148:6 151:2 158:12 160:13 172:10 173:7 175:20 184:12 224:24 240:25 244:24 256:3,6,8, 10,11,12 258:18 264:20 267:17 268:20 280:16 281:2,14,25 287:15 290:6 293:4,6 297:9

candidate's 10:20 11:1 40:20 147:10 161:7 256:2

candidates 9:1 12:22 16:13 24:11 28:6 30:8 39:21 49:4 53:1 65:4 81:21,24 82:7 96:1,5 103:12 104:13 105:1 148:19 171:1,14 172:1 185:24 201:20,21

candidates-challenged 11:14

capable 105:20

capacity 245:19

card 119:8 225:12

cards 225:10

care 262:15

Carmen 245:5,7,19

Carolina 293:24 294:2, 24 295:3,5

carried 8:14 12:8 28:2 50:20,22 65:16 238:2 244:16 248:16 250:25 253:13,14 270:9 278:21 289:14 300:17,18 301:7

carrier 61:13 178:17,21, 22,24 179:3,5,12,19 180:3 182:6,7,25 183:2,5, 14,22 186:13 189:13,20 199:16,24 200:1

carrier's 179:8 180:9 182:20

carriers 137:25 189:25

carries 12:10 65:18 67:19 289:15

carry 238:14

Carson 213:12

Carter 13:13,23,25 15:18, 25 16:3,8 19:24 21:1 22:6

24:2,6,8 28:10 29:6,14,15

carved 176:21

case 9:12,19,20 10:8,23
18:14 20:14 22:14 27:11
35:8,24 36:6 42:13 43:21,
23 44:24 45:24 46:11
50:5 53:24 54:3,20 55:5,
20 58:21,22 61:1 74:12
75:6 77:6 95:10 112:6
133:8,25 142:13,23
146:22 147:1 153:16
156:5 158:18 159:3,18
160:10 161:14 162:11,22,
23 163:6 167:4 170:1,21
188:22,24 189:22 190:6,
23 213:12 214:12 219:1,4
220:10 244:6 245:12
247:12,19 260:5,6 263:18
264:11 280:2 281:6
288:21 295:21 296:18
297:11 298:20

cases 9:15 11:6 35:25
82:5,6 90:17 159:2 164:5
170:16 188:18 236:15
287:17 289:2

Casey 128:1,15

Cashbaugh 85:5

cast 156:16

category 129:20

caucus 242:17,18,20

caucuses 242:16

caveat 267:3

certificate 24:10 30:10
31:4,7,14,15,18 32:7,12,
24 37:20,22 43:13,19
167:24 257:2

certificates 30:22 38:10
196:12

certification 53:5 55:1,
23 57:13 66:19 69:14
70:13 71:4,24 74:7,12
75:5,12 79:21 90:19 92:3
143:23 144:19 145:17,20
147:13 150:4 154:10
155:10,23 157:17 160:15
161:9 162:24,25 167:7
169:16 170:3 171:4,16,20
179:4 199:25 200:1 201:9
240:23 246:23 267:9

certifications 55:3 59:3
71:17 74:9,10 79:12
104:2 147:16 157:11
162:12

certified 28:6 30:8 49:4
51:22 52:8,21,24 53:11
54:15 55:16 58:1,7,9
61:12 66:20 68:8 70:7,14
71:14,25 72:17,20,23
73:23 74:10 75:8 78:10
79:3,23 80:1,3,5 84:11
85:13 86:5,24 87:2,14,18,
25 88:3 90:1 91:3,6,11,
12,23,24 92:1,5,6,9 93:25
96:23 97:1 98:12,15
99:18 100:25 101:5,8,10
102:8,18 103:8,21 104:19
105:3 106:9 107:4,19
108:4 111:13 116:2
117:18,21,25 118:8
121:13 122:5 123:8,20
124:23,24 126:14 127:19,
21 128:1,6 129:3,14
130:21 133:6,22 134:5,9,
13,24 135:16 138:13,16,
19 139:9,24 140:11
141:15 144:11,12,13
145:14 146:3,7 148:23
149:2,23 150:5,17 151:13
152:13,20,22 153:1,18,25
154:2,5,9,14 155:4
157:12 158:7,19,23
160:17 162:17 163:23
165:3,4,6,13 166:2
167:17,25 168:17,22,25
169:12 170:12 179:23,25
180:2,4,13,15,20,25
181:2,22 182:19 183:13,
14,15,23 184:9 185:23
186:7,13 188:20 192:25
193:8,11,12,15,18
195:17,20 200:9,25
201:10,12,14 202:21
203:2,25 207:3,9,13
208:6,8,10,12,14,19
210:8 213:8 215:21
218:21 222:6 225:18
226:11,12,24 227:22,25
228:1 230:21,25 231:21
240:23 246:1,8,14 247:18
258:6 259:11 263:25
264:22 265:11 266:8
267:3 269:16,23 272:6
278:12 294:22

certifies 24:12 144:1
147:9,11 256:11

certify 57:16 74:16,17,25
76:7 103:20 138:3
143:17,21 145:10 148:9
149:16,18,22 150:16,19,
24 152:5 153:16 154:11
161:8 165:18 167:6,8,16
168:4,9 169:8 200:17
202:8 214:7,9 216:3,4,9

230:18 231:5,14 236:5,
10,17,25 237:8 255:22
259:2 265:20 267:16

certifying 103:19 126:20
169:2 202:25 204:6
263:13 268:19

cetera 286:8

chain 128:17 164:14
167:20

chair 10:13 57:2 81:11,12
82:3 147:7 159:16 245:20
246:24 257:23 268:1
269:3 291:15,17

chairman 6:1,7 7:12,15,
20 8:1,3,4,7,10,13,15
11:15,17,20,23,25 12:2,4,
7,9,21 13:3,10,22 15:16,
20,22 16:1,6,25 17:5
20:21 22:4,11,22 23:17,
18,22 24:1,3,7,14,21,24
25:1,4,5,7 26:1,3,6,8
27:22 28:1,3,10,19 29:3,
12 30:11,24 32:16 33:3
36:22 37:2,25 38:3,7,18,
22 39:11,12 40:6,14,19,
25 41:3,8,10 42:1,3,6,10,
15,22,25 43:7,12 48:3,22,
23 49:1,9,19 50:12,13,16,
19,21 51:6 53:12 56:11,
17,20 58:13,16,24 59:4,6,
8,12,15,17,18,22 60:1
61:22 62:4,6,13,25 63:19
64:2,9,17,19,22,23 65:6,
10,13,15,17,25 66:5
68:16,18,21 69:2,6,9,15,
21 70:2,11,15,18 71:3,7,
15,20,23 72:3,7,12 73:4,
5,7,16 74:3 75:21 77:3,6,
18,23 78:1 80:10,13,16
81:16 86:21 88:20 89:13
91:19 94:10 96:8,11,15,
19 97:9 98:16,21,24 99:2
100:8,13 105:7,10 109:25
110:14,18 111:1,7,17,18,
24 112:10,14 113:10
115:10,16 116:12,15,20
118:10,12,18 119:21,22
120:1,5,12,22,25 121:4
125:5,7,9 127:15 128:11
133:12,18 138:21,25
140:19,21,24 141:13,17,
19 147:3 149:7 150:1
153:5 154:1,4,9,18,21
155:6 161:5,10,11 162:1,
4 165:19,22,24,25 166:4,
6,7 170:18 172:23 173:2,
8,10,13,15,17,19,21
174:1,5,12 175:22 176:1,
3,4,10,16,18,20,23,24

177:20 182:21,24 183:3,
6,18 186:21 188:14
193:24 194:2 195:1,12,18
196:2,8,22 197:6,15,20
198:2,4 199:20,23 200:9,
21,23 203:5 204:9,12,13,
16,24 205:6,13,16,21
206:11,13,16,18,21
207:15,20,24 208:2,17,
22,23 209:2,4,25 211:14,
20 212:2,4,6 213:14
214:14 215:13,17,25
216:3,7,12,18,20,23
217:1,3,5,8,23 218:5,9
220:21,24 221:2,6,11,14,
15,17 222:9,14,17,19,25
223:5,10,17,21,22,25
224:5,7,10,11,17 225:25
227:3,14,17 228:10,13,
16,18 232:3,5,8,10,14,16,
20,22,24 233:2,7 234:20
235:1,2,4,22,23 236:2,4
237:17 238:5,8,10,12,18,
20,23 239:1,4,6,8,12
243:5,8,12,16,20 244:5,8,
9,11,13,15,17,21 245:3,9,
14,16 246:8,12 247:4,6,
11,13,15,16,20,22 248:1,
4,5,6,9,12,15,17,25
249:2,7,12,16 250:2,4,8,
11,13,15,18,21,24 251:1,
9,11,17 252:13,18,24
253:2,4,6,8,12,14,15,17,
20,21 254:3,6,8,11,16,21
255:2 256:9,17 258:21,23
259:13,18,21,23,25 260:4
264:12,14,21 265:1,3,24
266:1,4,7,11,15,24 267:1,
16,20 268:17 270:1,7,10,
14,18,20 271:3,17 272:3,
17,22 273:14,15 274:18,
20 276:16,20 277:11,24
278:8,10,16,20,22 279:3,
8,15 281:5,10,20 282:6,
11,16,22,24 284:8,11,14
286:1 287:10,16 288:4,
12,18 289:1,5,8,9,13,15,
17,20,24 290:4,9,15,19,
20,23 291:2,6,8 294:5
295:6,8,15,20 296:4,24
297:1,14,16,18,21 298:2,
5,12 299:9,24 300:1,8,13,
16,18,20,24,25 301:3,6,8

chairman's 298:3

chairmen 295:25

chairperson 255:6,9,11,
20 257:3,7 258:15 264:15
269:14 271:10,24

chairs 296:19

challenge 8:18,21,25
10:4 13:2,5,12 19:23
20:18 24:9 25:19 26:4
28:18,20,23 32:6 39:3,5,
16 40:22 41:15 48:20
49:8,10,13,23 54:7,21,25
55:1,23 56:6,14 57:7,11
59:9 60:3 61:6,10,14,18
64:11 65:22 66:9,10
74:25 82:8,11,12 102:22
149:11 151:9,19 160:7
163:7,13 165:17 166:1
167:1 171:19 172:3
173:4,12,16,23 174:12,
17,20 175:23 176:5
177:6,15 179:13,17
184:12,24 188:12 209:9
218:15 225:4 231:24
232:6 235:3 238:18,20
239:2,11,13,24 242:3
243:1 244:10,17,20,22,23
245:5,23 247:2 248:7,13,
17,24,25 249:4,13 250:9,
22 252:15 254:7,15,23
257:12,21 259:15 260:9
262:25 267:2,12 270:5,
10,18,22 271:5,7,14
272:15 273:4 277:12
278:11,18,22 279:2,4,10
280:6 283:25 285:17
287:14 289:7,16,23,25
290:5,21 291:17 292:15
293:16,20 300:11

challenged 9:10,16 19:5
31:24 171:16 185:12
229:5 262:16 291:25
292:20,22

challenger 9:1,7,10,18,
19,23 10:22 11:3,4,5
29:13 66:3 71:4,15
161:14 162:13 249:12
255:4 271:8 279:16,23
290:10

challenger's 9:11 163:3

challengers 10:24 47:23
50:4,9 65:4 77:20 250:4

challenges 10:5 25:17
29:5 33:14 49:23 51:1
52:16 53:6,21 55:8 61:21
64:3 162:13 173:13,15
174:6 176:13 223:22
235:24 249:23

challenging 14:4 30:18
221:12 290:13

chance 99:5 191:10

change 147:25 196:6,10
211:4,13 212:11 228:8

231:13 233:24 252:20
268:19

changed 27:14 37:16,17
210:17 211:1,4 231:12
267:10 292:22,24

characterize 104:7

characterizing 61:10

charged 25:15

charges 25:16

chart 106:9

check 113:6

checked 126:9 265:5
273:9 274:12 276:2
292:20,23

checking 274:11

checks 212:25

Chicago 240:19 241:21
243:24

chief 16:21

child 18:17 27:6,7 37:5

children 19:9 29:24,25
35:17,19 45:4 46:16

Chinese 18:17

chock-full 260:10

choice 37:6 297:12
299:20

choose 65:5 273:12

chosen 285:7

Chris 279:24 288:22

chronology 137:6

circle 205:22

circuit 21:21 158:13
163:1 211:2

circulate 100:15 132:13

circulated 94:20

circulates 96:9

circulating 81:17

circumstances 196:17
197:12 226:15 274:14

citation 58:19

cite 115:1 156:4 157:18
158:11

cited 103:11 273:1
287:17

citizen 14:6 15:4,12
16:15 17:20 18:5,8,22
21:3,4,6,8,14 22:8 24:13
27:5,7,9,10,16 28:11
29:19,21 30:5 31:9,22
32:8 34:14,17,19,23,25
35:4,7,11,13 36:3 41:18
43:5 44:10,12,22,25 45:9
46:25 47:3,8,10,25 48:11,
16 285:4

citizens 18:18 19:20
22:17 30:9 36:9,11 44:23
45:19 46:17 47:2 171:25

citizenship 16:19 18:6,
24 19:5,21 20:2 21:11
22:18 29:23,25 44:4,20
45:6,8,22 48:9,10 285:14

city 229:25

claim 90:10 164:16 240:4
241:23 242:6 265:8

claimed 242:4

claiming 110:23 144:24

claims 241:16 256:8,10

clarification 66:7 72:15

clarified 147:7

clarify 23:12 206:1

clarifying 98:4

clause 19:17 280:19

Clay 56:18 66:2 81:12
239:22

Claybourn 279:11,17

clear 19:3,14 20:16
34:14,22 36:14 151:7
161:19 162:7 167:5
169:15 228:24 233:8
266:2 267:13 282:7
286:25 299:13

clerical 73:11,12 88:11
118:3,5 153:19 155:18
158:5,8 172:13 193:13
203:12

clerk 22:2 70:23 88:11
97:3 147:11 158:13 159:7
160:1,15 167:5 170:4,5
180:16 181:18,22 183:16,
23 200:11,16 201:4,18
202:22 204:2,5 208:13
215:25 258:7 265:12

clerk's 75:4 134:12
135:4,15 159:7 161:8
186:4,6 187:13 201:9

202:7 235:12 246:2
266:12 292:20

clerks 67:16 78:22
134:15 152:9 178:3,10
179:20 189:24 203:24
208:10 230:18

clerks' 292:23

client 112:20 235:5

clipboard 195:7

clock 165:20

close 20:22 36:24 144:16
148:14

closed 41:5

closer 212:7

closing 232:7

Co-counsel 6:13

co-director 6:11,12
60:11 95:24 99:14

Co-directors 7:24

code 39:14,21 40:9 67:23
170:24 178:16,19 179:24
180:5 229:24 230:19
233:12 255:24 258:10
282:2

