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IN THE CIRCUIT COURT OF VERNON COUNTY, MISSOURI
STATE OF MISSOURI

VERNON COUNTY REPUBLICAN)
COMMITTEE, by and through)
CYNDIA HAGGARD, Chairman,)
)
Relator,)
)
vs.) Case No. 24VE-CV00185
)
ADRIENNE LEE,)
VERNON COUNTY CLERK,)
)
Respondent.)

DEPOSITION OF ADRIENNE LEE, produced,
sworn, and examined on April 29, 2024, at 1:00 p.m. of
that day, at Ellis, Ellis, Hammons & Johnson, PC, 2808
S. Ingram Mill, A104, Springfield, Missouri, before Dawn
A. Walton, RPR, Certified Court Reporter, in a certain
cause now pending in the Circuit Court of Vernon County,
Missouri, wherein the parties are as above set forth;
taken on behalf of the Relator.

FOR THE RECORD, LLC
405 N. Jefferson
Springfield, MO 65806 (417) 881-1186

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A P P E A R A N C E S

For the Relator:

MR. MARK T. MCCLOSKEY
MCCLOSKEY, PC
THE NIEMANN MANSION
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St. Louis, MO 63108
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For the Respondent:

MR. TRAVIS ELLIOTT
ELLIS, ELLIS, HAMMONS & JOHNSON, PC
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For the proposed Intervenor:

MR. MARC ELLINGER
MS. STEPHANIE BELL
ELLINGER BELL
308 East High Street, Suite 300
Jefferson City, MO 652101
Tel: 573.750.4100
mellinger@ellingerlaw.com

Also present:

MS. CYNDIA HAGGARD

Reported by:

DAWN A. WALTON, RPR
CCR-MO No. 645, CCR-KS No. 1414
FOR THE RECORD, LLC
405 N. Jefferson
Springfield, MO 65806
Tel: 417.881.1186 Fax: 417.881.4557

1 ADRIENNE LEE,
2 of lawful age, produced, sworn, and examined on behalf
3 of the Relator, deposes and says:
4 EXAMINATION
5 BY MR. MCCLOSKEY:
6 Q. Would you tell us your name, please?
7 A. Adrienne Lee.
8 Q. And you are the elected clerk for Vernon County?
9 A. Yes, sir.
10 Q. When did you obtain that position?
11 A. I obtained it January 1st of 2024 [as stated].
12 Q. All right. What did you do before that?
13 A. I was a hairdresser.
14 Q. All right. For yourself or were you working for
15 somebody else?
16 A. I was self-employed.
17 Q. What was the name of your entity?
18 A. Salon 520.
19 Q. And where was it located?
20 A. On Osage Boulevard in Nevada.
21 Q. And is it still in operation?
22 A. No.
23 Q. Okay. Other than being the elected clerk, do you
24 have any other activities that you do for -- for,
25 um, work or pleasure these days?

For The Record, LLC 4

1 A. Not currently. I watch my kids play sports.
2 Q. Okay. Um, and is this the first elected position
3 you've ever run for?
4 A. Yes.
5 Q. Okay. And, um, you know, we are here today taking
6 your deposition where you were the respondent in a
7 Petition for Writ of Mandamus that I filed in
8 Vernon County; true?
9 A. That's why we're here.
10 Q. Okay. Um, and you know that your duties as a clerk
11 are defined by -- by statute in Missouri?
12 A. Yes, sir.
13 Q. And would you agree that as a -- as an elected
14 county clerk, that your job is to do your
15 ministerial tasks as a clerk in a unbarrased
16 [Phonetic] and -- and -- not unbarrased --
17 unbiased and independent way?
18 MR. ELLIOTT: Well, I'll object, it calls
19 for a legal conclusion. Answer to the best of your
20 ability.
21 MR. MCCLOSKEY: Sure.
22 A. I -- can you repeat the question? I'm sorry.
23 Q. (By Mr. McCloskey) Sure.
24 As the county clerk, you have duties that are
25 imposed upon you by statute; true?

For The Record, LLC 5

1 A. Correct.
2 Q. Your duties as a clerk are primarily ministerial;
3 true?
4 MR. ELLIOTT: I'll object, it's vague and
5 ambiguous. Answer if you can.
6 A. I do my best to follow statute.
7 Q. (By Mr. McCloskey) Okay. That you should do so in
8 a -- in an unbiased manner; true?
9 A. True.
10 Q. That you shouldn't, for lack of a better phrase,
11 take sides in disputes or, um, have a political
12 opinion that guides your -- your activities as a
13 clerk; true?
14 A. Correct.
15 Q. All right. Um, in -- in the case that we're here
16 about today, I'm going to be as brief as humanly
17 possible, um, you were apprised ahead of time that
18 there were certain people who are planning on, um,
19 filing as candidates in Vernon County on who the
20 Vernon County Republican Committee said their
21 candidacy would be rejected by the Committee; true?
22 A. Yes.
23 Q. And they told you that if the fee was submitted to
24 the clerk it would not be accepted by the
25 committee; true?

For The Record, LLC 6

1 MR. ELLIOTT: I'll object, it calls for a
2 legal conclusion. Answer to the best of your
3 ability.
4 Q. (By Mr. McCloskey) I mean, you were told that by --
5 by the Vernon County Republican Committee; true?
6 MR. ELLIOTT: I'll object, now it's vague
7 and ambiguous.
8 Q. (By Mr. McCloskey) You can go ahead and answer.
9 A. They requested -- or they informed me that they
10 would not accept these candidates.
11 Q. Okay.
12 A. These four candidates.
13 Q. Okay. And I'm going to go -- not going to go ahead
14 and mark this, but I'm going to just give you a
15 copy of it. Here is the statute regarding filing
16 fees, um, 115.357. You're familiar with that;
17 right?
18 A. I'm very familiar with that.
19 Q. All right. Prior to the time that, um, you were
20 informed by the Vernon County Republican Committee
21 that certain candidates would not be accepted as
22 candidates, their filing fees would be rejected,
23 um, had you contacted any counsel about how that
24 would affect your -- your job? And I'm not asking
25 what you said, but whether or not you just had any

For The Record, LLC 7

1 contact with legal representation prior to being
2 informed that certain candidates' candidacies would
3 not be accepted by the Vernon County Committee?
4 MR. ELLIOTT: Well, I'll object to the
5 extent it calls for attorney-client privileged
6 communications. But he, as I understand, he's not
7 asking what, he's asking if. So answer to the best
8 of your ability.
9 A. I mean, I had discussions about the statute.
10 Q. (By Mr. McCloskey) Going back how far?
11 A. Um, probably --
12 MR. ELLIOTT: I'm going to object, it
13 calls for attorney-client privileged information,
14 the nature and extent of communications with
15 counsel is not relevant, invades the province of
16 the attorney-client relationship. You don't have
17 to answer that.
18 Q. (By Mr. McCloskey) Okay. Um, tell me again when
19 you assumed office.
20 A. It was, sorry, January 1st of 2023.
21 Q. Okay. Um, had you had any familiarity with, um,
22 this specific statute prior to becoming elected as
23 county clerk?
24 A. Absolutely.
25 Q. Absolutely?

