

1 facts or may be different.

2 MS. KERNS: Sure, Your Honor. The
3 facts are actually related. The Clerk's
4 officer had actually asked me to put them in
5 five different petitions. That's the only
6 reason that there are five different petitions
7 before Your Honor. I had originally planned to
8 just file one petition and list the different
9 categories.

10 THE COURT: My question, Ms. Kerns,
11 is: There are five categories, but each have
12 distinct and different facts upon which you
13 rely upon to object; is that correct?

14 MS. KERNS: Yes. There are five
15 different categories of ballots, and in each
16 category, there's a different issue. Just by
17 way of example, category 3 is where the voter
18 had only signed and not provided any other
19 information, and then each category has a
20 description as to something that the voter did
21 not do on the declaration. But, it's five
22 different categories.

23 THE COURT: Having read your moving
24 papers, would you agree with me that you are
25 not proceeding based on allegations of fraud or

1 misconduct; is that correct?

2 MS. KERNS: I am not proceeding on
3 those allegations. I'm simply proceeding on
4 3157 of the election code as well as 3246.

5 THE COURT: All right. More directly
6 to my question, you are not alleging fraud or
7 irregularity as the basis, you are alleging an
8 error of law; is that correct?

9 MS. KERNS: I'm alleging that these
10 ballots were not filled out correctly, yes.
11 That's what I'm alleging.

12 THE COURT: It is important, and I'd
13 ask you to listen carefully if I'm not being
14 clear. You are alleging that the Board
15 committed an error of law in deciding to vote
16 to count these ballots; is that correct?

17 MS. KERNS: Yes.

18 THE COURT: Okay. Now I'll hear from
19 the other parties, and we will then proceed to
20 the petitioners' argument. Who would go first
21 in this group of esteemed colleagues?

22 MS. HANGLEY: I believe I would, Your
23 Honor, after Ms. Kerns.

24 THE COURT: Fine, thank you.

25 Ms. Hangley.