Cody 245:7,10,17 246:14

collected 81:19

college 219:1,20,22,24

college-educated
268:14

colorfully 129:21

column 86:25

columns 87:1

combine 113:18

combined 50:7 113:13
129:8

combining 67:15 159:13

comfortable 89:8 90:5

commander 16:21

comment 14:13 25:25
26:13 75:20 129:17
172:23 173:3 203:9 286:5
297:22

comments 25:2,3,6 48:5
94:11 161:12 187:20
299:25

Commission 6:3,6 7:9, 13,19,21 8:6,12,17,19,24 9:3,13,16,21 10:7,9,17,25 11:8,13,21,23 12:6,13,14 13:11 14:8,16 17:10 20:8, 18,23 23:1,3,9,15,16 24:22 26:5 27:25 29:4 34:4,12 39:10 41:6 42:16 43:1,22 48:21,25 49:25 50:18 52:14,15,19,25 54:9,19 55:7,11 56:4 60:2,19 61:1,19,23 62:1, 5,10,14,18,20 63:6,10,14, 20 64:14 65:9,14 72:14, 22,25 73:15,18 74:5,13, 22,24 75:2,15 77:13 78:17 82:15 83:2 84:5,7 90:12 94:7 96:13 97:5,14, 17,21,25 98:2 100:16 101:24 102:23 107:3 109:12 112:18 113:5,15, 17,20 114:4,7,13,16,18 117:5 118:9,13,19 119:11,18 120:15 121:22, 25 124:1,5,8 138:3,24 139:13 140:23,25 141:6 142:11,17,18 147:8,12,15 148:11 152:15,18 156:3,7 157:20 159:2,15 160:13, 18 162:16 165:8 166:5 172:4,15 173:18,20 174:3,9,23 175:25 176:2, 11 180:6 181:3,8,11,19 182:1,4,14,17 186:9 188:10,19 189:2 198:7,18 199:10,12,14,17 200:2,4, 5,7,19,22 204:14,17,20 205:1,7,9,11,14,19,23 206:4,10 207:8 209:12 210:22 218:1 224:18 228:14 231:17 236:1,7 238:9,11,22 239:3,7 242:22 243:6 244:12,14 245:4,17 248:8,14,21 249:3 250:17,23 253:7,11 254:22 267:22 269:15 270:6,21 272:16 273:3 278:15,19 279:9 287:7,11 289:6,12 290:5 292:2 295:22 296:1,5,7,11 298:9,20 299:4,8,22 300:12,15,21,23 301:2,5

Commission's 164:3 207:4 254:9

commissioner 17:9 48:3 69:20 70:5 156:21 161:6 239:21

commissioners 16:2 22:25 34:9 68:17 187:22 218:10 225:8 265:25

commissions 164:5

committee 30:7 81:14 156:20 224:6 295:5

committeeman 294:16, 20

common 17:25 19:8 26:14 27:3,4 46:13,18 282:15

commonly 40:13

communications 294:19

community 269:4

compare 101:19 136:5 186:18 195:22

compared 169:3 276:8

comparing 146:7 169:6

compelling 54:1

complaint 51:18

complete 264:24

completed 178:21 192:22

completes 9:6

compliance 7:7

compliant 64:13

complicated 72:13

complied 142:19

complies 27:19

complimentary 161:14

comply 178:24 179:22 181:16 234:22

comports 194:6

compound 92:11

compute 171:18

computer 105:5 145:15 154:17

computerized 192:16 233:13

concept 158:15

concern 53:20 269:11

concerned 43:24 144:16

conclude 19:18 22:15 164:2

concluded 22:24 42:7 284:1

conclusion 197:10,11

conclusively 88:1

concur 57:6 119:20

conducted 118:22

conducting 8:18

conference 178:1,3

confident 113:22

confirm 7:9 253:22

confirmed 134:23 135:18

confirming 40:2

confirms 16:10

conformance 54:9 230:25

conformity 231:6

conforms 231:2

confused 276:3

confusion 66:22 67:12 225:15

Congratulations 253:15

Congress 26:19 33:24 34:2,6 36:15 41:19 48:14 284:23 286:9,12 287:25

congressional 34:16 35:24 54:16,21 66:15 67:1,4,5 70:8,10 71:1,2 79:2,8 84:4,10,20 87:11, 16 88:2 89:5 102:16 112:7 115:20 116:2,7 117:24 118:4 127:1 133:22 141:3,11 143:4,7 149:4 155:19,20 175:17, 18 180:12 188:11 215:23 239:25 243:3 245:20 263:21

congressman 111:22 170:4 171:3

connected 63:7

Connor 6:16

consent 268:1

consideration 12:22 13:4 14:10 28:21 49:11 254:17

considered 78:16 119:15 256:3 283:25 290:24

consistent 52:18 116:10 132:4 135:1 157:19 164:3 298:6

consistently 52:25 171:13

consists 272:4

consolidate 50:24 51:10,15 56:21 64:24 65:1,18

consolidated 65:3

consolidation 51:5 53:14 58:14,25 59:5

conspiracy 151:3

constitute 145:19

constitution 14:22 15:6 18:2,10 19:2 26:15,22 27:13,19 31:21 32:14,18 45:15,17 280:19 281:8 286:11,12 287:9 288:25

constitutional 30:2 283:3 286:6,18 288:6

constitutionally 34:1

construction 156:19

construed 18:12

consult 101:22 251:23

contact 190:17 266:11

contacted 190:13 272:19

contend 101:21 262:19

contending 70:18

contention 71:24 127:17

contents 273:2

contest 147:14

contested 271:23 278:13

context 35:22 36:14 123:13

continuing 254:16

control 22:21 33:22 98:24

controlled 34:2

conversation 83:19,22 156:1 274:24 276:10

convinced 25:10,22

coordinator 81:7

copied 225:24

copies 7:21 16:1 30:22 38:1 82:25 130:1 132:2 145:1 151:4 226:25 227:6,7

copy 15:24 30:8 37:19 38:2,3 83:17 127:6 131:2, 9,24 136:6 137:12 138:4, 8,9,12 144:22 187:4 204:22 209:19,22 210:25 225:22 240:23 243:23 245:6 246:1,3,6,14 249:5 254:24 269:16 270:23 279:13 290:6,23

copying 130:5

corner 121:3 122:15 131:13,18

corollary 45:23

coronation 157:1,9 158:10

Corps 252:8

correct 16:7 23:25 24:5 37:4 40:17,18 59:10 67:8 69:11 70:20 71:5,6 72:11, 24 73:3 84:12,25 86:1,18 87:19 94:1 96:4 119:6 135:7 137:21 138:13,17 139:8 159:11,24 179:6 182:20 190:1 198:17 206:4 214:14,19 217:10 225:11 273:18,24 274:25 275:11 277:3 286:4 288:17,20 293:1

corrected 179:8

counsel 40:1,3 60:10 74:13 132:18 133:10 164:24 251:23 252:18

count 64:6 66:10,17,18, 22 68:1,10 74:9 77:21 78:4 82:13 84:1,6 85:12, 23 86:2 87:3 89:20 94:14 96:2,3 97:8 98:7,22 102:5 104:19 107:12,24 108:4 109:4,5,13,16,22,23,24 110:9,12,25 111:2,14 113:14 117:18 120:3 124:21 144:12,25 146:2 148:15 149:17 150:5,8 179:9 186:20 205:24 207:8 221:3 230:10

counted 10:11 52:4,12 55:15 72:8 74:1 79:9,16 82:17 87:4,18 89:24 90:23 91:5 92:9 101:13 105:16 106:2 108:3,21,23

110:5,16 111:1 113:7 117:17 120:2 123:15,20, 23,24 124:2,19,25 126:23,24 127:19,20 128:7,8,9 129:4 135:5 150:10 182:12 219:16 220:5

counties 74:8,15,17 84:19 95:11 101:10 106:7 110:10 113:18,21 114:22 129:8 139:11 147:17,21 148:24 149:21 154:14,24 167:15,23 168:24 190:18 214:25 295:23,25

counting 52:9 54:17,20 73:23 128:5,10 146:13

country 16:21 18:20,21 19:10 20:6 27:6,7 32:15 35:15 45:17,19,20 46:4, 14 47:11

counts 64:25 66:14 83:10 94:25 98:3 110:24

county 55:1 57:15 66:24, 25 67:11 69:24 70:1 81:11,12,16,18 82:3 84:21 85:16,17,20,21,22 86:10,11,12,13 91:12 95:9 100:22 101:5,8,18, 23 103:4,17 105:17,18,21 106:4,16 108:21,22 109:3,5,10 111:2 112:23 113:9 114:12,21 116:2 120:24 121:2,11,21 122:11,18 126:1,17 127:8,18 128:25 130:11 131:10,15 133:20 134:12, 15,22,23 135:4,12 136:23 137:1,8 143:16 144:19 147:11 148:22 150:6,7 152:4 160:15 161:8 162:25 163:2,16,18 164:20 169:17,23 170:4,5 171:17 180:13,14,23 189:23,24 190:9,12 191:9 192:12,15,17 193:4,19 213:21 214:2,8,10,15,20, 21 216:9 217:9,21 219:4 226:16,18 231:3 242:10, 11 246:24 255:9,12,20 256:8,10 257:2,5,7,23 258:7,15 259:12 261:1 265:12 267:4,16 271:17, 18 272:5,11,22 276:17 277:6 290:15 293:24 294:12,19 295:25 298:3,5 299:9

county's 74:11 146:5

countywide 215:6

couple 86:22 104:24 139:18 153:8 156:5 158:5 218:19 225:24 283:20 292:12

court 6:15 15:5 17:16 18:12,15,16,23 19:6,15 21:15,21,25 22:10 32:5 37:16 47:14,16 56:10 156:11,14 158:13 211:2 218:3 258:7 287:20

courts 22:3 27:17 34:5 35:2

cover 69:2

covers 61:3

Covington 271:4 279:2, 4,9,13,14 280:8 283:4 285:23 288:7

create 41:25 82:19 100:23 102:13

created 31:12 139:23 229:22 235:10

creates 94:15

credential 299:7

credentials 263:4,10 293:23 299:22

credibility 264:1

credible 159:16

Creighton 279:24

criminal 236:15

criteria 107:6

critical 216:16 224:4 262:22

criticism 166:22

cross-examination 11:6,9 36:23 38:21 86:21 100:12 133:13 264:14 295:6

cross-examine 11:3,5 20:25 99:5 260:1

cross-reference 131:16

cross-verify 86:3

crossed 262:17

Crown 213:13,17,23 214:1

crux 242:3

Cruz 14:14 28:18,20,23 29:4,10,16,17 30:1,18 31:4,6,16,17 32:12,23 33:6,9,15 35:8 38:12,15, 17 40:16 43:5,14,15,16 45:7 47:7 48:8,16 49:3

Cruz's 44:8,25

Cuba 24:13

Cuban 23:20 29:17

culling 68:6

curious 97:21 139:1

current 20:12 218:25

custody 128:17 136:18 164:14 167:21

cut 222:10

Cynthia 239:23

D

D-a-n 291:12

D-a-r-l-a-n-d 245:21

D-u 120:9

dad 44:9 46:22

daddy 284:8

Dale 6:13 83:18,25 125:15 129:23 214:19 218:2,5

damn 194:19 216:23

Dan 289:23 291:11

Danny 289:23 290:1,7

Darland 245:5,8,19 246:14 248:22

data 52:5 76:14 95:4 115:4,22,24 169:20 261:22

database 266:18

date 178:18 179:5,7 182:8 183:1,3,5,21 184:3, 7,8,22 186:23 189:23 191:7,17,18,23 192:3 199:10 200:8,20,24 201:1,2,7,9,10 202:11 213:4 240:25 241:4

dated 62:12,15 182:8 183:14

dates 190:7 200:13 201:23

David 51:7 133:20

day 22:20 56:10 67:19 114:8,21 127:11 183:17, 23 184:11,15,16,23 186:9,19 192:1 200:16 212:25 223:12 243:21 259:20 264:8 281:23 282:9 283:15 284:2 287:24 293:4

days 103:13,15 104:24 185:14 192:7 195:23 223:18 228:25 229:8 266:15 292:12,16,25

deadline 54:19 103:14, 16 151:20 159:12 179:5,7 184:9 185:24 187:19 188:8 189:18 191:19 192:8,9,23 193:1,6,23 228:23 229:5,12 235:19 268:7

deadlines 228:20

deal 25:18 147:18 230:7

dealing 25:17

dealt 55:10 148:5

dearth 48:10

death 98:18

December 178:2 179:21

decertifications 51:25

decertify 59:2 188:21 189:4

decide 45:12 68:2 77:17 110:2 152:19 285:25 300:3

decided 25:20 36:12 195:10

decision 17:16 25:14 97:3 168:2 251:24 286:13 298:21

decision-making 168:2

declaration 15:6 40:20 54:11,12 69:5 81:24 101:14 103:16 142:5,10, 12,23,24 143:5 146:22 245:6 249:5 251:4,19 252:2 254:24 255:14,25 256:13 264:23 270:23 271:19 279:13 290:7

declare 45:5

deduct 163:4

deductions 163:8

deed 241:16

deeded 241:18

deemed 118:24

deeply 46:9

default 242:24

defeat 156:21 165:17

defect 220:1 221:4

defective 188:22

defended 14:21

deference 26:23

defined 192:18

definition 27:16

degree 249:24 250:1

delay 7:3

delegate 294:16,17,21

delete 251:3,6

delighted 131:21 279:19

delivered 129:15

delivery 243:10 247:7 253:18

democracy 264:5

Democrat 51:25 79:1 105:23 116:11 132:18 160:18 217:12,15,21 237:3 258:16 259:4 261:4,11,13 262:4 263:4, 10,15 273:9 275:23,24,25 276:1,2 290:16 291:23 292:1 298:24 299:6

Democrat's 56:6

Democratic 56:20 136:15 137:15 150:2 244:24 246:7 255:10,12, 16,23 256:22 257:8 258:17 259:17 262:24 265:21 267:18 269:10,21 272:14 273:13 292:8 295:16

Democrats 54:24 115:1 116:18 117:18 126:24 127:19 130:1 153:10 157:3,4 158:3 164:21 191:1,16 234:5 237:3

Democrats' 110:25

demonstrably 104:17 193:11

demonstrate 171:9 237:25

demonstrated 102:14

denial 57:13

denied 18:21 26:4 28:4 43:6 49:2 174:20 238:17, 19,21

deny 20:18 27:23 48:19 52:16 142:17 239:2 250:8

denying 175:23 176:4 250:22 284:20

depends 68:25

deployment 275:6

descent 23:20

describe 86:23

description 13:9 29:2 59:23 102:24,25 245:1 254:20 279:6 290:3

deserve 263:15

designate 75:8

designated 112:25 152:11 204:20

designation 39:15 40:12 89:25 113:6 117:3 119:10 150:22 175:11 247:23 249:25 254:10

designations 251:12

designed 170:25

detail 123:6 275:2 276:12

determinant 288:13

determination 34:1,13 134:14,16 135:11

determine 76:21 86:24 94:7 100:2 132:24 142:4, 9 143:11 155:22 179:2 188:10 206:17 246:22 286:10

determined 15:4 33:23 56:4 256:23

determines 142:18 231:5

determining 78:14 231:1

detriment 159:21 160:2

detrimental 158:16

deviate 267:24

died 261:6

difference 27:8 98:17 299:9

differences 25:21

difficulties 7:1,4

diligence 173:3

dinner 229:9

dip 153:3

diplomat 46:15

direct 23:7,11 89:10 229:20

directed 28:5 49:3 174:8

direction 204:5 254:9,12

directional 229:25 230:9

directly 17:6 22:20 47:14 103:5 104:5 189:5

disability 231:7,11

disagree 58:16

disagreed 227:24

disappeared 130:13

disclaimer 96:4,12

discrepancy 66:21 72:5 84:24 87:21 169:21 212:21 213:3

discuss 10:7 52:17 58:22 177:4 189:9,10

discussed 35:16,18 66:7 83:22 186:19 206:6

discussion 8:8 11:19 12:2 26:7 33:12 36:2 41:7 43:10,11 49:18 50:14 58:23 60:10 65:11 79:4 83:20 112:3 131:3 132:7, 15 165:23 166:6,7 174:11 187:20 206:24 209:24 223:16 224:8 236:3 238:24 248:10 250:3,19, 21 253:9 289:21 301:4

discussions 26:8 35:11

disenfranchise 88:7,12 96:25 98:11 155:17 156:18 158:9 163:25 166:24,25 191:6,13 233:25 286:2