For The Record, LLC

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1 (Exhibit 1 was marked for identification by
2 Mr. McCloskey.)
3 MR. MCCLOSKEY: I didn't bring enough for
4 everybody because I didn't know how many kids were
5 going to be in class today.
6 Q. (By Mr. McCloskey) Is this a letter that you wrote
7 in March of this year to Cyndia Haggard?
8 A. Yes, sir.
9 Q. All right. Um, and it's regarding the potential
10 candidacy of Brent Banes, Lena Kleeman,
11 Michael Buehler, and Kelsey Westerhold?
12 A. That is correct.
13 Q. And, um, this is in response to correspondence that
14 you'd gotten from Cyndia Haggard as the chairman of
15 the Vernon County Republican Committee?
16 A. Yes, this is my response.
17 Q. Okay. Um, the second paragraph says: With [as
18 stated] respect to Vernon County Republican Party's
19 right to control its internal affairs, we -- it
20 says: We respect the Vernon County Republican
21 Party's right to control its internal affairs, um,
22 but, it says, however, as local election authority,
23 I'm compelled to uphold the Constitution of the
24 United States, the State of Missouri, and state
25 law. Um, next line it says, um, Paragraph 4: Your

For The Record, LLC

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1 A. Yes, sir.
2 Q. Okay. When did you first became aware of this
3 statute?
4 A. I was first aware of the statute when I first
5 became the elections clerk for Vernon County.
6 Q. And when was that?
7 A. That was May 31st of 2021.
8 Q. Okay. So for about three years ago?
9 A. Yeah.
10 Q. Okay. Um, and, um, without telling me what the --
11 what the opinion was that you obtained, any opinion
12 from any counsel prior to the spring of this year
13 as to the effect of the various subsections of the
14 statute?
15 MR. ELLIOTT: I'll object, vague and
16 ambiguous. I don't understand the question.
17 Q. (By Mr. McCloskey) Sure. Did you talk to any
18 lawyers about what the statute meant before the
19 spring of this year without telling me what any
20 lawyer told you?
21 A. I don't know that I actually talked to an attorney
22 about it.
23 Q. Okay. Um, so let's get into some specifics here.
24 Going to put a No. 1 on a letter which -- hang on,
25 let me get this.

For The Record, LLC

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1 assertions of violations of 115.357 RSMo are
2 rejected and denied on their face.
3 What -- what violations, um, are you referring
4 to?
5 MR. ELLIOTT: I'll object, the document
6 speaks for itself. You can answer if you know.
7 A. I'm not sure.
8 Q. (By Mr. McCloskey) Okay. Turning your attention
9 back to the statute, I'm going to ask you a couple
10 of questions.
11 Under 115.357.1, okay, it says: Except for
12 provided subsections 3 and 4 of this section, each
13 candidate for federal, state or county office
14 shall, before filing his or her declaration of
15 candidacy, pay to the treasurer of the state
16 [Inaudible] --
17 (Clarification requested by the court
18 reporter.)
19 Q. (By Mr. McCloskey) -- of the state or county
20 committee of the political party upon whose ticket
21 he or she seeks nomination [inaudible] --
22 (Clarification requested by the court
23 reporter.)
24 Q. (By Mr. McCloskey) -- a certain sum of money as
25 follows.

For The Record, LLC

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1 Um, would you agree that, um, that paragraph
 2 states that a candidate has to pay to the treasurer
 3 of the state or county committee of the party --
 4 political party their filing fee before filing the
 5 declaration of candidacy?
 6 MR. ELLIOTT: I'll object, it calls for a
 7 legal conclusion, invades the province of the judge
 8 or jury to make final determinations of law. You
 9 can answer to the best of your ability.
 10 A. [Inaudible.]
 11 Q. (By Mr. McCloskey) I'm sorry, I can't hear you.
 12 A. I'm -- I'm just repeating the pay to the treasurer
 13 of the state or county committee of the political
 14 party upon whose ticket he or she seeks nomination
 15 to a certain sum of money as follows.
 16 Q. Okay. And it says that the filing fee has to be
 17 paid before the candidate can file his or her
 18 declaration of candidacy, it -- it says before;
 19 correct?
 20 MR. ELLIOTT: I'll object, the document
 21 speaks for itself, it calls for a legal conclusion,
 22 it invades the province of the judge. Answer to
 23 the best of your ability.
 24 MR. MCCLOSKEY: I'll give you a running
 25 objection to that and every objection possible on

For The Record, LLC **12**

1 the face of the planet so that we don't have to go
 2 through that each and every time.
 3 MR. ELLIOTT: I'll make my objections,
 4 thank you.
 5 MR. MCCLOSKEY: That's fine.
 6 Q. (By Mr. McCloskey) That's what it says; right,
 7 "Before"?
 8 A. It -- it does state that in the top.
 9 Q. Okay. And your lawyer has objected a couple of
 10 times on -- on calling for legal conclusions. But
 11 in Exhibit No. 1 you make legal conclusions; true,
 12 you -- you write back to Cyndia Haggard and you say
 13 what you believe the law is and the law is not;
 14 true?
 15 A. True.
 16 Q. Okay. Upon what, as of March the 11th, 2024, did
 17 you base your opinions as to what the law was, what
 18 the law was not with regard to when a candidate
 19 must pay their filing fee and to whom it must be
 20 paid?
 21 A. I was going off of subsection 2.
 22 Q. Okay. Um, and we'll talk about that in detail.
 23 Paragraph -- or subsection 1 says that, um, before
 24 filing his or her candidacy -- declaration of
 25 candidacy, uses the word "shall" and it says pay;

For The Record, LLC **13**

1 okay? If you look at paragraph -- if you look at
 2 subsection 2, it says: The required sum may be
 3 submitted by the candidate to the official
 4 accepting his or her candidacy. Okay. Um, would
 5 you agree that Paragraph 2 uses the word
 6 "Submitted" as opposed to pay?
 7 A. I would agree with that.
 8 Q. Would you agree that there's nothing in
 9 subsection 2 that says that contrary to
 10 subsection 1 that the election authority can accept
 11 the declaration of candidacy prior to payment to
 12 the treasurer?
 13 MR. ELLIOTT: Again, I'll object, calls
 14 for a legal conclusion.
 15 Q. (By Mr. McCloskey) True?
 16 A. Sure.
 17 Q. Okay. And then you go to subsection 5, okay, page
 18 two of that document. It says, Paragraph --
 19 subsection 5: Except as provided in subsections 3
 20 and 4 -- and, by the way, just to get that out of
 21 the way, subsections 3 -- subsection 3 deals with
 22 people who claim that they lack financial ability
 23 to pay the filing fee; true?
 24 A. True.
 25 Q. Subsection 4 refers to people who are either going

For The Record, LLC **14**

1 to run as an independent or as a new party; true?
 2 A. True.
 3 Q. You would agree that neither subsections 3 or 4
 4 apply to any of the issues before us today; true,
 5 because nobody claimed they were impoverished or a
 6 new party candidate; true, or an independent?
 7 A. True.
 8 Q. All right. As we go to Paragraph 5 again -- not
 9 Paragraph 5 -- Section 5, again it says: Except as
 10 provided in subsections 3 and 4 of this section, no
 11 candidate's name shall be printed on any official
 12 ballot until the required fee has been paid. Did I
 13 read that correctly?
 14 A. Yeah.
 15 Q. Um, is that a yes?
 16 A. Yes.
 17 Q. All right. Um, so, um, of the candidates in
 18 dispute in this action, potential candidates in
 19 dispute, do you have any evidence that any of them
 20 have actually paid their filing fee?
 21 A. I've seen checks submitted.
 22 Q. Okay. Did the checks get returned to you unpaid?
 23 A. Yes.
 24 Q. So that would be an indication those checks were
 25 not paid; true?