disenfranchised 188:5

disenfranchisement 156:17 170:19 173:1

297:13

disenfranchisement's 296:14

disenfranchises 219:11,12

disenfranchising 157:7 160:24 173:6 219:23

disk 259:12

dismiss 52:15

dismissed 14:15 20:14 53:7

Disney 277:13

dispel 76:24

dispositive 133:8

dispute 74:11 135:11 198:15 199:7

disputed 20:1 24:1 44:2, 14 135:3 157:10

disputing 111:5 198:13 199:1

disqualify 172:12 193:17

distinguished 34:23

distribute 144:17

distributed 15:21

district 54:16,22 66:15 67:1,4,5,8,9 70:9,10 71:1, 2 73:13 79:2,8 81:12 82:18 84:4,11,20 85:10 86:12 87:11,17 88:2 89:5 102:16 112:7 115:20 116:3,7 117:24 118:4 127:1 133:23 141:3,11 143:4,8 149:4 155:19,20 159:8,10,13,14 167:16 170:6 175:17,18 180:12 188:12 197:22 215:23 234:25 240:1 243:4 244:25 245:20 263:20 286:3 291:24 295:24

districts 159:20

division 6:10 8:23 9:4,6 10:13,18 28:4 49:2 68:1 83:13,16 92:25 93:4 94:19 95:3 96:7 103:24 104:3,12 109:22 129:16 136:11,14 142:1 145:2 147:8 149:6,10 151:25 158:13,22 164:15 180:7 229:15

divorce 210:15

divorced 211:24 230:23 231:10

doctrine 19:9 34:3

document 10:17 14:10 15:17,23 60:8,16 61:4 67:15,17,18,22,24 68:4 94:21 95:23 99:13,15,16 101:22 107:16 136:20 139:22 155:1,2 177:23 186:17,18 229:22 264:1 266:13

documentation 7:6 16:9 29:20 45:5 50:1,2 108:19 225:9 295:4

documents 8:24 9:2 10:6,15 16:20 49:24 68:9 74:1 76:15 108:15 135:22 136:9,13,18 137:18 139:15 151:5,16

doggone 148:14

Dole 275:9

dominion 18:24

Donald 275:15 278:6

Donnelly 263:8

Door 7:7,10,14

doubt 196:15 227:25 263:15,25

downtown 241:21

dozen 269:10

drafting 18:2

draw 120:6 207:4 233:9

dream 78:24

Drive 243:15,22 244:3

driver's 16:17,22 241:1, 5,7,8,10

drives 169:5

Drygas 183:13,19 185:2 186:10 187:7,10,14 191:3,15 198:8 202:1,7

Drygas's 184:14 186:17

dual 44:20

due 29:22 41:21 57:2,14 78:5 118:14 119:7 152:3 165:9 173:3,8

duly 199:2,6,8

Dunes 242:11,13,17 243:13

dup 135:9 152:10 168:5 206:6

duplicate 87:5 120:10,16 121:16 122:6 123:19,22, 24 124:9,16,22 127:22 128:8 138:14,18 139:3 141:12 147:24 165:2 168:6,8 175:6

duplicates 150:21

duplication 122:4 138:23

duty 35:21 36:10 143:10 171:19 216:5

E

E-m-b-r-y 274:23

earlier 29:15 33:17 112:7 169:20 265:15

earliest 203:3

early 53:18 129:11 185:3 190:3

easier 60:18,21

easy 123:1 191:12

echo 161:11 299:25

economy 54:5

educate 178:4

educational 179:21 180:6

Edward 40:16

effective 191:22 192:3

effort 99:8,21 189:1

efforts 156:14

egregious 189:22

eighth 286:2

Eleanor 43:17,19

elected 281:11 283:14, 18,22 284:5,7,12,21 285:6,10,15,20,24 286:15 297:5

election 6:2,10 7:18 8:22 9:3,6 10:13,18 12:14 14:14 28:4 39:22 42:12 49:2 52:21 67:25 81:18 82:15 83:12 84:5,7 92:25 93:4 95:3 96:7 97:24 102:23 103:24 104:12 109:22 129:16 135:12

136:10,14 139:10 145:2 146:4 147:8 149:6,10 151:6,11,24 156:13,20, 22,25 157:9,25 158:13, 17,22 159:2 164:15 165:11 168:20 170:13,23, 24 176:11 177:25 178:5 180:4,7,21 184:10 193:4, 19 211:2 224:18 228:14 229:15 240:2,10 242:5,8, 11 255:15 256:5,7,24 258:5,6 259:9 260:20 261:10 265:7 269:18,22 272:6,10 275:12 277:2,10 278:5 281:24 283:20 292:11 295:5 298:10,15 300:20,22

elections 129:19 171:2 242:15 286:20 295:3

elector 156:15

electorate 156:17 264:3

electronic 7:5

electronically 6:23 192:13

eligibility 33:23 34:1 283:25 284:21,22

eligible 18:10 20:9 33:22 34:19 35:20 48:8 124:25 193:11 233:20 259:3 267:17 273:4 283:14,16 284:1

eliminate 297:25

else's 235:8,17

email 279:11

emailed 243:23

embarrassed 237:16

Embry 270:17,18,21,23 271:7,18 272:20,21 273:20 274:20,22,23 276:18 277:13 278:1

Embry's 272:8

employed 81:3,4 178:23

empower 165:9

enactment 27:12,15

enactments 26:19

end 22:20 79:3 93:17 114:8,21 127:11 161:24 187:9 194:12,13 202:2

endeavor 261:8

ends 164:12

enforcing 25:15

enfranchise 264:2

enfranchised 171:25

enfranchisement 156:13 172:25

England 17:25 27:3,4 46:14

English 26:14 46:13 282:14

ensure 145:7 170:25

entailed 295:24

enter 76:10 95:16,19 96:21 102:11 192:13 271:12 294:8

entered 9:4 33:4 76:14, 15,25 78:17 87:12 88:11 93:23 95:18 117:20 118:7 123:16 126:22 130:20 133:5 153:24 154:17 158:21,25 169:20 243:21

enters 95:7

entertain 24:25 165:10

entire 118:23 163:25 291:21

entitled 56:9 123:20 159:25 165:6 211:5

entries 233:17

entry 18:21 261:22

Eric 81:22

err 46:7 161:18,21,25 172:25

erring 162:8

error 70:19,20,23 73:12 88:11 118:3,5 137:3,5 144:8 153:20 155:18 157:25 158:8,12,14 167:24 172:13 175:16 179:6,8 186:4,6 187:13 193:3,14 200:7 204:2,6 208:11,13 213:7 217:10 261:15,22 262:2 266:21

error's 71:8

errors 57:25 158:5 189:11,12 203:12,20,22, 24 261:25 266:10

essence 271:16

essentially 51:18 119:1 126:2 138:3 152:19 219:23 229:22

established 44:6

evening 221:7,18

event 39:9 56:9 123:17 132:10 155:9

evidence 9:25 10:1,3,16 22:23 43:3 44:5 46:10 48:7,11 51:12 77:4 80:14 92:3 100:7 105:6,14 106:13 110:1,4 111:15 112:20 122:10 130:7 132:16 153:21,22 155:11 159:17 165:11 171:6 172:11 174:25 175:7,12 205:25 208:17 221:16 222:5 223:4 224:25 225:25 227:4,15 228:11, 14 232:9 233:5 237:20 243:6 247:14 250:9 257:11 267:14 269:20 271:15 273:2 290:25 299:21

evidentiary 44:19

evolves 26:15

examine 54:10

examined 55:14

examples 283:17

excess 132:25

exciting 261:19

exclusive 283:7

excuse 272:9

executive 294:20

exercise 110:12

exhausting 264:8

exhibit 16:4 31:1 37:23 38:5 43:13 60:25 83:5,7,9 100:15,16,18 115:11 116:21 119:23 120:20 125:17 128:18,20 131:5, 6,23 132:8,11 133:19 134:4,6 135:9 139:20 140:4,9,25 177:11,12,16, 17,18,22 180:8 181:20 183:9,24 184:17 185:1 186:13 187:1 188:4 198:6 200:19 201:17 203:3 209:5 210:11,12 226:7 227:11,12 229:21 240:6, 9,12,16,20,22 241:13,15 243:17,18 246:10,15,17

247:9,14,15 254:1 256:15,18 257:12,14,19 258:4 265:1,2,5,11 271:25 272:1,15 273:7 280:10,11,14 291:3,4

exhibits 62:8,9 80:20 83:6 112:12 115:13,18,21 117:11 121:7,11 125:20 130:14,18 168:13 177:1, 11,14 179:15 181:4,13 188:1 189:6 203:17 206:15 210:9 212:14 213:9 220:7 222:4,8 237:10 257:9

exist 242:21

existence 46:5 236:6

expatriates 45:3

expect 43:14 78:22 90:18 195:12

expedited 192:16,18,19

expense 148:20

experience 6:25 42:13 81:23

experienced 7:4

explain 103:9 122:21 194:7 195:23

explained 145:18 147:3 207:17 275:14 276:11

explaining 275:2

explanation 44:16 113:23

expressed 36:17

extent 36:15 38:25 93:14, 22 168:14 175:1 273:10

extra 130:10 167:10 213:6

eye 236:9

eyes 89:19

F

---

face 20:15 157:2

fact 15:11 18:4,5,14,21 20:7,13 21:8 29:22 33:18 41:22 43:25 47:22 51:16 78:18 87:15 125:6 130:7 133:3 139:17 153:25 185:19 196:7,11 198:11 200:6 211:8 212:22 219:16 229:3,6,17 242:3

251:17 269:19

fact-finder 54:6

facts 46:11 48:15 57:12 258:1 271:14,23 274:14 300:9

factual 98:3

factually 23:19

fail 183:4

failed 58:2 68:12 228:21, 22 229:3,10,11 235:19

failure 55:23 57:16 68:14 74:14,25 145:7 152:4

failures 149:12

fair 88:25 94:9 122:9

fairly 156:15 245:22 262:20

fairness 94:10

faith 236:9

fall 170:22 260:19 261:14

falls 129:20

false 104:17

familiar 156:3 192:5

family 231:9

farce 148:17

Farrar 254:7,15,17,22,24 255:13,17,19,21,22 256:21,25 257:5 258:3,5, 12,13,16,25 259:2,8,21, 22,24 260:2,6 264:4,13, 16,18 265:6,18,22 266:2, 3,6,9,13,16 268:3,21 269:6,18

Farrar's 256:13 257:12, 14,22 259:16

fashion 67:14 228:25

fast 232:18

father 38:16 43:16 47:7 187:11

father's 37:20 44:3

fathered 35:17

Fathers 15:13 35:10

fathom 35:13,19

fault 37:8,9 88:10 235:8, 12,13,17

gears 159:11

general 6:13 9:14 156:1 158:15 260:20 261:10,12 272:9,10 275:12 278:5

generally 89:25 156:3 196:12

generates 145:25

generating 146:9

gentleman 31:8 207:17

gentlemen 30:16

George 275:8,9

Gerard 279:11 282:25

germane 46:12

Gerrish 270:22 271:1,8, 13,17 272:18,22,23 273:17,19,22,25 274:3,7, 10,15,17 276:11

Ginger 290:6,10,12 291:13

girl 197:24 202:17

girl's 236:20

give 37:19 38:6 41:8 50:4 51:1 53:14 59:23 96:1 110:3 112:9,17 115:3 116:23 122:24 127:6 128:17 130:24 131:1,8,23 132:1 139:18 179:3 189:25 190:14 191:10 196:15 217:17 226:1,2,3 227:17 252:20 280:7 283:17 288:23

giving 115:24 126:3 153:21,22 263:19

glad 280:13

God 15:9 194:18 196:2 201:3

God's 15:9

good 10:6 30:15 33:7 49:24 53:12 54:2 111:8 135:21 136:5,12 153:12 166:12 170:17 236:8 254:3 263:23,24 264:4 299:24

goose 263:23

GOP 294:19

Gore 263:6

government 16:12,15 19:12 27:1 260:15

governor 178:7 201:20 291:22 292:5 295:17 299:2

governor's 296:17 297:11 298:19

Granddaddy 284:14

grant 64:24 242:25

granted 162:14 164:12

grapevine 292:16 293:17

great 45:13 54:6 78:25 262:14 275:2 276:12

green 61:14

Gregg 263:9

gross 144:5

ground 207:22,23 208:2, 5

grounds 60:7 61:7 229:18

group 234:6 293:5,9 297:6

groups 233:17

guess 22:13 26:20 39:6 55:6 63:14 86:14 95:13 98:8 99:19 106:21 145:3 162:21 186:6 198:7

guessing 211:21

guidance 19:17 230:5 252:21

guidelines 178:9 180:17

guy 91:13 92:7 236:10

guys 32:11 41:23,25 99:7 106:8 125:1 131:9 132:13 155:9 163:24 213:13 218:12 246:3

H

half 153:10 174:15 229:7 237:11 269:10 284:17

hand 12:17 171:8

hand-count 163:16

handed 115:11 177:22 213:15 225:9

handing 184:1

handled 129:24

hands 124:15 136:21

Hanford 254:23 255:1,5, 8,11,19,21 256:15 257:7, 21 258:1,15,20,25 259:5, 10 265:20 268:6,18,21

Hanford's 259:15

Hang 250:2

happen 188:21 189:21 190:4,6 296:15 299:23

happened 124:12 128:24 129:22 163:6 164:17 197:23 293:11

happening 263:1

happy 92:13,22 109:11, 21 132:17,19 133:8 222:22

hard 131:24 175:2 198:1 267:24 296:21

harsher 282:4

He'll 15:20

head 196:24

hear 11:20 12:1 53:13,24 110:1 111:20 141:22 194:3,7 206:16 249:16 258:24 292:14 298:8 299:17

heard 65:1 98:4 104:12 114:13,16 165:20 171:7 191:16 217:23 222:4 232:24 235:9 236:8 237:20 239:13 243:25 268:18 288:5 292:15 293:16

hearing 6:22 8:10,22 20:22 22:23 24:24 36:24 41:5 42:7 43:3 50:16 51:12 57:18 141:19 166:10 176:12 186:4 187:21 222:9,20 223:11 231:18 242:23 243:7 269:24 301:4

hearing's 221:20

hearings 8:19 11:14 50:24

held 65:3 156:11 240:3 242:6 256:7 265:8 287:21

helpful 132:22 146:9

helping 279:25

helps 127:10

Henry 253:23 271:18 272:5 277:6

herring 163:20

high 57:3 196:5

higher 57:24 111:16 152:1

highlighted 116:6 117:2 120:8

hired 166:12

historical 34:15 35:9,22 36:13

history 17:24 156:7 164:3 171:12 267:9 272:8 290:17

Hmm 282:20

Hobart 206:7

Holcomb 81:22

hold 32:21,22 225:5 280:3

holding 19:15 195:6

Holt 283:22

home 53:18 63:1 220:1 267:19

honest 90:25 113:11 202:22

honestly 234:18 266:14 269:12

Hoosier 262:13

hope 191:14

hoped 197:20

hoping 196:3 299:23

horse 98:18

hour 179:6

hours 192:19

hours-plus 151:20

house 185:8,17 258:18 263:21 269:2 283:6,13 284:5,13,19 286:7

household 273:11

Howell 248:24 249:3,5,8, 9,10,14,17,18,19 250:14 251:2,16 252:4,7,22,23, 25 253:1,3 254:5

Howell's 248:25

human 137:3,5 144:8

humorous 194:15

hundreds 17:24

hurried 191:25 228:25

hurry 225:23

husband 262:6

Hyles-anderson 219:20

hypertechnical 165:10
191:5 194:14

hypothetical 89:14,18

I

I.U. 166:11

IC 64:13 177:8 179:10
246:20

Ice 17:11

idea 35:19 52:10 94:25
104:9 171:15 205:25

identification 16:5 31:2
37:24 80:21 83:4,8
100:19 112:13 115:14
116:22 117:12 119:24
120:21 121:8 125:18,21
128:19 130:15 131:7
132:9 177:2,19 183:25
184:18 187:2 189:7 209:6
210:10 212:15 213:10
220:8 226:8 227:13
240:7,13,21 241:14
243:19 246:16 247:10
254:2 256:19 257:10
272:2 280:12 291:5

identified 164:22

identify 6:18 12:23 59:19
86:6

identifying 6:19

II 18:2,7 19:16,20 22:17
24:18 36:2

Illinois 14:16,19 241:9

illustrate 260:12

imagine 296:20

immediately 221:17

impairment 231:7,8,12

implies 249:25

imply 251:12

importance 127:16

important 16:22 78:15
162:20 175:1 189:14
191:18 194:4 285:2

importantly 127:3
294:23

impose 222:19

imposed 143:9

impossible 218:16

impressed 26:17 282:17

improperly 180:20

in-depth 19:7

inability 114:11

inaccuracies 260:11

inaccurate 110:8

inactive 118:14,20,25
119:10,12,17

inadvertently 190:11

include 13:19 28:5 49:3
178:15,17 180:9 182:20
183:4

included 13:16 41:18
110:5 128:16 143:7
183:10 186:20

including 8:25 13:20
20:11 143:3 178:19

incomplete 179:4

inconsistencies 155:15

inconsistent 153:19
288:2

incorporate 237:18

incorrect 37:4

incorrectly 141:2

increase 203:21

incumbent 296:16,20,22

Independence 15:7

independent 71:11

Indiana 6:2 7:18 12:14
14:1,4,25 16:12,18,23
17:16 19:5,6 20:16 22:19
24:10 25:16 27:17 30:17
31:11,19 32:19,20,25
33:2 34:5 35:2 39:14,21
41:24 42:21 47:1 48:17
56:20 81:15 93:12,21
103:11 156:2 157:8

158:9,16 164:4 165:9
170:24 171:25 176:10
177:25 178:16 184:21
191:13 192:10 199:2
224:18 233:15 240:2
241:1,7,12 242:1,5
255:24 256:6 258:10
261:20 265:7 271:20
272:5 276:5 281:3
286:17,25 287:5,18
291:21 294:24 295:20
300:20,22

Indianapolis 14:13
30:17 103:24

Indianavoters.com
184:2

indicating 17:4 132:4
240:1 257:3

indication 90:19 120:10
122:4 134:8

indicative 260:24 300:3

indisputable 208:15,22

individual 70:24 84:1
184:3,21 198:19 220:20
223:8 230:14

individual's 230:15
255:25

individually 82:17
296:12

individuals 12:12 204:2

indulgence 271:6

ineligible 255:16 258:17
287:25 288:10

infamous 284:6

inferring 20:10

inform 190:14

information 8:23 14:7
29:16 67:16 75:24 76:25
78:7,16 102:11 103:4
104:4,17 119:5 125:23
145:16 146:9 159:18,22,
24 163:10 177:10 178:20
182:20 184:2,20 186:17
192:14,17 229:1 230:9
246:2 249:22 264:23
266:22 269:15 277:1
299:15

informed 84:5 132:6

informing 160:23

inhabitant 285:6,11

initial 38:2

initially 292:4

inquiry 75:25

instance 74:12

instruct 94:21

instructed 104:13
260:16

instructs 104:12

insufficient 48:6 57:14
152:3

intended 155:23 236:13,
16

intent 35:25 36:17 76:19
170:22 171:23

intention 220:18

interest 227:4 251:5

interesting 26:10 43:20
213:12 249:18 254:5
261:15 281:5,21 282:12
289:20

interests 170:21

interim 241:4

interject 271:3 278:2

Internet 6:23

interpose 138:21

interpretation 20:7
26:22 34:15,16 35:2,10
36:1,19 40:1 230:3 282:4,
5 288:19

interrupt 77:8

intervening 218:19

introduce 111:15

introduction 275:1

invalid 81:25 157:24
230:20

invalidate 158:14

inversion 149:20

involved 125:13 295:10,
11 300:2

involving 289:25

irregularity 156:19

irrelevant 77:2 153:13

irresponsible 110:6,7

issue 13:19 17:17 18:16 19:7 20:4 26:2 33:17 34:3 36:8,12 38:25 39:11 51:5 53:14 58:14 64:25 65:19 72:13 75:19 82:7 102:21 151:10,17,21 152:7 153:14 174:14 178:8 206:14 218:18 237:21 241:4 251:7,22 252:3 283:21

issued 241:5

issues 33:13,14 59:19 61:11,13 64:18,20 65:1, 21 178:4,6 187:25 189:5 229:16,17 242:2

item 21:14,15 28:19

items 172:8

J

J-o-d-i 81:2

January 7:18,22 103:13 129:10 142:14 143:6 183:15,17,18,21 185:3 186:14,15 187:18 190:3 191:24 192:2 198:14 199:8,9,12,13,15,19,23 200:15,24 202:14,20,21 203:4 255:13 281:1,19

Jay 35:17

Jeff 270:17,18,21,23 274:23

Jennifer 249:4 253:19

Jenny 6:15

Jersey 21:24

Jim 162:22

job 54:10 74:9 141:25 145:10 147:5 149:23 150:15,16 166:11,12 170:15,20 291:15 299:25

Jodi 61:15 62:23 63:2 80:18 81:1

John 13:13,15 15:24 17:1,3,8,10 22:13 23:1,4, 13,21,25 24:5,14,16 28:9, 13,15 35:16 56:19 60:3 63:2 66:4 239:11,13 240:24 243:2 284:4,6,7 292:9

John's 26:13

Johnson 82:14

join 56:7 176:17,18

joint 174:5

Josh 82:13

Joshua 279:10,17

judge 21:21 236:16 283:7 296:12

judges 21:21

judicial 34:15 36:14 47:1 54:5

July 240:17 241:2,4 242:19

juncture 45:12

June 283:24 284:15

jurisdiction 23:3,10 25:9 26:25 27:6 33:18

jurisdictionally 34:4

Justice 22:3 26:23

justiciable 283:9,11

K

K-e-n-d-a-l-l 245:18

K-e-r-n 30:16

Kantrowitz 129:1

Karen 242:13

keeping 105:20 162:9

Kelley 82:14

Kendall 245:7,10,13,16, 18 246:17 247:11,17,24 248:2,19

Kentucky 276:7 284:4

Kern 29:7 30:12,15,16,25 31:3 32:17 37:1,3 38:6,10 39:14 41:8,12,20 42:1,2, 5,8,14,17,22,24

Kerry 263:6

kettle 106:24 107:9

Kevin 248:24,25 249:3, 13,19 252:22,25

key 280:23 299:8

kicked 281:11

kids 219:24

Kim 18:14 19:18 21:3

kind 114:19 132:19 191:12 194:2 198:12 222:7 263:17

King 6:12 7:23 132:3 139:20 140:9

King's 140:10

Klutz 6:9 8:6 26:5 43:1 48:21 65:9 72:14,22,25 73:15,18 97:14,17,21,25 98:2 100:16 112:18 113:5,15,17,20 114:4,7, 13,16,18 117:5 121:22,25 140:23,25 141:6 142:11 172:4 173:20 174:9,23 175:25 181:3,8,11,19 182:1,4,14,17 186:9 199:10,17 200:4,7,19,22 204:14,17,20 205:1,7,11, 14,19,23 206:4,10 210:22 238:11,22 239:3 253:7 267:22 278:15 287:7,11 289:6 298:9 299:8 300:12 301:2

knew 89:20 151:18 229:4,13

knowing 90:6 211:20 293:19

Koch 51:7

Kochevar 6:14 118:18 119:14

Kosciusko 246:7

L

L-o-h-r-m-a-n 81:2

L-o-p-e-z 239:23

labeled 70:3 115:11

laboriously 222:3

lack 57:7 60:5 231:6

ladies 30:15

lady 128:25 197:16 230:23 231:20 277:4

lady's 276:21

laid 283:8 291:13

Lake 85:20 86:12 101:8, 23 105:17 106:3 108:21 109:5 111:6,14 112:22 113:9 114:1,2 120:24,25 121:11,21 122:11,18 126:1,16 127:8,18 128:25 130:11 131:10,15 135:12

136:23 137:1,8 150:6 154:23 164:20 171:16 180:23 190:9,12,20 204:18,19 214:4,15 216:9 217:9,21 226:11 242:12

Lamp 244:20,22,23 245:4,6,14 246:19 247:1, 4

Lamp's 245:23

land 30:2

language 19:16 22:14 34:14,21 96:4 177:9

Laporte 66:24,25 67:11 69:12,14,17,19,21,22 70:2,3 84:21 85:16,20 86:11 101:11 102:1 111:2,4 115:6 116:2,25 117:9 133:20 134:12,15 135:4 141:7 150:6 154:24 169:23 175:11,16 180:13, 24 190:20

large 286:19

largely 125:23

late 26:23 213:18 216:6 268:24

latest 16:10 183:20 199:15 202:20

law 7:7,11,14 14:21,22 16:12,23 17:25 19:8 20:5, 6,16 26:14 27:3,4 31:11, 19,20,24 32:3,19,20 35:24 36:6 41:13,18,22, 24 42:18 44:17 46:13,18 47:4 52:17 54:8,9,22 55:9,25 56:7 57:17 66:13 74:23 75:10 102:12,19 103:11 104:25 105:2 118:24 119:9 148:18 149:21 152:6 156:2,12, 13,20 157:20 158:17 161:19 164:4 165:11 166:10 167:4 170:11 181:1,16 182:13 191:5 192:10,21 196:13 213:5,7 214:8 220:2 230:4 231:9 243:24 279:25 280:3 281:4,6 282:15 283:2,3 286:17 287:18 288:6 296:8 300:4,5

lawfully 23:24 26:24

laws 14:3 15:8 25:15 27:18 30:1 48:13,17 156:22 170:23,25 171:24 194:19 237:19

lawsuits 21:17

lawyer 92:19,21 102:25 252:5

lawyers 166:18

lawyers' 170:17

lay 299:22

lead 57:12 179:12

League 252:9

learned 267:7,10 292:14 293:14

leave 193:7 198:8 223:3 252:22,25 293:12

leaves 300:6

left 18:19 21:12 22:5 32:16 101:1 190:11 225:4 230:3

legal 54:13,14 55:22 75:19 77:10,12 101:21 145:8 146:11 157:23 228:7 251:9,23 272:25

legally 234:1

legible 222:5

Legion 252:8

legislative 26:19 27:12, 15

legislators 194:17

legislature 159:5 170:11 194:11

legitimate 132:25 212:9

letter 187:8 202:5 243:22, 23 244:2 246:4,7 272:22 274:5

letting 161:21

level 25:14 82:2 103:4,8

license 16:18,22 241:2,5, 7,8,10

lie 219:14

lied 268:13

lies 34:5

lieutenant 291:22 292:5 296:17 297:10 298:19 299:2

life 37:12,13 262:18 263:5 269:11

lifelong 262:13 276:12

limit 222:1

limited 11:7,10

limiting 239:14

limits 10:7

lineage 20:2

lines 262:17

list 28:6 49:4 52:11 79:6, 19 80:3 87:25 89:3 90:18 91:3 93:5,21 98:13 107:3 118:15,21 138:20 192:16 212:13 228:2 233:11,13, 14,16,18 272:5 273:7 290:21

listed 9:17 29:13 87:10, 14 92:1,5 112:8 115:20, 25 121:12 138:14 141:2 143:19 219:19,25 253:23 261:17

listen 221:15

listened 223:12

listening 264:10

listing 118:3

live 32:15 194:20 230:17 234:16 244:4 246:24 275:20 295:1

lived 159:8 219:21 275:19 291:20

lives 70:24 116:7 242:13 291:21

living 45:3 78:23 219:3 225:14 276:6

LLP 17:11

local 82:2 92:6 121:13 123:21 141:15 150:16,17 151:5,11 153:16 158:20 164:7,9 165:3,12,16 180:4,21 191:9 192:25 195:15 219:20

location 35:5 36:4 229:25

Lohrman 61:15 62:23 63:3 80:18,23 81:1,4,7, 11,19 82:2,6,12,21,24 83:11,14,18,21 84:12,15, 17,25 85:2,8,14,16 86:1, 4,7,9,11,18,25 87:6,8,20 88:4,23 89:6,8,11,19 90:3,14,21,25 92:24 93:7 97:2,7,12,20,23 98:1,6 99:1 113:3,11,16,19,22

long 6:8 8:3 11:15,20,25 15:20 17:5,24 23:18,22 24:1,3 25:1,7 26:3,8,12 28:10 38:7 39:11 40:14, 19,25 41:8,10 43:12 48:4, 22 50:12 59:6,12,18 61:22 62:4,6,13,25 64:2, 9,19,23 68:18,21 69:2,6, 9,15,20,21 70:2,5,11,15, 18 71:3,7,15,20,23 72:3, 7,12 78:20,21 96:8,11,15 98:16,21,24 111:1,7,17, 24 113:10 120:12,25 121:4 139:13 154:1,4,9, 18,21 155:6 156:11 161:10 162:1,4 163:7 165:22,25 166:7,9 173:2, 13,17 174:1,5 176:3,16, 20 177:20 182:21,24 183:3,6,18 186:21 193:24 194:2 195:1,12,18 196:2, 8,22 197:6,15,20 198:2 199:20,23 200:9,21,23 204:13,16,24 205:6,13, 16,21 206:11,18 207:15, 20,24 208:2,22 211:14,20 212:2,4,6 213:14 214:14 215:13,17,25 216:3,7,12, 18,20,23 217:8,23 218:5, 9 220:21,24 221:2,6,14, 17 222:2,13,14,17 223:10,21,25 224:7 232:5,8,10,14,16,20,24 233:2 235:2,23 236:4 238:8,18 239:6 243:12 244:5,9 245:14 246:12 247:13,16,22 248:1,4,6 250:8,13 251:1,11,17 252:18,24 253:2,4,15,21 254:3,4 257:15,17 258:21 259:20 264:21 265:1 266:1,4,7,11,15 267:1 270:14 272:17 273:14 278:10 280:4 281:5,10, 20,25 282:6,11,16 284:8, 11,14 286:1 287:10 288:4,12,14,18 289:1,8, 17,20 290:20,23 294:5 295:8,15,20 296:4,24 297:1,21 298:2,12 300:1, 8,24

long-time 242:9

looked 18:15 19:7 52:5 93:24 126:6 136:14 150:9 165:4 211:17 237:1 266:19 292:2

loopholes 21:22

loose 164:11

Lopez 239:23,24 240:9, 16,22 241:15 243:2

lost 137:17

lost-page-51 175:3

lot 16:22 33:12 104:4 105:24 137:3 147:5 165:20 188:18 195:5 197:25 212:7 215:5 219:17 231:9 236:14 261:6 262:13 263:25 298:8

lower 122:15 131:13

luck 254:3

Lugar 262:14,18

M

M-a-g-l-i-o-c-c-a 283:1

M-a-r-t-i-n 271:11

M-c-g-o-w-a-n 255:7

M-i-c-h-a-e-l 271:13

M16 206:2

machine 71:16

made 11:10 21:3 23:5,14 31:20 32:20 40:15 41:4 42:13 45:13 47:9 55:1 56:23 57:4,25 63:1 66:25 69:17 70:23 83:10 88:11, 20 97:8 118:24 119:10,12 130:1 137:16 150:22 158:12 160:25 170:9,14 173:9 189:1 194:9 203:12,20,24 208:11,13 298:17