For The Record, LLC **15**

1 MR. ELLIOTT: I'll object, it calls for a
2 legal conclusion as to the definition of pay.
3 MR. MCCLOSKEY: Yeah, I understand.
4 Q. (By Mr. McCloskey) You've made legal conclusions in
5 all your correspondence regarding this, not just to
6 Cyndia Haggard but to other county clerks and to
7 the Clerks Association; true?
8 A. True.
9 Q. Okay. So let's go back to subsection 5. You have,
10 um, pursuant to subsection 2, filing fees were
11 submitted to you as clerk; true?
12 A. True.
13 Q. You submitted those filing fees to the treasurer;
14 true?
15 A. True.
16 Q. Treasurer returned those checks to you unpaid;
17 true?
18 MR. ELLIOTT: I'll object as to the
19 definition of paid or unpaid. Answer if you --
20 Q. (By Mr. McCloskey) Sub- -- subject to that, you can
21 answer.
22 A. They submitted their fees.
23 Q. Okay, I understand that. Not my question, I move
24 to strike as nonresponsive.
25 What you did as a clerk with regard to the

For The Record, LLC

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1 A. I guess not.
2 Q. Okay. Um, are you telling us under oath here --
3 and by the way that oath you got -- took today --
4 A. I know.
5 Q. -- was the same as the oath you get in front of the
6 judge and jury --
7 A. Yes.
8 Q. -- subject to the same rules of perjury.
9 A. I guess I'm not understanding your question.
10 Q. Sure. Have you ever paid anything with a check in
11 your life?
12 A. Yes, I have paid with a check in my life.
13 Q. Do you -- do you get a bank statement from your
14 bank with photocopies of those checks at the end of
15 the month?
16 A. Yes, I do.
17 Q. Do you notice that when they get paid they're
18 stamped paid?
19 MR. ELLIOTT: I'll object, that assumes
20 facts not in evidence. But answer if you know,
21 Adrienne.
22 A. Um, some of them have said voided on the front of
23 them.
24 Q. (By Mr. McCloskey) Okay. Have you ever had
25 customers of yours as -- as a hairdresser pay you

For The Record, LLC

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1 candidates whose candidacy are in dispute here
2 today, you, um, took checks from them, you -- they
3 were submitted to you as the county clerk; true?
4 A. Correct.
5 Q. You submitted those checks to the treasurer
6 pursuant to subsection 2; true?
7 A. Correct.
8 Q. Treasurer sent you the checks back unpaid; true or
9 false?
10 MR. ELLIOTT: I'll object, it calls for a
11 legal conclusion.
12 Q. (By Mr. McCloskey) You got the checks back; true?
13 MR. ELLIOTT: Wasn't your question,
14 Mr. McCloskey.
15 Q. (By Mr. McCloskey) You got -- it's my question now.
16 You got those checks back from the treasurers;
17 true?
18 A. True.
19 Q. Did you look at the front and back of them?
20 A. Nope.
21 Q. Okay. Did you know that when you -- when a check
22 gets paid there's a stamp on the back that says
23 paid?
24 A. No.
25 Q. You don't know that?

For The Record, LLC

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1 with a check?
2 A. Yes.
3 Q. Have they ever been refused by the bank because of
4 insufficient funds?
5 A. Yes.
6 Q. Do you recognize that there's a difference between
7 receiving a check and having that check paid?
8 MR. ELLIOTT: Again, I'll object, calls
9 for a legal conclusion. Answer to the best of your
10 ability.
11 A. No comment.
12 Q. (By Mr. McCloskey) Well, no, you have to comment,
13 this is your sworn testimony.
14 You know full well as a business owner --
15 A. Yes.
16 Q. -- that when somebody gives you a check, it doesn't
17 mean they've paid their bill, it's only paid when
18 it clears the bank and the money is transferred;
19 true or false?
20 A. True.
21 MR. ELLIOTT: I'll object, that calls for
22 a legal conclusion.
23 Q. (By Mr. McCloskey) And your answer was true;
24 correct?
25 MR. ELLIOTT: My objection is it calls

For The Record, LLC

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1 for a legal conclusion --

2 MR. MCCLOSKEY: I understand.

3 MR. ELLIOTT: -- as to when it's paid.

4 Q. (By Mr. McCloskey) My question to you is, that you

5 as a business owner know that when somebody gives

6 you a check, they haven't paid their bill until

7 that check clears the bank; true?

8 MR. ELLIOTT: I'll -- objection, it calls

9 for a legal conclusion.

10 Q. (By Mr. McCloskey) Subject to that objection, you

11 can answer.

12 A. Yes.

13 Q. Okay. And so you know, this isn't guessing work

14 here, you know as a county clerk that the checks

15 that were tendered to you, that were submitted to

16 you under subsection 2 of 115.357, those checks

17 that were submitted to you were never paid; true?

18 MR. ELLIOTT: I'll object, it calls for a

19 legal conclusion. You don't have to answer that.

20 Q. (By Mr. McCloskey) Yeah, you do --

21 MR. ELLIOTT: Ultimate question in the

22 case, Mark.

23 Q. (By Mr. McCloskey) You do have to answer that, and

24 she's a defendant in this case.

25 MR. ELLIOTT: You don't have to answer an

For The Record, LLC 20

1 ultimate question in the case, you know better than

2 that.

3 Q. (By Mr. McCloskey) Yeah, so subject to that

4 objection, you need to answer the question.

5 MR. ELLIOTT: Answer to the best of your

6 ability. But you understand my objection, so

7 answer the best of your ability understanding the

8 objection.

9 A. Yeah, I guess.

10 Q. (By Mr. McCloskey) Okay. Having known that they

11 are -- that the checks had never been paid, that

12 the checks had been rejected by the treasurer and

13 returned to you, you would agree that pursuant to

14 subsection 5 of the statute, um, that the -- that

15 the -- that no candidate's name shall be printed on

16 any official ballot until the required fee has been

17 paid. You would understand that to mean that if

18 the money hasn't been paid, the name can't appear

19 on the ballot; true or false?

20 MR. ELLIOTT: I'll object, calls for a

21 legal conclusion. Answer to the best of your

22 ability.

23 Q. (By Mr. McCloskey) True?

24 A. I mean, yes, I have not made ballots yet.

25 Q. Okay. You would agree that as the facts of this

For The Record, LLC 21

1 case are right now, and I'll go ahead and read the

2 names into the record, um, so there's no confusion.

3 Um, that as far as the potential candidacy goes of

4 Brent Banes, Lena Kleeman, Michael Buehler, Kelsey

5 Westerhold, Jimmy Dye, Cindy Thompson,

6 John Shorten, and Rank Radspin -- is it Rank --

7 Radspinner, um, none of their checks have been paid

8 to the best of your knowledge; true?

9 MR. ELLIOTT: I'll object, it calls for a

10 legal conclusion as to the definition of what

11 constitutes being paid. Subject to that, answer to

12 the best of your ability, Adrienne.

13 A. I have checks from them.

14 Q. (By Mr. McCloskey) Okay. And you have them back in

15 your -- in your possession because they were

16 returned to you by the party treasurer; true?

17 A. Correct.

18 Q. And they have no indicia of having been paid and,

19 in fact, you've been specifically told that they

20 have not been transacted; true?

21 MR. ELLIOTT: Well, I'll object as vague

22 and ambiguous. I heard paid and --

23 MR. MCCLOSKEY: I'll break it up.

24 Q. (By Mr. McCloskey) You know that those checks that

25 were submitted to you by those individuals have not

For The Record, LLC 22

1 in fact been paid; true?

2 MR. ELLIOTT: Objection, calls for a

3 legal conclusion. Subject to my objection.

4 A. The checks have been written.

5 Q. (By Mr. McCloskey) We established that, and they

6 were submitted to you; true?

7 A. True.

8 Q. And they were returned to you by the treasurer

9 unpaid; true or false?

10 MR. ELLIOTT: Objection, it's compound

11 and it calls for a legal conclusion. Subject to my

12 objection, you can answer the best of your ability.

13 A. I -- I'm unsure exactly what to say to that.

14 Q. (By Mr. McCloskey) Well, you know that you are --

15 that when you tendered those checks, when you

16 submitted those checks to the county party

17 treasurer, you were informed that those checks

18 would be returned to you, and they, in fact, were

19 returned to you; true?

20 A. True.

21 Q. There is no indicia on those checks, there's no

22 stamp, there's nothing that says paid on those

23 checks; true?

24 A. True, I mean...

25 Q. Okay. And you as a business person would know that

For The Record, LLC 23

1 means those checks have never been paid; true?
 2 A. True.
 3 Q. So as the facts stand today, pursuant to
 4 subsection 5 of one-fifteen-five -- uh, 357, that,
 5 um, no -- none of those candidates' names shall be
 6 printed on any official ballot until that situation
 7 changes; true?
 8 MR. ELLIOTT: I'll object, it calls for a
 9 legal conclusion as to the definition and
 10 interpretation of subsection 5. Subject to that,
 11 you can answer to the best of your ability.
 12 A. I don't know.
 13 Q. (By Mr. McCloskey) Okay. And, yet, you've taken
 14 official positions as the clerk of Vernon County
 15 with regard to Cyndia Haggard and other county
 16 clerks and the Clerks Association saying
 17 specifically that you've got a right to ignore what
 18 the treasurer says and put those people on the
 19 ballot; true?
 20 MR. ELLIOTT: I'll object, it
 21 mischaracterizes --
 22 Q. Well, I'll read your actual words. If you look
 23 back at, um, Plaintiff's [as stated] Exhibit No. 1,
 24 which is your letter to Cyndia Haggard on March the
 25 11th of this year. And, by the way, how long --

1 Q. That's a material difference between now and then;
 2 true?
 3 MR. ELLIOTT: I'll object, assumes facts
 4 not in evidence.
 5 A. My signature's on their receipt book.
 6 Q. My signature's on my driver's license, that doesn't
 7 mean I pay the filing fee.
 8 Um, do you know -- and I -- I know you're --
 9 you want to say stuff that -- that helps your case
 10 here, and I'm going to get to that in just a
 11 minute.
 12 But as a -- as a business woman and as an
 13 elected official, you know that there's no question
 14 that the filing fees regarding these individuals
 15 have not in fact been paid because those checks
 16 never cleared any bank; true?
 17 MR. ELLIOTT: I'll object, it calls for a
 18 legal conclusion. It's been asked and answered.
 19 Answer to the best of your ability.
 20 A. Yeah, I've already answered it.
 21 Q. (By Mr. McCloskey) Well, do it one more time.
 22 That's true, and you can't deny it; true?
 23 MR. ELLIOTT: Same objection. Answer to
 24 the best of your ability, Adrienne.
 25 A. Yeah, I guess. Yes.

1 you've been the treas- -- you've been the -- the,
 2 um, clerk here for about a year?
 3 A. Just over a year.
 4 Q. Okay. Who was your predecessor in the clerk's
 5 office?
 6 A. Michael Buehler.
 7 Q. Do you know whether or not Mr. Buehler allowed
 8 people to pay their money to the county treasurer
 9 director -- county party treasurer directly?
 10 MR. ELLIOTT: Answer to the best of your
 11 ability.
 12 A. All filing fees were taken by the election clerk in
 13 2021.
 14 Q. (By Mr. McCloskey) Okay. Not my question.
 15 Do you know whether or not Michael Buehler,
 16 um, took filing fees or if they were paid directly
 17 to the county treasurer?
 18 A. While I worked in Mike Buehler's office, all fees
 19 were taken by his office.
 20 Q. Okay. And what did he do with them?
 21 A. He then sent them on to the Republican Committee.
 22 Q. Okay. Um, and in those cases, were the fees paid,
 23 I mean, did the checks come back to -- to
 24 Mr. Buehler or did they go into the bank?
 25 A. Well, they went into the bank.