Madison 14:1

Magliocca 279:11 282:24,25 284:9,12,15 286:4 287:19 288:9,17,20 289:19

magnitude 189:11

maiden 211:23

mail 192:6 247:18 277:21,22

mailing 118:15 119:2,3

mainstay 25:11

Maintenance 118:21

make 21:4,14 23:18 25:2, 14 26:21 34:22 54:3,6 59:20 62:11 63:23 64:19

73:5,24 76:8,22 78:23
79:17 83:23 84:2 91:20
97:3 98:17 99:8,20
112:19,23 131:4 133:8
144:22 145:1,10 148:17,
22 149:10 151:4 153:7
156:23 165:25 168:1
173:2 174:19 175:1 199:3
200:12 203:8,11 206:25
220:25 232:5 238:16
251:7,24 266:20 283:5
285:9 286:13 289:7
293:8,19 295:8 297:9
298:21 300:10

makes 76:21 155:14
298:12

making 110:13 131:20
164:16 282:4

man 237:14 268:14

manager 82:14 128:22

managing 233:14

mandatory 172:5,8,17

manipulated 145:22

mankind 15:10

manner 33:25 39:1,2
159:23

manually 109:4

map 213:24

March 102:23 280:9
285:24

Marco 13:2,5,11,14 14:4
17:2,12,19 19:25 20:15,
18 28:5 43:23

Marine 249:20 252:8

Marion 162:25 163:2,16

marital 210:18 211:13
212:12

mark 83:5 87:1 112:9
120:9,10,13,18 184:19
220:14 246:10

marked 16:4 31:1 37:23
80:21 83:7 85:9 100:15,
18 112:12 115:14 116:21,
24 117:12 119:23 120:20
121:7 125:17,20 126:8
128:18 130:15 131:6
132:8 177:2,18 183:24
184:17 187:1 189:7 209:5
210:10 212:14 213:10
220:8 226:7 227:12
240:6,12,20 241:13

243:18 246:15 247:9
254:1 256:18 257:10,18
272:1 280:11 291:4

markedly 43:22

marks 251:3

Marlin 81:21 88:6 157:10
158:10

married 43:16 44:21 47:8
210:14,16 211:15,24
230:23 231:10

Martin 271:2,11

match 135:19 212:3,7

matches 202:6,12

material 45:14

materials 34:7 120:23
125:12 179:16,21 180:6

math 193:3 280:24

Matt 40:3 118:10,11

matter 9:25 12:15 13:1,4
17:14 23:3,10 25:9,21
28:17,22 49:7,12 54:17,
20,23 57:18 58:20 60:2
66:6 68:1 111:8 127:23
128:6 130:7 131:19 159:2
166:15,16,23 170:19
171:12 177:4 180:10
190:24 191:7 193:2 213:5
214:7 233:18 239:10
244:19,23 248:23 254:14
270:16 279:1 289:22

mattered 261:21

matters 96:6 131:12
189:17

Matthew 6:14

maximum 9:24 225:4

Mccain 22:14 102:22,25
160:8 161:1 162:12 166:9
170:1,2 188:21 292:9

Mccain's 36:7,16 46:21

Mcclamroch 102:24
160:12,25

Mcclellan 211:16,23

Mcgowan 254:25 255:3,
6,7 256:20 257:11,16,19
258:25 259:6,14,19
264:15,19,22 265:2,10,
19,23 269:14 270:12

Mckinney 283:2

meaning 34:14,22 35:1,3
241:6

means 36:3 44:8 90:1
105:18,19 118:19,20
124:9 167:7 168:6 206:3
268:13

meant 35:12 45:15
284:16

mechanics 286:20

media 66:22 136:16

meet 68:12,14 151:7
228:21,22 229:10,11
235:18,19 256:25 264:24

meeting 6:2,5 7:9,13,19,
22 9:5 13:17 146:10
176:11 224:17

meetings 162:2,5

meets 287:4

Melcher 123:9 128:1,15
130:17 138:6,10 140:6
207:6

Melcher's 130:20

member 6:8,9 8:6 23:1,9,
16 26:5 43:1 48:21,25
61:19,23 62:1,5,10,14,18,
20 63:6,10,14,20 64:14
65:9 72:14,22,25 73:15,
18 97:14,17,21,25 98:2
100:16 112:18 113:5,15,
17,20 114:4,7,13,16,18
117:5 118:9,13 119:11,18
120:15 121:22,25 124:1,
5,8 138:24 140:23,25
141:6 142:11 160:18
166:5 172:4,15 173:18,20
174:3,9,23 175:25 176:2
181:3,8,11,19 182:1,4,14,
17 186:9 198:7,18
199:10,12,14,17 200:2,4,
5,7,19,22 204:14,17,20
205:1,7,9,11,14,19,23
206:4,10 209:12 210:22
217:12 236:1 237:3,6
238:9,11,22 239:3,7
244:12 248:8 250:17
252:9 253:7 255:22
256:12 257:3 265:21
267:22 273:11 278:15
287:7,11 289:6 298:9
299:8 300:12 301:2

members 6:6 7:13,21
8:24 10:9 11:23 13:10
17:10 29:3 60:1 96:13
118:18 125:25 166:22
245:3,17 248:21 249:2

254:21 270:20 272:16
279:8 286:8 290:4

memory 269:8 275:11
277:3

mentally 264:8

mention 21:8 22:9 51:16

mentioned 49:22 51:8
85:24 263:18

mere 156:18

merits 34:12

meshes 130:11

messed 152:9

met 43:4 54:12 68:2
145:8 146:25 166:21
172:18,20 247:1 274:1
278:13 283:8

met all 24:17

Meyer 239:11,13,17,18,
25 240:18,24 242:24
243:2,6,10,24

Michael 270:22 271:8,12

Michigan 242:12

microphone 17:6
209:14

mid-1800s 18:13

mid-january 57:23

middle 178:12,14

mile 111:9

miles 269:2

military 46:22 252:8

Miller 17:11

mind 17:14 25:13 46:24
161:19 173:8 204:18
268:19 288:13

mine 160:23 183:8 205:6,
14 252:6 262:5

minimum 66:14 84:10

minor 118:3,5 213:3
230:6,7

minute 149:7 204:23
213:16 236:5

minutes 7:16,18,22 8:2,
16 9:12,20,24 11:7 23:6
25:19 38:18 47:19 50:5,6,
7,8,10 102:23 147:2
176:7 224:14,24 225:4

232:11,25 233:4,8 235:1,
4 239:14,15

Minx 159:3,4,17,25

mis- 161:23

misdirect 163:20

mishandled 22:1,2

misheard 183:6

misinformed 159:8

misleading 220:4

misleads 219:7 234:9
235:11

misnumbering 148:3

missing 64:7 123:4
124:19 127:14,16 128:3,9
130:9 131:1 133:3 136:20
137:1,10 164:19,20,23
165:1,2,7 167:21 168:16
176:15 179:12 190:6,16
191:7,8 229:24

misspoke 182:5

mistake 156:23 170:9
194:9 201:2 202:22

mistaken 20:11 156:19

mistakes 78:23 203:11

misunderstanding
232:23 234:4

Mitt 275:10,13

modicum 166:22

module 100:21 102:25
103:3,25 145:24

moment 49:16

momentarily 122:20

moments 270:25

Monday 260:10 266:14
268:5

month 185:5,18

months 94:20 281:12

moot 53:17

morning 13:18 82:16
151:19 184:13 185:13
260:17 293:8 297:8

mother 29:18 38:16
43:14 44:12,25 47:9
48:11

mother's 37:19 43:18

mothers 29:24,25

motion 8:1,4,7,14,16
11:12,17 12:5,8,10 24:25
25:2 26:2,6 27:22,23
28:2,4 42:25 43:7,9 48:19
49:2 50:11,13,17,20,22,
24 51:2,10 56:21 57:1
59:20 64:20,24 65:7,10,
16,18 165:24 166:1
170:14 172:2,14,16,22
173:24 174:7,19 175:20
204:12 207:1,16 232:4,5
236:2 238:6,14,15,23
239:2 244:8,16 248:5,9,
13,16 250:6,12,16,18,25
251:2,7,24 253:4,8,13,14
266:25 267:12,21 270:1,
5,9 278:9,16,17,21 289:7,
9,10,14,15 297:16
300:10,13,17,18,22,25
301:3,7

move 8:3,19 12:11 26:3
43:6 50:4 52:12 64:23
91:21 162:21 166:1
204:13 219:8,12 223:10
232:20 235:2,23 241:11
244:10 248:6 250:8 251:2
267:1 278:10 300:24

moved 163:7 226:17
241:11 275:20 295:16

moves 116:8,12,15

moving 51:4 159:22
195:7 262:11

Moyer 249:4 253:19

multi-voice 223:16
224:8

multiple 10:5 49:23
51:13 129:25 198:11
227:7

municipal 240:10 242:8,
14

municipality 242:12

mysterious 56:15

mystery 130:12 190:25
213:25

N

N.e.2d 156:10

Nader 74:6,12 147:1,3

naive 217:22

name's 79:9 81:1 290:12

named 129:1

names 38:11 39:15 52:12
67:17 68:3,5,7,8 72:16,18
74:25 76:3 78:10 95:7
99:9,13,16,17,20 115:2,5,
9 126:3,5 127:19,21
130:10 133:1 141:14
148:9 149:4 153:18,24
154:1,4,15 165:14 201:22
233:25

national 294:16

nationals 29:17

natural 35:4 36:3

natural-born 14:6 15:3,
12 16:15 18:8 19:20 21:4,
8,11,14 22:8,17 27:9,16
29:21 30:5 34:13,23,25
35:11 36:3 43:5 46:16,25
47:3 48:16

naturalization 48:13

naturalize 26:20

naturalized 27:9 31:22
32:8 34:24

naturalized-born 31:9

nature 15:8,9

Navy 275:7 276:13

nay 8:13 12:7 28:1 48:24,
25 50:19 65:15 173:19,
20,21 176:1,2,3 238:10,
11,12 239:5,6,7 244:15
248:15 250:24 253:12
270:8 278:20 289:13
300:16 301:6

necessarily 197:14

neck 296:23

needed 159:5

nefarious 130:4 164:17

negative 121:17 125:3

negligence 144:6

Neiswinger 87:10,12,16
88:10 116:5 117:7 118:2
141:1 207:6

nervous 201:1

Newton 255:9,11 257:5,7
258:7,14 261:1 265:11

nice 170:15,16 270:14

nickname 40:11,12

Nicknames 251:13

night 277:20 293:7 297:8

Ninety 32:16

nobody's 44:6

nomination 13:6 28:24
49:14 57:14 244:24
255:15 256:14 261:21

nonissue 167:21

nonsignature 237:14

nonstatutory 104:8

Nordrine 212:17,18

Nos 28:21 49:11

notation 76:8

notations 90:15

note 70:6 84:22 101:1
114:19 116:24 177:10
178:12 179:18 184:5
185:11 241:3 243:11
261:17 284:24

notebook 63:1 83:1

notes 70:7

notice 9:1 13:16,18 21:9
89:24 126:12 179:4
206:18 242:23 249:6
255:1 270:24 279:14

noticed 7:10,14 88:5
90:12,14

notification 260:9

notified 243:7 247:5,19

notion 56:13 75:23
76:17,24 160:20

notwithstanding 18:25

NR 206:2

Null 209:16

number 10:6 46:3 49:24
51:24 52:21,24 53:5
55:15 58:10,18 60:12
65:20 67:8 69:9,10 71:5,
10,12,21 73:22 76:11
83:23 84:3,8 85:15 87:18
91:6 100:23 101:4 104:2
113:1,25 114:5,9 115:6,7
116:8,16 119:16 122:22
123:2 125:15 126:18,22
127:3 129:3 131:12 139:8
146:2,5 147:9,11 150:5,
11 152:16 153:3 159:19
160:4,5 162:17 163:14

164:7 169:12 188:2,20 189:2 203:21 204:23 205:3,4 223:7 227:8 230:8 237:22

numbered 60:20,21 69:23,24 122:11,17 126:5 127:4,7,8 131:11 136:24 137:1

numbering 122:13 126:16 127:9 131:14 137:6

numbers 50:25 51:17 59:7 60:5 61:17 64:21 68:23,24 106:1,17 112:21,25 113:4,7 135:1, 19 139:15 176:14 225:12, 16

numerical 69:25

Nussmeyer 6:11 7:8,17, 23 40:18,23 41:9 59:10 60:11,23 64:3,10,16 68:20,24 69:4,7,11 94:12, 17 95:8,12,20,22 96:3 117:9 120:22 121:1,5 205:17 214:18 215:1 243:8,14 247:6 253:17,22

O

oath 12:12,16,19,20 154:24

Obama 261:19 263:7

Obama's 19:4

object 250:13

objection 9:2 88:21 91:20 209:8

obligation 148:19

obliged 250:14

observation 295:9

observations 153:8

obtain 256:1

obtained 192:14 241:1

obvious 236:19

occasionally 129:19

occur 252:3

occurred 101:2 136:21

occurs 103:1

October 190:11

offer 230:5

offered 58:21 107:5 222:13 223:4 269:20

offering 113:23 247:13

offers 10:15

office 18:11 68:1 94:23 95:7,15,16 96:6 126:1 134:12 135:4,15,23 136:3,6 137:20 142:25 143:16,21 144:2 152:4 154:14 157:12 159:7 165:16 167:6 168:23 180:4 192:13,15 216:8 217:9 229:15 231:4,5,13 237:2 246:2 249:23 256:1 264:25 266:12 271:20 276:23 277:5,6 280:17 281:1 283:15 287:3,14,24 288:15 292:21

office's 57:16

officer 154:23 200:17

offices 144:10 145:12 167:23 240:18 292:23

official 75:24 76:15 77:2 93:5,10,11,21 94:1,22 95:2,5,14,17,22 158:1 184:10 230:4 233:14,15, 16,18 293:15 294:14

officially 293:20

officials 52:22 55:2 57:25 96:21 116:1 137:9 139:11 150:17 151:6,12 163:22 169:17 170:13 179:1 180:21 191:9 193:5,19