1 Q. (By Mr. McCloskey) I'm sorry?
 2 A. I guess yes.
 3 Q. Okay. Well, you don't guess yes. It's yes; true
 4 or false?
 5 A. True.
 6 Q. All right. You would recognize that as the
 7 circuit -- as -- as the county clerk that your --
 8 your task isn't to decide who is or is not a
 9 candidate, your task is to -- is to in a
 10 ministerial fashion comply with the terms of the
 11 statute; true?
 12 A. True.
 13 Q. All right. And pursuant to the terms of the
 14 statute, if these candidates' fees have not been
 15 paid, you cannot place their names on an official
 16 ballot; true?
 17 A. True.
 18 Q. All right. You have, however, taken the position
 19 in the past that you can put those names on the
 20 ballot regardless of whether or not they have paid
 21 their fee if they merely submitted the checks to
 22 you; true?
 23 A. They chose to pay their filing fees to me.
 24 Q. Is there anything in the statute that you've seen
 25 which allows them to pay the fee to you as opposed

1 to submit the fee to you to be transmitted to the
2 treasurer?
3 A. Subsection 2, they shall --
4 Q. Show me -- show me where the word is, um, that says
5 paid in subsection 2 anyplace.
6 A. It does not say paid, it says: All sums submitted
7 to the official accepting the candidate's
8 declaration of candidacy shall be forwarded
9 promptly by the official to the treasurer of the
10 appropriate party committee.
11 Q. Okay. Well, and that's what I just asked you.
12 There is nothing in the statute that permits a
13 candidate to pay the county clerk the filing fee;
14 true?
15 A. I can't deny it.
16 Q. You can't deny what?
17 A. The fee.
18 Q. Um, that may well be true. But that's not -- my
19 question was different.
20 My question, was there anything in the statute
21 that you've seen, subsection 2, that says you can
22 accept payment as opposed to having the fee
23 submitted to you for transmittal to the party
24 treasurer?
25 MR. ELLIOTT: I'm going to object,

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1 through about 30 questions here that you recognize
2 the fees have never been paid because the checks
3 were returned to you?
4 MR. ELLIOTT: Subject to my objections.
5 Q. And I'm -- I'm being very specific here, because
6 the statute uses in two sections being Section 1
7 and Section 5 the word "pay," and Section 2 it uses
8 the word "submitted." Do you recognize that
9 there's a difference between those two words?
10 A. I do.
11 Q. Okay. Do you -- and you -- we've established
12 through your testimony up to now that you recognize
13 the fact that with regard to the candidates in
14 dispute that their fees have never in fact been
15 paid; true?
16 MR. ELLIOTT: Objection, same objection.
17 Q. (By Mr. McCloskey) True?
18 A. Yeah.
19 Q. Okay. Is that a yes?
20 A. Yes.
21 Q. All right. And, so, um, to the extent that you're
22 required to perform your ministerial duties of not
23 taking a declaration of candidacy until after the
24 payment of the fee, the filing fee, that then that
25 accepting those declarations of candidacy, um, was

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1 there's nowhere in 115.357 that says anything about
2 payment, so it's assumes facts not in evidence and
3 it's an improper hypothetical so...
4 Q. (By Mr. McCloskey) Subject to that, you can go
5 ahead and answer.
6 A. I don't see where it says pay.
7 Q. Okay. Um, and but if you go back up to Section 1,
8 it does use the word "pay"; true?
9 A. Pay the treasurer, yes.
10 Q. Okay. And that's before it says shall, command
11 word, before filing his or her declaration of
12 candidacy pay to the treasurer of the state or
13 county committee of the political party upon whose
14 ticket she seeks to nomination a certain sum of
15 money.
16 Um, did you accept the declaration of
17 candidacy, accept the filing of those from these
18 individuals prior to the time that their fee had
19 been paid?
20 MR. ELLIOTT: I'll object as compound
21 question, it's vague and ambiguous. But answer to
22 the best of your ability subject to those
23 objections.
24 A. Um, they were paid the day before.
25 Q. (By Mr. McCloskey) I thought we've established

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1 a -- was a violation of your ministerial duties?
2 MR. ELLIOTT: Objection, it calls for a
3 legal conclusion. You don't have to answer that.
4 MR. MCCLOSKEY: She's made many legal
5 conclusion here.
6 Q. (By Mr. McCloskey) But, yes, you do have to answer
7 that, it's not a --
8 MR. MCCLOSKEY: You can object on the
9 basis of privilege, um, but not on the basis you
10 don't like the question or it goes to the final
11 whatever it is.
12 Q. (By Mr. McCloskey) Um, but, anyway, my question is
13 this: At the time that you took the declaration of
14 candidacy from the potential candidates in dispute,
15 you had already been told that their fees would not
16 be accepted by the party; true?
17 A. Half of them, yes.
18 Q. Okay. Um, and yet you took the declarations
19 anyway; true?
20 A. Yes.
21 Q. Okay.
22 A. Yes, I did.
23 Q. As we sit here today, with regard to all of those
24 candidates, you know that their fees have never
25 been paid, we've established that. Have you

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1 accepted declaration of candidacy from all those
2 individuals?
3 A. Yes.
4 Q. Okay. You would agree that's a violation of your
5 ministerial duties?
6 MR. ELLIOTT: I'll object, it calls for a
7 legal conclusion, invades the province of the judge
8 and jury. You don't have to answer that question.
9 Q. (By Mr. McCloskey) Yes, you do have to answer that
10 question.
11 MR. ELLIOTT: You don't have to. He
12 can't make you.
13 MR. MCCLOSKEY: Tell me -- tell me what
14 the claim of privilege is where you can object to
15 the answer of that question.
16 MR. ELLIOTT: You don't have to answer
17 the ultimate question in the case, Mr. McCloskey.
18 MR. MCCLOSKEY: Uh-huh. Oh, well, um,
19 I -- I tend to disagree with that. But are you
20 instructing her not to answer my question?
21 MR. ELLIOTT: Yes.
22 Q. (By Mr. McCloskey) Are you going to take your
23 attorney's advice and --
24 A. Absolutely.
25 Q. All right.

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1 MR. MCCLOSKEY: Well, certify that
2 question.
3 MR. ELLIOTT: That's not a thing, but
4 good for you.
5 MR. MCCLOSKEY: Uh-huh.
6 Q. (By Ms. McCloskey) Um, all right. Um, you have
7 been opposed to the vetting process in
8 Vernon County?
9 MR. ELLIOTT: I'll object as to
10 relevancy. I think that's the same objection
11 Mr. McCloskey's made. Answer if --
12 A. I have no opinion.
13 Q. (By Mr. McCloskey) Okay. Have you -- have you, um,
14 sent and received emails and -- and text messages,
15 um, that demonstrate that, um, you have a political
16 position on whether or not vetting should occur?
17 A. Um, I know that I've received emails pertaining to
18 it, and I forwarded those emails. There might be a
19 sentence but I doubt that I've made an actual
20 opinion about it.
21 Q. Okay. How about when Cyndia Haggard announced to
22 you that she was going to have knee replacement
23 surgery and would not be available for some period
24 of time?
25 A. What about it?

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1 Q. Did you -- did you state to -- send out an email
2 said: Good, that will give me some time to -- to
3 work against it, or words to that effect?
4 A. I am unsure.
5 Q. Okay, let's see if I can dig that one up. Okay.
6 I've got to find my first page of those. There it
7 is, thank you.
8 (Exhibit 2 was marked for identification by
9 Mr. McCloskey.)
10 Q. (By Mr. McCloskey) Okay. Let me show you what I've
11 marked here as Plaintiff's Exhibit No. 2. Is that
12 something -- is that a email you sent, um, as the
13 clerk of Vernon County, Missouri?
14 A. Yeah.
15 Q. Okay. Is that a -- something you sent in your
16 official capacity?
17 A. Well, I guess I did.
18 Q. All right. Well, doesn't guess, it says from Lee,
19 comma, Adrienne --
20 A. Yeah.
21 Q. -- clerk@vernoncountymo.org; true?
22 A. True.
23 Q. All right. And this is in response to an email you
24 got from Jami Page, the Bates County clerk?
25 A. Yes.

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1 Q. And he's asking you about what to do with, um,
2 candidates whose candidacy might be in question.
3 And you said this: Hey, exclamation point, I
4 haven't decided yet, I won't until I talk to my
5 attorney. I have that meeting set up for next
6 Friday. I do know you do not want the candidates
7 suing you, that is absolutely the worst -- that is
8 absolutely worse case. You cannot -- you cannot
9 deny taking them -- that money if they want to give
10 it to you, they will sue you and you will lose.
11 Hadn't talked to a lawyer yet, huh?
12 A. Actually, no, I had not talked to a lawyer on that
13 one.
14 Q. Okay. On what basis did you make the legal
15 conclusion that if a clerk didn't take a filing fee
16 from someone they would be sued and lose?
17 A. Um, I -- I had that discussion with other people
18 from the County Clerks Association when I was --
19 Q. Okay, which ones?
20 A. Probably with, um, Eric Fey, would probably be one.
21 And, um, Kathy Holstein.
22 Q. Okay. And what did they tell you, what was --
23 first of all --
24 A. They --
25 Q. -- let me --

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1 A. -- told me -- I inquired about what happens if I
2 would deny taking candidate filings.
3 Q. Okay. And did you explain in any detail whether
4 that meant that you would refuse their filing of a
5 declaration of candidacy, refuse the submission of
6 their checks, or -- or refuse to put their name on
7 the ballot if the checks were returned, or all of
8 those?
9 A. If I refused their candidacy.
10 Q. Okay. Under any circumstances?
11 A. I -- well, if they don't have the proper paperwork.
12 Q. Okay. What about the proper filing fee?
13 A. I guess I was not taking the filing fee into -- as
14 far as that goes, I was not worried about the
15 filing fee, I was worried about their candidate
16 declarations.
17 Q. Why would be -- why since they -- let me strike
18 that.
19 Would you agree that under the Statute 115.357
20 that filing fee and candidacies are -- are not
21 given any different hierarchy, that they're both
22 required?
23 A. They are both required.
24 Q. All right. Um, were you -- in making this
25 representation to Jami Page that they would get

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1 sued and lose if they refused somebody's candidacy,
2 were you referring exclusively to accepting the
3 filing of the declaration of candidacy?
4 A. That's what I was referring to. But, I mean, it --
5 I can't -- I -- from subsection 2.
6 Q. Okay.
7 A. I take it as I cannot deny it.
8 Q. Okay. Um, how about subsection 5 where you cannot
9 place the name on the ballot unless the fee has
10 been paid; did you talk to Jami Page about that?
11 A. No.
12 Q. Okay. Then it says, um, second to last sentence,
13 the first paragraph of Plaintiff's Exhibit No. 2:
14 Cyndia Haggard had a knee replacement last week, so
15 she's down for a few weeks. Hopefully I can
16 utilize her downtime.
17 A. Uh-huh.
18 Q. Downtime for what; how would you utilize her
19 downtime? To come up with a way to defeat vetting?
20 A. So she would not keep hammering emails at me.
21 Q. Okay. How many emails did she hammer at you?
22 A. I'm unsure.
23 Q. Okay. She's a resident of your county?
24 A. Yes.
25 Q. She's also the chairman of the Vernon County

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1 Republican Committee?
2 A. Yes.
3 Q. You're an elected official?
4 A. Yes.
5 Q. And the election authority for Vernon County?
6 A. Yes.
7 Q. All right. Um, and you wanted to not have to have
8 any conversations with Cyndia Haggard for a few
9 weeks so you can utilize her downtime; true?
10 A. That's what I said, I have no idea what I meant by
11 that.
12 Q. Okay. By the way, you sent a letter to
13 Cyndia Haggard, didn't you? I think that's No. 1
14 already. And after -- on -- on page two, it says,
15 last paragraph: At this time, if the Vernon County
16 Central Committee desires to have a particular
17 candidate or candidate's name removed from the
18 ballot as Republicans, as the local election
19 authority, I will need a court order in order to do
20 so, um, in order to permit a court of law to
21 determine the respective legal rights of
22 potentially interested parties, including the
23 Vernon County Republican Central Committee and
24 candidates for local office, amongst others.
25 Okay. You wrote that; true?

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1 A. I signed it, yes.
2 Q. Okay. Well, you signed it, but did you also write
3 it?
4 A. I -- I wrote it, I had some guidance.
5 Q. Okay. I'm going to give you what we're going to
6 mark as Exhibit 3 here in just a second.
7 (Exhibit 3 was marked for identification by
8 Mr. McCloskey.)
9 Q. (By Mr. McCloskey) In Plaintiff's Exhibit No. 1 you
10 said you needed a court order. You said you
11 haven't printed ballots yet; right?
12 A. Correct.
13 Q. So you haven't taken -- you would not need to take
14 anybody's name off the ballot, you just would need
15 to put a person's name on the ballot; true?
16 A. True.
17 Q. Okay. But what you wanted was a court order; true?
18 MR. ELLIOTT: I'll object, it
19 mischaracterizes Exhibit 1 and her testimony.
20 Subject to that, you can answer his question.
21 A. I need a judge to order me to take it off.
22 Q. (By Mr. McCloskey) Okay. Um, and we just gave you
23 Exhibit No. 3. That's the court order; true?
24 MR. ELLIOTT: I'll object, it calls for a
25 legal conclusion.

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1 Q. Okay. It says, Preliminary Order In Mandamus;
2 true?
3 A. Preliminary, yes.
4 Q. Okay. And you read down here where it says, um:
5 Therefore, Brent Banes, Lena Kleeman,
6 Michael Buehler, Kelsey Westerhold, Jimmy Dye,
7 Cindy Thompson, and John -- John Shorten, and
8 Rank [as stated] Radspinner should not be based on
9 a Republican ballot and if so placed on an official
10 printed ballot as a Republican candidate said name
11 shall be removed from said ballot as a Republican
12 candidate until such time as the Vernon County
13 Republican Committee informs the Vernon County
14 Clerk that said filing fee has been accepted by the
15 Vernon County Republican Committee as a Republican
16 candidate. Did I read that correctly?
17 MR. ELLIOTT: Well, I object, it was not
18 a complete recitation of Exhibit 3.
19 Q. (By Mr. McCloskey) Did I read what I read
20 correctly?
21 MR. ELLIOTT: I'll object, the document
22 speaks for itself. You can answer the question.
23 Q. (By Mr. McCloskey) Ah, but it does so so quietly I
24 cannot hear it. Um --
25 A. Yes.