Ogden 242:11,13,17 243:13

omission 157:25 193:3 262:22

on-the-ballot 286:15

one's 236:23

one-year-old 213:2

online 6:24

Open 7:7,10,14

opinion 167:12 191:14 236:18 263:23

opportunity 51:2 58:21 103:4 133:14 151:24 156:15 157:8 189:25 190:15 268:4 269:23

oppose 57:1

opposed 8:13 12:7 28:1 48:24 50:19 65:15 145:21 173:19 176:1 191:21 238:10,13 239:5 244:15 248:15 250:24 253:12 270:7 278:20 289:13 300:16 301:6

opposite 173:24 174:19 238:15 257:22 267:15

option 267:25

order 6:2,5 25:3 42:3 46:4 60:25 68:22 69:25 110:6 127:7,13 159:6 176:11 219:15 224:19 232:21 281:7

orderly 55:8

ordinary 34:22 35:1,3

original 55:14 60:24 61:2 63:15 83:17 84:14 109:12,19 121:19 122:16 123:14,18 128:4 132:1 137:13 294:9,10

originalist 26:21

out-of-state 241:8

outgoing 291:22

outlines 128:23

outreach 81:7

outset 49:22

Overholt 6:9 23:1,9,16 25:7 48:25 61:19,23 62:1, 5,10,14,18,20 63:6,10,14, 20 64:14 118:9,13 119:11,18 120:15 124:1, 5,8 138:24 166:5 172:15 173:18 174:3 176:2 198:7,18 199:12,14 200:2,5 205:9 209:12 221:19 236:1 238:9 239:7 244:12 248:8 250:17

overlapping 56:22

overly 26:17

overworked 203:10

owing 19:12

P

P-a-t-t-o-n 56:19 239:22

p.m. 6:5 176:8,9 224:15, 16,20 277:20

package 117:14

packet 13:20 29:10 59:16 112:22 117:10 120:23 243:11 245:25

pages 69:23 71:17 122:12,17 126:4,15 127:4,5,7 129:4,13 130:9 136:24 137:6 164:18 190:19,21 272:7 295:4

pain 63:22 169:5

Panama 36:9 46:21

panel 30:21

paper 62:16 63:16 96:6 150:23

paperwork 22:6

Paragraph 140:10

Pardon 116:14 121:24 162:3 194:1 206:20 252:24

parent's 38:13

parents 18:6,17 19:1,10, 22 20:3 22:19 23:20 277:14

parking 194:18

part 25:9 53:17 63:11 109:18 143:24 157:25 164:22 185:3 190:12 193:4 285:22

participated 242:18,25

participates 95:9

participation 262:24

Partier 262:16

parties 41:3 57:5 132:21 165:21 277:25

partway 212:25

party 13:6 28:24 36:24 49:14 51:4,25 56:20 79:1 81:10,13,15 105:23 116:11 132:18 133:10 136:15 137:15 148:7 150:2 153:22 156:20 160:22 166:23 188:19 194:21 216:16 217:15 240:4 242:6,15,17 244:24 246:7,9,21,22 255:10,12, 23 256:2,4,7,9,12,22,23 257:4,8,24 262:17 263:13 265:8,21 268:1 269:3 271:18 275:5,13 290:21 294:12,15 295:18 296:19

pass 15:19 83:2 196:4

passed 29:23 46:1 48:14 146:18 194:19

passes 179:7

passing 21:21

past 36:13 52:22 54:8 260:9 266:14

patently 210:2

patience 225:7

Patricia 210:13,14,21 211:15

Patton 56:18 66:2,5 69:16,19,22 70:5,12,16, 21 71:6,9,19,22 72:2,5, 11,19,24 73:3 77:23 78:2, 12 79:14,20 80:7,15 99:12,23 100:1,11 105:9 106:18,20,23 107:10,14, 16,19,21 108:2,7,9,13 132:12 133:17,19 134:3, 10,19 135:3,8,20 136:2,9, 19,22 137:2,10,18,24 138:2,6,9,12,16 139:6,19 140:3,8,17 150:3 176:23, 24 177:3,21 181:7,10,15, 24 182:3,13,16,18,23 183:1,4,9,19 184:1,19 186:12,24 187:3 199:13, 22,24 201:13 203:15,18 206:1,5 209:7,18 216:6 225:21 228:19,20 235:5 239:21,22 240:8,14,22 241:15 243:20 244:7

pause 7:3

peak 185:8,17

penalized 234:24

penalties 45:10

penance 279:21

people 15:3 30:20 53:3 73:22 74:15 76:1,2,12,16 77:1 78:18,22 79:23 80:4 85:25 91:13,15 92:7 95:6 100:22 102:10 109:16 116:9 121:14 123:21 130:20 133:5 134:17,21, 23 145:23 148:4,22 152:20,21 153:17,23 154:17 158:7,21,24 160:24 161:21,22 162:9, 12 164:8,10 165:3,9,12 168:5 169:2,12 176:15 185:12 189:24 191:6,13 195:16,19 196:9 197:25

203:11 208:11 214:8,25 215:20 216:10 219:7,12 221:22 223:11,25 225:16, 19 228:3,7 230:11 233:19 234:18,21 261:6 263:19 283:13 285:20 286:2,14 292:18 294:2 295:10 296:6 297:7 298:7 300:1

percentage 196:5

perception 299:14

perfectly 92:8 109:11,21

perform 109:23

performed 53:3 109:15, 23

period 45:10 154:12 192:23

perjury 45:11

permissible 282:2 288:16

permission 274:5

permit 152:18

person 7:2 9:9,15 18:7 21:2 24:8 35:6 44:21 47:1 73:10,11 79:2,3 81:14 87:2,13 96:25 97:18 98:11 109:14 117:19 118:23 134:22 143:22,25 144:1 147:25 149:1 155:17 157:6 163:22 186:16 188:5 195:9 213:7 214:3 272:13 274:2 280:21 285:2

person's 85:2 202:9 276:20

personal 294:13

personally 262:15

persons 19:18 22:15

pertains 48:16 117:6

pertinent 190:12

petition 57:14 58:20 61:13 66:9,23 67:2 69:17, 23 72:23 76:3,9 83:17 84:24 85:4 88:13 93:25 94:13 98:15 99:17 102:7, 8 103:14 112:19,25 113:3 116:25 123:8 126:8 130:25 133:20 137:24 143:1,6,12,13,19,20,24, 25 145:21 147:10 148:10 152:24 166:3,9 167:6,8 168:19 169:5,14,25

175:9,14 177:7,23 178:15,16,21,22,24 179:3,5,8,12,18 180:2,8, 13 181:18 183:11,20 184:7 185:22 186:11 187:16 188:7 189:18 194:6 196:18 197:12,17 198:19 199:24 200:1,15 204:18,19 210:5 212:18 213:5,22 215:9,22 220:11,17,22 221:25 226:17 227:24 229:20 237:23 238:17 248:1 251:21 252:14 273:2

petitioner 43:4 143:17, 18 163:3 189:15 203:6

petitioner's 230:1

petitioners 57:17 87:19 105:8 125:11 129:14,15 141:20,21 152:5 171:9 188:23 224:23 237:24

petitioners' 176:13

petitions 43:6 54:15,18 55:14,15 57:23 60:21,24 61:2 66:12,16 67:19,25 68:6,9 69:8 71:18 72:17, 21 73:2 76:13 78:8 81:18 84:10,14 89:23 91:6 100:2,4 102:5,19 103:23 104:19,20 105:3,4 107:4, 19 109:12,18,19 112:21, 22 113:8,9 114:2,20 121:21 123:10 126:6,12, 17,21 128:24 129:24 131:11 134:24 135:16 139:25 144:8,11,12,14, 18,22 145:14 146:14,19, 23 147:16 148:15 149:5 154:25 159:9,12,14 163:15 164:20 166:14,15 167:2 178:8,11 180:19 181:4,12 185:10 187:12 188:1 189:12 190:9 194:12 195:6 198:22 229:13

philosophy 160:23

phone 274:25 276:11 277:8

phonetically 117:17 120:7 183:13 190:8 209:16 210:13,17 211:16 212:17 279:24

photocopied 137:11

photocopies 137:16

photocopy 136:12

137:12,13

physical 10:16

physically 84:2

picked 128:24 134:18,21, 22

pickier 215:5

picking 33:16

piece 150:23 299:17

pieces 62:16 155:24

place 34:18 40:21 154:5 187:15 201:15 224:1 231:25 243:2 252:12

placement 46:8 286:22, 23 287:5

plain 34:14,21 35:1,3

plainly 130:19

planning 112:16

plans 12:13 221:7,18

pleasure 28:15

plenty 190:4

plowing 207:21

point 7:6 14:15 22:3,20 23:7,11 25:12,23 33:16, 20 36:5 42:4 44:19 51:20 55:6,17 56:2 59:23 62:21 66:7 78:13 79:25 80:4 83:21 104:15 108:5 112:4 114:10 129:10 132:23 133:9 137:17 138:22 157:19 161:1,24 162:7 174:18 176:6 195:3 197:3 198:8 213:13,17,23 214:1 215:19 217:22 238:16 250:5,7 263:17 268:7 283:12 285:9,18 288:15 297:4 299:4,19,20

pointed 48:9 56:25 169:20 185:7

pointing 160:11

points 53:16 283:5

political 15:4 34:2 242:15 256:4,9,12 257:4 276:24

poll 261:8 272:4,11 273:7

polls 262:6

poor 203:10 260:25

Porter 85:21 86:13

101:11 102:4 105:18 106:3,10 108:22 109:3 111:6 114:1,2,5 150:7 154:23 190:20 193:4,19 206:8 213:21 214:2 215:12 242:10,11

portion 20:22 36:25 41:5 42:6 65:20,22 176:22

pose 282:8

position 27:11,21 35:23 71:3 141:3 176:12,13 181:15 225:1 291:10

positions 173:9

possibilities 57:3

possibility 122:7 123:12,14 124:18

possibly 167:11 269:1

Postal 119:3

pot 106:24 107:8

potentially 260:25

practice 135:21 136:5,12 231:9 283:12

practices 54:8 153:12,13

Prairie 275:20 278:3

pre-motion 25:25

precedent 22:19 47:5 58:17 77:15 156:7

precedents 52:18

precinct 70:25 89:25 90:18,24 117:2 192:3 206:2 275:19,21 278:3,4 294:15,16,19

preclude 297:25

precluded 74:23

preempt 77:17

preference 17:3

prepared 39:6 55:13 59:20 64:19 67:15 74:6 105:22 106:12 169:1 257:18

preparing 39:24

presence 28:13

present 6:7 7:17 9:11,18, 19,24 10:23 12:13 50:5 55:24 77:4 144:18 163:10 177:16 208:18 233:5 245:12 250:5 264:11

presentation 9:7 10:10, 22 11:2,4,24 13:24 16:7 29:14 30:12 41:4 45:13 270:15,17 271:9 279:18 290:11

presentations 43:2 165:21 239:14

presented 7:25 8:2 10:1, 2 30:14 33:14 38:20 55:10 57:19 58:11 77:19 101:24 111:21 144:24 145:7,21 146:4 172:19 174:25 175:7 231:17 250:10

presenter 9:14,22 10:15 11:1,11

presenter's 10:12,14

presenting 170:16

preserve 10:19

preserving 54:5

presidency 34:19 35:20 48:8

president 13:6 14:18,24 16:20,21,24 17:13 18:11 19:4 20:12 21:12 28:24 31:10 32:17 33:10 36:7 40:20 41:14,15,16 42:18 160:9,13 283:18 294:15, 20

presidential 39:22 42:19 178:7 201:19 292:10

presidents 20:9 33:22

press 130:1 149:12

presume 206:3 241:9

presuming 18:20

presumption 157:16

pretty 15:15 17:14 19:3, 14 38:11 162:7 169:24 196:5 213:1,7 233:22 267:13 278:4 286:25

prevalent 158:17

prevent 156:17

prevented 159:22

preview 53:8,15

previous 186:3 187:21 210:16 237:18 241:6 273:8

previously 10:1,2,16 16:9 39:7 273:17

primaries 242:14 298:25

primary 39:22 156:25 160:23 171:2 232:1 240:2,3,11,15 241:23 242:4,6 245:23,24 246:18,19,23 255:14,15, 16,18 256:5,7,14,24 258:4,6,9,11,18 259:4,7, 8,17 260:17,21 261:3,8, 12,14,16,20 262:3,21,24 265:7,8,13,14,17 266:5 267:5,6,14,15,18 269:9, 18,22 271:22 272:6,9,12, 13 273:12 274:6 275:12, 15,23 278:3,5 292:8,9 293:10 294:4 295:2,16 296:16 298:10,15,23

print-offs 168:18

printed 13:18 28:6 178:18 182:7 202:10 220:11

printout 100:20 101:2,9, 23 102:13,17,21 103:1 104:14,15 154:6,7 169:22 243:9

printouts 112:16

prior 171:12 207:1 269:24 273:21

privy 266:22

problem 74:14 105:13 110:19,21 144:4 146:18 148:13 171:10 221:12 298:2

problematic 198:10

problems 147:20 149:24

procedural 128:13

procedurally 76:1 133:13

procedure 191:10 286:18

procedures 8:18,20 11:13 152:17 181:17 193:20

proceed 20:17 25:4 49:17,20 52:7 66:1 85:11 133:15,18 239:12,20 260:4 279:4

proceeding 49:10 51:23 65:21 247:5 270:19 289:25

proceedings 7:3 65:19 242:25

process 103:10 118:24 121:23 122:1 130:3 144:9 146:8 148:17 149:21 152:14 168:3 178:10 181:17 192:6 214:6 216:17 276:25 277:15,18, 19

processed 143:20 181:18 189:16 190:3 192:4,8,20

processes 169:10

processing 177:24 215:9 229:21

produce 89:3

professor 283:1 287:16 289:18

profile 246:13

program 118:21,22 169:19

progressive 262:20

projects 26:11

promise 268:14

pronounce 43:17

proof 13:16,17 16:19 24:10,19,20 243:9 245:8 249:6 255:1 270:24 279:14 290:7 299:16

proper 83:23 191:10 193:20 251:13

properly 7:10,14 52:8 98:14 171:13 247:5

property 241:16,20

proposing 215:18

prospect 217:20

protect 32:18,19

protection 19:11

prove 16:13,14,16 106:17 121:17 125:3 167:19 173:6 174:13

provide 8:23 14:10 52:11 84:13

provided 8:24 9:3 10:17 19:17 24:9 46:10 105:5 178:9 179:20 192:17 272:23 280:18

proving 32:6

provision 35:18,23 98:9 284:25

public 6:3 20:22 22:22 36:24 41:4 42:6

pull 40:24 76:1,3 109:3, 12 215:11

purely 94:23 145:18

purportedly 171:9

purporting 230:16

purpose 97:14 103:18 156:13,21 170:23 171:24 190:22 237:19 280:14 296:10

purposes 19:21 22:18 23:14 43:9 75:24 83:4 89:16 108:5 128:6 175:19 177:3,13 223:20 251:6

pursuant 179:9 181:1 192:12 210:19 219:9 270:5 280:16 281:3

pursue 55:7

put 19:23 60:24 129:21 153:17 155:23 180:7,17 182:10 185:21,22 186:16 187:13 194:21 213:22 224:2,24 225:25 227:3 228:11 230:12 234:9 237:14 243:16 279:21 293:21 296:22

puts 96:11 178:3 194:11

Q

qualification 287:6

qualifications 21:11 246:21 247:1 280:18 281:3,15 286:21 287:1,2, 22

qualified 21:14 57:16 88:13 91:4 92:8 98:14 99:11,22 119:19 121:14 123:21 130:23 133:4 152:5 199:2,6,8 237:22 281:25 287:14

qualifies 14:17

qualify 14:5 46:4 82:1 286:16

question 11:16 24:6,7,8 25:1 34:3 37:1 38:20 39:23 40:5 41:1,12 42:2,8 44:24 46:17,24 48:14 59:6,25 63:15 69:15 75:1 77:10,12 78:11 79:13,14 88:17,22 89:1,14,18 91:8,

10,21 92:11,18,21,22 97:4,15 98:10 106:21,25 108:9,11,18 110:2 118:10,11 120:9,10,12,18 133:11 134:14 135:10,17 138:22 155:7 167:3 172:24 182:22 192:24 207:11,12,13 216:15,19, 21,24 217:4,6 218:24 219:8,14 234:18 237:21 238:5 251:14 258:20 263:13 270:3 271:21 273:15 281:6,10,21 282:8,13,15 283:10,11 286:15,22 288:5

questioned 142:5,9 184:14

questions 10:9,11 11:10,22,24 15:14 20:20, 23 22:25 23:17 24:22 36:21 65:22 68:17 86:20, 22 92:16 99:3 132:18,20 133:17 140:17,18,19,20 141:17 178:13 204:15 265:23,24 274:21,22 277:24 291:9 297:14

quick 86:22 132:13 153:8 159:1 245:1 258:19 288:21

quit 108:13

quitclaim 241:16

quotation 251:3

quote 19:7 142:4 156:11 162:22

quotes 139:18

quoting 156:9 160:9

R

R-i-c-h-a-r-d 14:2

Rachel 129:1 190:16,18 209:16 210:4 271:4 279:2,4,9,12,14

radically 110:24

Rafael 31:5,16 40:16 43:16 44:7,8

raise 12:17 61:11 123:12 152:16 198:9 209:7 247:22

raised 33:17 34:8 38:25 39:3 40:5 229:17

ran 32:1 41:19 262:5

291:24

random 76:11 165:14

rank 251:12

re-election 277:2,10

re-register 119:13

reach 197:9,11 283:15

reached 284:22

read 26:18 27:3 39:19 45:14 46:18 47:10 74:6 140:15 157:13 188:18 209:22 213:13 217:14 237:11 265:4 281:14 282:11,18,20 284:25 285:1

reading 142:7 234:7 281:13

reads 280:20

ready 165:22,25 252:4 258:22

Reagan 190:10 275:5,8 276:14

real 132:12 157:9 288:21

realize 30:20 259:7

realized 151:17

rear 194:13

reason 32:19 51:10 58:8 90:1,19,24 109:25 119:7 123:10,12 147:22 148:1 157:24 171:19 181:22 182:17 209:21 211:25 213:24 228:21 240:14 241:5,22 252:11 261:22 262:12 263:12 291:25 297:6

reasonable 196:15,21

reasons 90:13 169:13 171:7 179:19 285:16

rebut 55:19 110:6

rebuttal 22:12 38:23 50:8 56:12

receipt 247:7

receive 74:8 247:18 258:13,14 266:13

received 10:16 101:12 134:11 136:3,5 159:18, 20,24 166:24 175:20 260:9 270:25

recent 240:2 242:4 256:5 265:6

recess 176:6,8 223:10, 19,20 224:5,13,14,15

recognize 13:8,23 17:1 29:1,13 30:12 33:4 44:20 59:22 66:2 245:1,10 254:19 255:3 271:8 279:6,16 290:2,10

recognized 9:8 10:21

recognizing 8:22

recollection 262:10

recommend 111:17

reconciling 25:13

record 9:4 10:19 15:17 48:7 49:18 53:21,23 57:4 69:16 73:20 82:19,22 83:9 84:21 89:4 93:6,10, 12 94:1,2,22 95:2,5,15,18 96:6 100:23 101:8 109:19 112:3 119:5 131:3 132:7, 15 136:12 168:12 174:11 175:2 177:4,13 206:24 209:24 224:9,12 225:21 226:21 240:24 246:18 250:3 253:18 257:14,22 259:7 260:8,22 261:2,16 262:1,23 264:2,19 266:10,19 267:25 268:5, 12 269:17,24 272:11,24 273:5 274:11,12 277:12 289:21 292:2,13 293:2 294:1,7,8,14

recorded 104:5

recording 261:13

recordkeeping 260:25

records 135:22 136:1,2 149:14 168:11,16 211:18 222:7 231:1,3 237:9 240:9 267:3 278:12

recount 110:19

recourse 151:11

red 29:8 163:20

reduce 188:20 189:1

reduced 188:2

Reeve 6:15

refer 60:22 68:22 177:14

reference 14:22 67:22 69:17 179:15 201:16

referenced 66:23
287:10,11

referencing 70:4 107:17

referred 112:6 168:24

referring 90:4 94:13

reflect 159:21 264:19

reflected 140:12,13

regard 34:11 35:9,24
56:21 65:19 66:10 67:23
77:20 135:8

register 136:3 171:11
195:21 199:9 240:16
260:16

registered 47:11 91:4,14
93:21 96:23 97:18,23
98:14 99:10,22 100:3
116:5 117:23 119:15
143:12,17,22 148:10
172:7 175:8,13 180:23
181:5,6 183:16 184:6,15
185:12,16,25 187:11,17
188:6 191:17,23 192:1,2
193:1,5,18,22 198:14
199:2,4 201:15 202:7,9,
13,16 203:2,4,23 204:3,7
206:3 207:12 211:6,8,9
212:10,18,19 213:8,19,20
214:2,12 215:14,21,22
219:3,9,13,16 220:1,12,
19 225:13,14 226:10,11,
16,18,23 227:23 228:3
230:11 231:21,22 234:25
237:23

registering 242:19

registration 53:3 55:2
57:15,25 73:11 74:15
76:2,4 78:22 87:13 89:4
91:13,15 92:1,6 93:15,20,
23 94:3,15 95:6,7,18
96:21,22 100:22 102:10
103:2,18,19 104:1 116:1
117:23 118:17 119:5
121:14,15 122:5,11
124:23 125:25 130:19,22
133:5 134:23 135:13,23
136:6 137:8,20 139:16
141:16 143:16,21 144:2,
10 145:12,15,23 146:20
149:14 153:17 154:13,16,
23 155:3,13,22 157:11
158:20,24 163:22 164:7,9
165:3,12,16 167:6,15,23
168:23 169:1,16 171:5,24
178:25 183:22 184:22
185:4 189:24 191:21
192:5,11,13,14,15 194:5,

21 195:16,19 200:17
201:5 203:11 208:11
211:3,5 213:21 214:6,21
215:11 216:1,8 217:9,13
218:23 219:5 225:10,12,
13,16,19 228:6 230:4
231:1,4,13 233:16,17
234:10,12,15,21 237:2
241:17 246:11,18 272:7
280:7

registration's 152:4

rehabilitate 186:2 229:2,
8

reiterate 22:13

rejected 21:18 39:9
90:16 134:9 211:7 212:11
230:2 234:19 251:20
285:17

rejection 90:2,13,20,24
117:3 209:21

relate 168:15

relates 27:18 64:24

relation 284:10

relevant 273:11

reliable 78:7 171:11

reliance 158:16 171:3

relied 104:14 134:25

relies 75:16

rely 75:3,7,14,15 77:13
102:18 150:12 160:1,14
163:12 164:6 170:3,7
171:14

relying 19:24 88:24

remain 20:19 23:4 292:3

remarkable 191:5

remember 39:16 91:1
165:1 166:9 262:4 274:24
275:23 276:19,21 277:5
282:21 295:21

remind 6:17 12:22 15:3
21:1

remove 33:1 254:9

removed 32:2,4 119:17

render 30:23

renounced 45:8

reordered 131:14

repeat 10:1 30:13 154:21

217:7

report 94:12,14 102:8
105:15,18 118:15 145:25
168:20 191:21

reporter 6:15 224:9

reports 101:3

represent 33:9 285:12
293:5,9

representative 9:11
10:21 13:23 51:3 239:18
244:25 279:17 280:17,21
285:3 290:11

Representatives
258:19 263:22 283:7
284:5 286:7

represented 259:23

representing 51:8
112:21 166:18 170:21
198:24 239:16 245:19
249:8,11 255:8 297:4

republic 15:7

Republican 13:6 28:24
49:14 81:10,13,15 190:9
194:11,13 217:21 237:2,6
240:1,5 242:20 245:24
246:19 255:18 258:8,12
259:8 262:7,12,21
265:13,17 267:5 269:18
271:18,22 274:6 275:3,4,
5,13 276:13,15,17 290:16
292:7,8 293:24,25 294:12
295:18 299:7,21

request 14:11 38:1 57:18
188:9 220:19 242:22
252:1 253:2,5 255:19
259:1 272:21

requested 36:23 265:20

requesting 52:15

required 7:10 66:15
74:16 145:24 146:1 161:2
169:14 173:4 213:4,6

requirement 35:12
45:24 101:21 104:11
198:21 209:10 256:25
283:8

requirements 14:23
16:24 24:18 39:20 54:13,
14 105:1 142:20 145:8
146:11,25 172:5,17
178:25 194:11,22 264:25
285:8,13

requires 102:20 119:9
192:11 218:20,21 234:11

requisite 46:3

research 26:10 39:24
280:1

reserve 65:21

resided 85:9,10 298:11,
16

residence 143:18 218:25
219:2 226:20 234:11,14,
17

resident 19:11 30:17
46:2 242:1,9 257:5

resident's 218:22

residents 23:23

resides 198:24 230:14
255:21 256:11

resolved 39:12 47:16

resolves 54:23

respect 10:4 40:11 50:25
64:5,12 78:5 102:15
117:16 130:17 145:17
165:9 173:8 196:14
262:13 268:16 286:14

respond 24:15 94:11

responded 83:25 294:3

respondent 203:7

respondents 105:11

response 8:9,14 12:3,8
24:23 28:2 50:6,15,20
65:12,16,24 75:21 141:18
153:5 204:11 238:4,25
243:25 244:16 248:11,16
249:15 250:20,25 253:13
270:9 278:21 289:14
297:15 300:17 301:7

responsibilities 81:17

responsibility 25:17
53:1 55:19 81:6 83:22
103:22 125:7 139:7,10,14
142:1,2 148:7,8 160:16
161:7 235:7,18

responsible 16:16
37:10,11 103:12 197:11
235:20

rest 7:2 36:20 110:1,3
244:5,6 294:18

restriction 76:20

result 166:19

results 147:15 168:19

resuscitate 58:6

return 119:8

returned 119:2,8 277:8

review 50:1 59:15 70:21 71:11 121:22,25 282:14

reviewed 7:23 71:13 129:25 130:2

reviewing 18:16 137:15

Richard 13:13,23,25 14:1 29:6,14 262:14

right-hand 122:15 131:13,18

rights 42:19,20

Riley 275:19

Riordan 160:19 161:6

Ripley 290:14

rising 194:13

risk 296:23

RN 244:23 247:23

road 204:5

Robert 120:7 124:14 135:9 283:2

Roland 247:8

roll 218:23

Romney 275:10,13

Ronald 275:5,8 276:14

room 125:13 196:4 278:12 293:13

root 280:6

round 167:18

rounded 185:17

Roxanna 254:23 255:1, 4,8,11

Rubio 13:2,5,11,14 14:5, 20 17:2,12,19 19:25 20:15,19 24:17 28:5 32:10 43:23

Rubio's 13:14 23:20 27:21

rule 9:14 17:17 18:23 21:23 30:7 47:15 104:25 148:18 149:21 225:5

232:21

ruled 27:18 52:25 139:13

rules 14:17 37:14,15 221:23 222:9,20 286:23 296:9

ruling 187:21

rumor 293:16

run 14:18 32:17 112:15 159:4 161:21 164:1 239:25 273:5 274:5 276:17,23 277:2,9 293:5

running 17:12 20:2 104:23 149:1 160:8 262:7 288:15 297:19

Rush 283:22

Ryan 254:7,15,17,22 255:12 264:3

S

S-h-i-e-l-d-s 271:11

sad 110:12

sake 69:16

Santorum 146:22

Sarah 160:19

Sarge 251:15

sat 153:23 223:12

satisfies 47:6

Scalia 26:23

scanned 130:2 243:23

scenario 299:1 300:9

school 219:24 260:18 275:19 283:2 288:6

scintillating 51:11

scope 39:5

screen 76:5 93:24

screenshot 131:25 215:12

screenshots 214:24

screw 219:6

screwed 108:24 145:5

scribble 235:14

scribbled 220:14

seal 294:7

search 214:23 215:7,15

seat 263:21 283:21 284:16,18,20 286:8

seated 280:25

seconds 22:4 32:16 234:20

secretary 149:1 271:20 294:11

section 11:21 18:3,7 19:17,20 22:17 24:18 33:21 36:2 39:20 40:4,9 57:10 61:5 142:15,24 209:9 256:20 265:5 280:19 287:6

secure 156:14

seek 251:9 257:6 268:1

segment 74:6 207:1

Senate 81:5,20 104:23 143:1 151:2 178:7 201:21 283:13,19,22,24 284:20

Senator 17:12 23:20 24:16 27:21 33:9,15 35:8 36:7,16 45:7 46:20 47:6 48:15 49:15 160:8 161:1 170:2 235:6,20 237:15 242:13 262:14,18

send 192:6 214:10,11

sends 96:12

sense 76:22 118:2 155:14 298:13,17

separate 50:25 51:17 56:25 113:7 227:1

separated 177:12 234:1

separately 60:16 61:6 65:4

sequential 69:10

Sergeant 252:7

series 121:10

serve 285:15,22 287:25

served 20:10 247:17 249:20 284:3

serves 233:13 277:3

service 46:14 119:3 245:8 290:8

services 264:7

serving 35:15 285:24

session 6:3 249:19

set 45:21 74:1 76:15 103:10 142:20 221:23 222:9 232:21 271:15,16 286:20

setting 79:22

settle 21:20

settled 19:8 20:5 49:17, 19

Seventh 163:1

SGT 248:24 251:3 253:3 254:9

shame 79:6

shape 21:5

share 137:13 195:11

she'd 281:24

sheet 116:4 126:11

sheets 63:16 225:20

Shields 271:2,10,11 272:4,18 273:16,20,23 274:1,4,8,12,16,19

shock 260:10

shoes 291:16

Shore 243:15,22 244:3

short 105:17 116:18 132:2 133:9

show 42:17 43:4 66:14 67:3 106:12 111:15 115:24 130:25 131:25 132:12 149:15 154:1,4, 13,22 186:24 187:6 209:20 213:16 237:20 240:9 243:15 268:8 280:15 293:23 294:1 299:15,21

showed 171:5 175:12,16 297:8

showing 32:7 116:5 241:1 246:2,18

shown 87:24 88:1 218:22 226:20 227:19 234:12,14 240:15 256:13,20

shows 67:7 70:13 89:4 104:16 115:19 149:15 171:12 184:22 201:17 206:2 272:8,12 273:7 294:1

sic 21:3 31:9,22 32:8 206:6,7

side 46:7 50:7,9 69:13,14 71:8 75:3,4,7,11,12,13,16 86:15 101:16,17 126:10 146:16 161:21 162:9 172:16,25 204:4 205:20 232:25 239:15 262:7

sides 51:1

sign 85:3 88:13 98:15 189:13 196:18,19,23 198:23 199:11 217:13,15 220:15,18,22 229:3 235:13 236:12,14 237:4,6 273:9

signal 10:13

signaled 84:23

signature 7:25 69:13 72:3 75:5 85:3 93:1,3 94:13,25 121:19,20 124:14 126:21 138:8,10, 12 139:3 140:6 150:22 164:13 165:5 169:24,25 172:12 175:4,7 177:23 178:17 179:12 180:1,4,11 182:25 183:7,12 184:8 185:2,4,8,20,21 187:11 194:4,5,6 195:19,22 196:11,16 198:25 201:14, 25 202:20,25 204:6 207:7 209:21,23 210:2,3 211:11 220:14,17 221:3 228:4,5 229:21 230:1,15,18,20,22 231:2,3,5,19 234:2 236:6 264:16,20 273:6 275:17, 18

signatures 51:22 54:15 55:16 56:15 57:15,19,20 58:1,5,7,9 61:11 64:12,25 65:20 66:19 67:3 70:6 74:10,16 75:8 77:21 78:11 81:20 82:17 83:24 84:8,11 85:12 86:6 100:24 101:4,9 105:21 106:10 111:13 129:4 134:5,13 138:4 139:9,21, 24 140:11 144:13,17 145:11,17,20 146:3,7,13 147:5,9,12 148:23 149:2, 24 150:6,13,16,18,20 152:3 154:25 155:3 157:17 158:6,19,23 159:6,19 160:4,6 161:3 166:3 167:9 168:16 169:3,6 170:5,12 171:6, 17 172:6 174:14 175:21 179:2,9,23 180:19,25