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1 Q. All right. Um, and that's a -- you would interpret
2 that as an order from the court; true?
3 A. As a preliminary order, yes.
4 Q. Okay. And why would you dis- -- why would you, um,
5 fight that order, why would you -- why would you
6 contest that order?
7 A. Why wouldn't I give my side?
8 Q. What's your side; you're not supposed to have a
9 side, you're an elected official.
10 A. Well, you're right, but --
11 Q. What's your -- no --
12 A. -- still --
13 Q. -- important question: What is your side? Why are
14 you taking sides?
15 A. I don't get to say why I went ahead and took their
16 fees?
17 Q. Why do you -- you say you want to represent your
18 side; what is your side?
19 A. Why I took their fees.
20 Q. Well, there's -- there's nothing about that here.
21 The question says, until their fees have been paid
22 you can't put their name on a ballot, and if you've
23 done it you've got to take them off it; that's what
24 it says; right?
25 A. That's what it said.

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1 Q. Doesn't say anything about whether or not you did
2 your ministerial duties correctly, it merely says
3 that this is what thou shall and shall not do.
4 What is your side; why do you -- why do you phrase
5 it as taking sides?
6 A. I phrased it as taking sides because the only
7 information that the judge had was what you
8 submitted.
9 Q. Well, and if the judge orders that; once again,
10 what would be your official interest as an elected
11 representative of the people of Vernon County of
12 taking a position one way or the other --
13 A. She needs to tell me how I would do it.
14 Q. And she just told you how to do it, what's
15 ambiguous about it; what part of that order did you
16 not understand?
17 A. Oh, I understand it.
18 Q. All right. And having understood that it's an
19 order that you cannot place these people's names on
20 the -- on the ballot, why, as an official of
21 Vernon County, would you decide to spend County
22 money to contest that issue, if the Court has
23 issued its order, which according to Plaintiff's
24 Exhibit 1 is what you wanted, the Court enters an
25 order prohibiting you from putting those names on

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1 the ballot; other than a political desire, other
2 than a personal bias towards wanting to do
3 something different, why would you decide to take
4 sides and want to present your side to the judge?
5 A. Because she told me I could give my side.
6 Q. You certainly could. But my question isn't what --
7 my question is, why would you do so, why would you
8 have a side?
9 A. Why would I just admit that I broke an amendment?
10 Q. You didn't do anything, you --
11 A. That's what you're telling me I'm doing.
12 Q. No, what the judge is telling you, these people's
13 names can't be on the ballot. That does not say
14 that you have done anything improper, just gave you
15 an instruction on what you can and cannot do.
16 MR. ELLIOTT: Well, I'll object, I mean,
17 I don't know if there's any question there. I
18 assume you're going to get to one.
19 Q. (By Mr. McCloskey) I'm going to get to one.
20 How much -- how much of Vernon County money
21 have you spent to date in fighting this?
22 A. I haven't spent any money.
23 Q. Okay. Well, you're represented by counsel here
24 today, is he volunteering his time?
25 A. No.

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1 Q. How much are you paying Counsel per hour to
 2 represent you in this dispute?
 3 A. At the moment I do not have a bill in front of me,
 4 so I cannot tell you that, but I have a bill at the
 5 office.
 6 Q. Okay. Well, how much is his hourly rate?
 7 A. I do not know his hourly rate.
 8 Q. So you've just given him a blank check to spend as
 9 much of Vernon County's money --
 10 A. No.
 11 Q. -- as he wants to, to establish your side?
 12 A. No.
 13 Q. Okay.
 14 A. I'm not going to hon- -- answer something that I'm
 15 unsure of.
 16 Q. All right. Well, has -- has anyone placed a limit
 17 on -- as to how much of Vernon County's money
 18 you're going to spend trying to tell your side?
 19 A. Not at the moment.
 20 Q. Do you know how much has been billed,
 21 approximately, by this law firm to represent your
 22 side in this dispute?
 23 A. Approximately \$10,000.
 24 Q. Okay. Is there -- has there been any cap placed on
 25 your expenditures in -- in pursuit of telling your

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1 A. I don't want to spend any of the county's money on
 2 it.
 3 Q. Okay. There's an easy way to do that, you just,
 4 you stop.
 5 MR. ELLIOTT: You don't have to answer
 6 that, there's no question pending.
 7 Q. (By Mr. McCloskey) Okay. Well, why would you
 8 continue to spend County money on this?
 9 A. I've been entered into a lawsuit, I'm going to
 10 complete it.
 11 Q. You can complete it by just agreeing, you can
 12 complete it by saying I will not place these names
 13 on the ballot because they've not paid their fees.
 14 MR. ELLIOTT: There's no question, you
 15 don't have to answer that.
 16 Q. (By Mr. McCloskey) Why -- why would you not take a
 17 position?
 18 A. No comment.
 19 Q. Well, you have to comment, this is -- this is your
 20 deposition, you're sworn under oath, this is my
 21 opportunity to ask you these questions. And this
 22 is the -- this is the -- the crux of this whole
 23 thing.
 24 You've acknowledged earlier in this deposition
 25 pursuant to subsection 5 that if a person has not

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1 side by the County Commission?
 2 A. No.
 3 Q. Have you discussed with the County Commission how
 4 much they're willing to spend in -- in pursuit of
 5 establishing your side?
 6 A. No, we have not discussed how much.
 7 Q. Have you talked to the County Commission, have you
 8 talked to, for example, Joe Wilson about what your
 9 side is and why it should be pursued?
 10 A. We've had one discussion.
 11 Q. Okay. And Mr. Wilson's a presiding commissioner of
 12 Vernon County?
 13 A. Yeah.
 14 Q. All right. Um, tell me about your conversation
 15 with Mr. Wilson.
 16 MR. ELLIOTT: I'll object, it calls for
 17 attorney-client information subject to 610.021,
 18 subsection 1.
 19 Q. (By Mr. McCloskey) Okay. Did you have a lawyer
 20 present at that meeting?
 21 A. Actually, it was in closed session, and, yes, we
 22 did.
 23 Q. Okay. Um, do you have an idea as a county clerk
 24 how much you're willing to spend of the county's
 25 money in pursuant of your side?

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1 paid their fee their name cannot be on a ballot.
 2 You've admitted in this deposition that you know
 3 that these candidates' fees have not been paid.
 4 You have a court order in front of you that says
 5 that these names cannot be on the ballot until
 6 their fee gets paid. Why would you as the county
 7 clerk spend and continue to spend money to try to
 8 have some other outcome established other than that
 9 which you've already admitted under the statute as
 10 the appropriate outcome?
 11 MR. ELLIOTT: Well, I'll object, it
 12 mischaracterizes her testimony and is subject to
 13 all of the many objections I've made so I think
 14 that it --
 15 Q. (By Mr. McCloskey) Subject to that, you can answer
 16 the question.
 17 MR. ELLIOTT: To the best of your ability
 18 I think his question is, why don't you give up?
 19 Q. (By Mr. McCloskey) No, the question is -- my
 20 question was my question. If you'd like me to have
 21 the court reporter read it back, I'll have the
 22 court reporter read it back.
 23 MR. ELLIOTT: Yeah, let's hear it.
 24 A. Yes, please.
 25 MR. MCCLOSKEY: (Nodded head.)