181:21,23 182:11 185:7, 18 186:3,7 187:24 188:11 196:14 198:10 200:18 201:7,23 203:24 204:1 205:3,5,20 207:18 208:8 212:1,3,5 217:20 229:2,6, 9 230:10 231:22 238:1

signed 7:24 70:24 103:14 130:25 143:1 154:22,24 175:8,13 178:18 179:19 180:3 182:6,8 183:1,3,5,19,21 184:7 185:21 186:10,14, 16 188:7 190:10 191:2 195:5,6 196:9 197:16 198:20 199:16,17,18,20 200:11,14,16,20,23 201:4,6,11 202:19 203:1 207:11 210:5,14 211:12 212:17 213:2 215:22 220:11 226:17 227:23 231:20 236:13 237:22

significance 94:8

significant 26:9 27:2 237:21

signify 85:3

signing 197:12 198:12, 22 212:24 236:11

signs 199:6

silly 75:25 76:19 106:17

similar 25:20 61:17 64:5 117:13 118:1 164:5 287:18

similarly 141:7

Simmons 6:13 7:8,12, 17,20 10:18 12:17 13:10 29:3 40:8 59:15 60:1 61:25 62:3,7,17,19 63:4, 9,12,24 83:18 93:8,11,17 94:2,6 119:20 125:16 215:7 226:5 227:10 245:3 249:2 254:8,21 270:20 279:8 290:4

simple 17:14 54:17,19 103:10 141:25 167:2,4 213:7 260:7 280:7

simpler 122:14 127:7

simplify 52:4

simply 10:2 17:15 20:1 22:13 24:16 104:9 106:1 148:5,12 159:19 173:7 189:3 190:8 281:17

single 53:4 126:13,15 133:1 161:2 226:15 233:13

sir 38:9 43:12 105:9 177:21 244:7 254:3

sit 17:8 42:15,23 47:18 76:2 81:13 109:3 299:14

sit-down 196:11

sitting 105:14,22 193:21 196:19,23 282:19

situated 141:6

situation 16:13 35:13 51:22 96:18 135:14 166:20 171:21 191:15 197:4 219:18

situations 141:10

skipped 271:4

slight 261:9

slow 92:12

small 242:12

smallish 223:7

software 104:8

soil 18:4 45:4,14 47:2

sole 182:15

solely 34:5

solid 292:6

solve 110:18,21

somebody's 25:13

son 277:16

Sorg 51:7

sort 59:21 133:2 157:4 189:19 193:9 194:4 213:11

sought 293:6

sounded 124:6

sounds 124:1 187:21

source 75:24 287:13

Souter 22:3

South 293:23 294:2,23 295:3,5

space 220:15

Spartanburg 294:12,18

speak 6:18,19,20 17:5 51:4 222:18 268:3

SPEAKER 223:15

speaking 12:24 42:11

specific 16:23 17:17 18:16 101:18 264:25

specifically 40:8 168:12 196:13

spectacular 166:11

speculate 175:5

speculation 157:3 172:20,21

spell 6:19

spelled 33:9 245:21

spent 10:10 105:24 153:11 229:7 292:12,16

spirit 170:22 171:23 296:8

spit 115:23

split 173:22 176:4 238:13 239:8

splits 59:21

spoiling 277:17

spoke 268:22

spring 267:19

staff 6:10 8:23 9:6 13:8 29:1 59:23 81:14 95:20 130:2 148:21 178:3 179:21 185:11 245:1 254:19 279:6 290:2

stand 12:15 15:2 95:23 108:15

standard 287:5

standing 21:20 196:24

star 14:13 194:13

start 14:12 33:16 75:22 112:6 156:9 188:16

started 94:18 159:9,11 260:13 276:13

starting 261:10

starts 69:25

state 14:4,19 16:18 17:22 20:5 21:24 24:9,12 25:15, 16 31:19 39:4 42:21 52:16 66:13 67:23 80:24 81:13 103:5,8 119:15 129:6 143:2 147:6 149:1 156:2 157:8 158:9 164:1 169:14 178:4,10 179:24

187:4,14,15 201:16 202:24 233:11

switched 159:10

swore 268:11

sworn 80:22 127:2 130:8 137:7 142:2 258:2 273:18 281:1,12,18,22 282:1,9 283:15 284:2,18

synopsis 288:23

system 7:5 37:16 87:13 93:10,20 94:4,15 96:22 99:9 100:21 101:4 102:10 103:2,6 104:1 108:24 110:23 114:15,24 115:23 117:20 118:8,17 121:13 122:13 123:16 126:9,22 130:11,21 131:14 133:2,6 135:18 145:15 146:6 155:4 163:17 164:8 171:5,11,14 214:21 218:23 233:13 272:8

T

tab 13:11 29:4,8 61:5,14 62:17 63:5,7 64:1 245:4 249:3 254:22 270:21 279:9

table 48:19 172:14

takes 34:18

taking 28:11

talk 23:6 42:10 49:20 83:16 153:9 156:6 159:1 160:7 189:10 192:10 222:2 224:6 273:20 280:2 288:22

talked 22:7 82:6 112:2 160:20 207:2 233:10 273:23 275:22 276:21 280:4

talking 79:25 90:7 108:13 153:11 174:6 208:23 222:14 276:18 292:18

talks 39:15 157:15

Tallian 242:13

tally 120:2

tape 29:8

tax 241:20

Tea 262:16

teach 283:3

teacher 260:16

team 87:13

technical 6:25 7:4 165:10

technicality 21:19

technically 158:2 268:3

Ted 28:18,20,23 29:4,9, 16,17 30:1,18 31:4,6,16, 17 32:22 33:6,9 40:21 43:5 44:8,11,25

telephone 273:24

telling 226:21 268:11,12

tells 75:11 122:25 126:13 127:3 143:23 190:8 191:22

temporary 19:12

ten 234:20 239:14

term 21:19 34:24 251:3 284:3 285:22 288:11,14

terms 55:15 105:13 146:7

terrible 224:2

test 45:21

testified 86:16

testify 12:14 55:14 109:15 258:2 272:19

testifying 12:12

testimony 22:23 101:12 127:2 130:8 137:8 164:14,18 171:6 257:25 265:15 267:24 268:9,10

text 35:16

texting 277:9

textual 284:25

Thankfully 294:2

theory 151:4 173:5 175:3 280:3

thereto 19:13

thin 150:13

thing 15:1 23:8 27:2 53:19,22 69:4 74:20 113:1 145:9,13 162:20 163:12 165:15 189:14,17 191:12 193:16 205:1 213:3,6 220:3 222:12

225:6 236:16 278:1 284:24 285:1 287:7 292:6 299:16,23

things 37:11,12 76:8,21 124:11 130:6 137:4 148:6 156:4 166:8 195:5 197:23 237:10 269:1 280:1 293:1

thinks 98:17,22 155:17

Thirty-two 205:15

Thomas 85:4

thought 23:10 25:8 57:20,21 60:11,18 61:23 63:20 81:25 98:4 123:18 196:3 202:23,24 213:1 232:25 233:1,7 267:8 269:7 298:14,16

thoughtful 48:4

thoughts 53:15 237:18

thousands 149:13

three-year 277:18

threshold 68:2,12,15 151:8 228:22 229:11

thresholds 228:21

thrown 34:24

thumb 125:13

Thursday 293:7,15 297:8

tick 41:23

ticket 297:20,24 298:1

tied 164:11 285:14,15

Tile 210:16 211:15,24

time 6:4,20 9:13,21 10:7, 10,12,14,24 11:1,9 12:20 15:12 18:9 26:12 28:8,11 35:7 36:4 37:19,22 44:19 45:15,16 46:1 50:3 51:3 65:2 76:10 78:21 84:3,7 105:24 138:22 143:12,19 148:12 152:9 153:10 158:18 160:19 161:5,10 173:11 175:2,13 185:20, 23 188:6,7 190:4 192:17 193:1,5 199:4 200:12 203:1,22 217:1 218:15 221:7,24 227:4 229:7 233:6 235:24 237:1 239:19 241:25 245:9 248:3,20 257:13 260:13 262:17 263:3 267:4 268:23 269:13 270:2,13 276:7 277:22 279:16

280:5 282:20 290:9,14 296:5 299:2

timely 172:7 175:14 181:13

times 18:11 20:11 129:25 140:2 158:8 263:7 268:13 269:10

timetable 224:21

title 142:21,22 201:4 249:24 250:1 251:12

Tobin 102:24

Toby 166:12 244:20,21, 23 245:4

today 6:11,12,15,17,22 7:2,25 8:20 12:15 14:12 39:6,18 50:2 53:18,24 68:19 88:9 98:17 163:18 166:18 171:7 177:16 193:21 218:13 254:4 268:13,18 269:20,24 274:2,14 300:21

today's 11:13

Todd 10:5 49:8,9,13 50:23 51:4,8 81:22 82:18 84:16 101:7 128:22 140:11 157:2 190:19 263:18

toes 276:24

told 41:1 92:25 93:5 126:7 135:17 157:12 158:18,23 209:11 218:7,8 237:4

Tom 13:13,15 17:1,10

tomorrow 222:21,23 223:1,17 294:5

tonight 224:22 225:6

top 59:11 68:25 84:20 111:20 121:2 151:8 204:21,23 205:15

total 76:18 85:18,19,20, 21 86:9 101:3,15 107:22 127:5 140:11 163:5 180:22,24,25 188:2 193:8,16 220:6 239:14 261:25

totally 58:16 102:9,15 105:15 110:8 153:13 176:21 208:16

totals 72:1 84:22 101:18 171:8

town 229:25

track 105:20 106:6,15
109:9 110:10 114:11

tracked 104:3

tracking 104:8

transcript 160:10

transfer 47:14

treatises 26:18

Trevor 128:21 129:2,3
132:6

trial 218:3

tricky 80:6

trooper 292:7

trouble 21:9 44:15
167:19

troubled 39:23 46:6
47:21

troubles 43:24 46:9

troublesome 47:12

true 10:3 14:8 20:2 45:7
71:9 89:7,15,17,20 138:5,
7 217:14 264:24 282:8
285:10

Trump 275:15,16 278:7

trust 241:19

truth 226:21 268:11,12

turn 70:12 135:22 156:25
157:23 280:20 281:23
288:10

turned 122:17 126:4
129:6,9,10 136:10,13
137:20 189:15 190:2
213:18 260:14 282:1
283:19,24 284:2,15,17,22

turns 288:14

Twenty-five 228:12,13

two-page 177:23

two-sided 150:4

two-way 152:23 186:1,5
203:18 204:7

two-year 288:14

twofold 155:12

type 299:16

typically 286:17

U

U.S. 15:5 34:6,17,19 36:9,
10 41:19 81:20 151:2
178:7 201:21 233:12
235:6 258:18 263:21
288:3

ultimately 136:10 137:18

unacceptable 149:20

unanimous 160:3

uncertified 237:9

uncertify 189:4

unconscionable 151:1

uncontested 263:22

uncontroverted 17:22

undersigned 230:13

understand 42:14 77:7
92:15,18,20,22 93:2
99:25 100:5 105:2 109:18
114:23 115:1 128:14
154:18 166:12 195:4
217:3,5 218:1 279:22

understanding 40:15
44:9,15,18 45:2 94:18
214:18

understands 79:1 104:3

understood 38:21 47:7
55:10 256:22 257:1

undisputed 164:13,18

unequivocated 18:3

unfortunate 166:20

UNIDENTIFIED 223:15

unimpeachable 263:11

unintelligible 223:16
224:8

unique 261:15

United 13:7 14:24 17:12,
21 18:1,5,9,12,18,19,22,
25 19:19 21:25 22:16
23:23 24:4 27:20 28:25
29:19 30:9 31:9,22 32:9
33:10 34:20 44:13 45:1,9,
18 46:3,23 48:12,17
49:14 104:23 119:2
142:25 160:14 235:20
237:15 244:25 249:20
275:7 280:17,20 285:5

---

universally 35:25

unknown 179:19 261:18

unlawful 22:2

unlike 117:1 218:3

unofficial 96:3 146:8

unopposed 164:1
296:16

unprecedented 189:3

unreliable 102:9 105:16,
19 106:4

unrepresented 166:17

unusual 198:12

unwilling 172:12 175:3

upheld 35:25 173:23
174:13,17

uphold 41:24 156:16
171:23

upholding 173:12,16

upper 131:18

UPS 243:9 244:2 247:7
253:18

upset 298:4

upstairs 229:15

utter 260:10

V

vacant 284:16

vague 91:7

valid 30:7 147:9,11
175:21 181:18 205:3,4,20

validate 299:19

validated 293:21 299:18

validity 142:4,9 179:2
196:16

variants 115:22

variation 230:1,3,7,19

variations 115:4 230:6

vastly 231:23

verbally 206:25

verification 72:4

verified 98:1 107:2
126:21 129:4 146:14

211:3

verify 84:6 119:4 139:15
160:16 161:2 277:12

versus 187:9

Veterans 252:9

viable 171:1 172:1

vice 8:3 11:15,20,25
14:24 15:20 16:20,24
23:18,22 24:1,3 25:1,7
26:3,8 28:10 38:7 39:11
40:14,19,25 41:8,10
43:12 48:22 50:12 59:6,
12,18 61:22 62:4,6,13,25
64:2,9,19,23 68:18,21
69:2,6,9,15,21 70:2,11,
15,18 71:3,7,15,20,23
72:3,7,12 96:8,11,15
98:16,21,24 111:1,7,17,
24 113:10 120:12,25
121:4 154:1,4,9,18,21
155:6 161:10 162:1,4
165:22,25 166:7 173:2,
13,17 174:1,5 176:3,16,
20 177:20 182:21,24
183:3,6,18 186:21 193:24
194:2 195:1,12,18 196:2,
8,22 197:6,15,20 198:2
199:20,23 200:9,21,23
204:13,16,24 205:6,13,
16,21 206:11,18 207:15,
20,24 208:2,22 211:14,20
212:2,4,6 213:14 214:14
215:13,17,25 216:3,7,12,
18,20,23 217:8,23 218:5,
9 220:21,24 221:2,6,14,
17 222:14,17 223:10,21,
25 224:7 232:5,8,10,14,
16,20,24 233:2 235:2,23
236:4 238:8,18 239:6
243:12 244:5,9 245:14
246:12 247:13,16,22
248:1,4,6 250:8,13 251:1,
11,17 252:18,24 253:2,4,
15,21 254:3 258:21
264:21 265:1,3 266:1,4,7,
11,15 267:1 270:14
272:17 273:14 278:10
281:5,10,20 282:6,11,16
283:18 284:8,11,14 286:1
287:10 288:4,12,18
289:1,8,17,20 290:20,23
294:5 295:8,15,20 296:4,
24 297:1,21 298:2,12
299:25 300:8,24

Vice-chairman 6:8
257:15,17

Vice-commissioner

wrote 90:15 107:1 212:21
213:1 219:2

Wyatt 156:9

Y

year 44:10,22 47:9
260:14,15,20 261:4 276:4
279:25 284:16

year's 178:5 260:17

years 17:25 20:10 26:11
39:17 43:21 46:3 148:20
236:8 249:20 261:25
262:8 267:11 277:17
285:4 295:17

Yesterday 277:13

young 10:5 49:8,10,13
50:23 51:4,8 55:18 57:9
66:13,17 68:7,13 81:22
82:18 84:16 101:7 102:16
112:10,14 115:11,18
116:24 128:20,22,25
133:19 134:4,11 135:8,
10,15 137:11,19,25
140:11,25 144:5 150:9,19
151:21 153:5 157:2 164:6
165:18 166:10 170:4
171:15 175:20 181:23,25
182:4 190:13,19 194:8
203:3 228:25 229:19
231:20 232:1 233:2
236:18 263:18 284:4
285:20,21 295:9 298:7

Young's 142:11,14 171:3

Z

Zachary 6:9

ZIP 178:19 229:24

Zody 56:19,24 59:8 60:3,
6 61:6,18,21 62:4,5,6,22
63:2,8,16 64:4 66:4,11
68:20 122:13 151:18
177:6 184:1,19,23,25
185:11 187:4,6 231:25

Zody's 58:12 66:8 127:9
131:10 177:22 179:17
183:10

Zone 36:9