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1 (The requested portion of the record was read
2 by the reporter.)
3 A. I -- I don't agree with the fact that I broke
4 statute.
5 Q. (By Mr. McCloskey) Okay. That wasn't really my
6 question, so I'll narrow it down a little bit more.
7 Um, let's assume for the sake of this question
8 that a name can't be on the filing fee unless the
9 filing fee -- strike that.
10 Let's assume for the sake of this question
11 that under the appropriate statute no candidate's
12 name can be on the ballot until their filing fee
13 has been paid. Um, let's assume for the sake of
14 this question further that for the candidates in --
15 in dispute here no filing fee has yet been paid.
16 Okay? Would you agree that under that status, um,
17 that their names cannot appear on a -- on an
18 official ballot?
19 MR. ELLIOTT: I'll object, it's an
20 improper hypothetical, and assumes facts not in
21 evidence, calls for a legal conclusion. Answer if
22 you can.
23 A. I don't know how to answer that.
24 Q. (By Mr. McCloskey) Well, um, subparagraph or
25 subsection 5 says, um -- once again I don't want to

1 right now which we have established, um, that the
2 candidacy of these -- of these potential candidates
3 can't be accepted because the fee has not been paid
4 pursuant to subsections 1 and 5; true?
5 MR. ELLIOTT: I'm going to object, it
6 calls for a legal conclusion, and it hasn't been
7 established, there's been no evidence, it's
8 argumentative.
9 Q. Okay. Subject to that, you can answer.
10 A. I -- he objected so...
11 Q. (By Mr. McCloskey) Yes, and -- and subject to the
12 objection, you've got a duty to answer.
13 MR. ELLIOTT: Answer to the best of your
14 ability.
15 A. I mean, obviously in the Preliminary Order that's
16 what it states, so I'm not going to go against what
17 a judge says.
18 Q. Okay. You want -- you said earlier that you wanted
19 to establish your side. What alternative outcome
20 would you like to have established through this
21 expenditure of County funds?
22 A. Um, I just want to know that -- I want the county
23 to know what happened and why I did what I did.
24 Q. Okay. Um, and what you did --
25 A. Take their candidacy.

1 paraphrase so I'll read it exactly: Except as
2 provided in subsections 3 and 4 of this section no
3 candidate's name shall be printed on any official
4 ballot until the required fee has been paid.
5 We've established already that with regard to
6 the candidates in dispute their fees have not been
7 paid and the checks were returned to you. Okay.
8 Um, would you agree that then, pursuant to
9 that statute, their names shall not be printed on a
10 ballot until their fee is paid?
11 MR. ELLIOTT: I'll -- same objection.
12 Q. (By Mr. McCloskey) Subject to that objection.
13 True?
14 A. I have not printed ballots yet, therefore their
15 names are not on a ballot.
16 Q. Okay. Um, and you'd agree that the only thing this
17 order tells you is, that until such fees are paid,
18 you cannot put their names on a ballot or accept
19 their candidacy; true?
20 MR. ELLIOTT: I'll object, the document
21 speaks for itself. But you can answer subject to
22 the objection.
23 A. Document speaks for itself.
24 Q. (By Mr. McCloskey) I understand, but I'm asking you
25 a question. The question is, that as of the status

1 Q. Yes.
2 (Clarification requested by the court
3 reporter.)
4 A. I took their candidacy.
5 Q. (By Mr. McCloskey) Okay. Um, would you agree, and
6 we've been through this before, but you would agree
7 that paragraph -- or subsection 1 of the statute
8 says that before filing his or her declaration of
9 candidacy that they must pay -- shall pay to the
10 treasurer of the committee their filing fee, which
11 you've acknowledged has not happened; true?
12 MR. ELLIOTT: Same objection.
13 Q. (By Mr. McCloskey) True?
14 MR. ELLIOTT: Same objection.
15 Q. (By Mr. McCloskey) True?
16 MR. ELLIOTT: Do I need to just keep
17 saying same objection?
18 MR. MCCLOSKEY: No, you don't, I've given
19 you a standing objection --
20 MR. ELLIOTT: Okay.
21 MR. MCCLOSKEY: -- on all this stuff, you
22 don't need to waste our time with it time and time
23 again. In fact, I -- you can -- you can have every
24 objection known to the legal universe.
25 Q. (By Mr. McCloskey) So true?

1 MR. ELLIOTT: You can answer to the best
2 of your ability.
3 A. I guess.
4 Q. (By Mr. McCloskey) Is that a yes --
5 A. Yes.
6 Q. -- true?
7 A. I guess true.
8 Q. Okay. Well, you don't guess. True or false?
9 A. True.
10 Q. Okay.
11 (Exhibit 4 was marked for identification by
12 Mr. McCloskey.)
13 Q. (By Mr. McCloskey) Okay. Let me show you this one
14 here. This is Plaintiff's Exhibit No. 4 --
15 Relator's Exhibit No. 4. Is this a email that you
16 sent out? Top of the page.
17 A. Yeah.
18 Q. Okay. Um --
19 MR. ELLIOTT: Look at -- look at the
20 whole document first.
21 THE WITNESS: Hold on.
22 MR. ELLIOTT: Is that you?
23 THE WITNESS: No.
24 MR. ELLIOTT: So is that your email?
25 THE WITNESS: Well, I sent... I sent this

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1 to Jeff Ledger, I did not send -- that's from him.
2 Q. (By Mr. McCloskey) Okay.
3 MR. ELLIOTT: Is that your handwriting?
4 THE WITNESS: That is not my handwriting.
5 Q. (By Mr. McCloskey) Okay. My question is, on -- on
6 Plaintiff's Exhibit No. 4 at the top of the page,
7 there is an email subject Re: Mark McCloskey
8 interview from Lee, comma, Adrienne at
9 clerk@vernoncountymmo.org to Jeff Fletcher in Cass
10 County; true?
11 A. True.
12 Q. That's an email you sent to Jeff Fletcher; true?
13 A. I forwarded an email, yes.
14 Q. And you wrote an email in your official capacity as
15 the Vernon County clerk to Jeff Fletcher; right?
16 A. I wrote that three sentences, yes.
17 Q. And is Jeff the chair in Cass County?
18 A. He is the county clerk.
19 Q. He's the county clerk in --
20 A. In Cass County running for presiding commissioner.
21 Q. All right. Fair enough.
22 And what you wrote was: I'm taking filings,
23 period. Meaning regardless?
24 A. I'm taking filings.
25 Q. All right. Regardless of whether or not the people

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1 comply with the statute; is that what that mean?
2 MR. ELLIOTT: Well, I'll object, that's
3 not what it says.
4 MR. MCCLOSKEY: Well, I'm asking her what
5 it meant.
6 MR. ELLIOTT: Okay, ask her then.
7 MR. MCCLOSKEY: That's what I just did.
8 A. I was -- she was asking me about statutes, and I
9 said I would respond after reading it thoroughly.
10 Q. (By Mr. McCloskey) Well, no, the first sentence
11 says: I'm take -- I am taking filings, comma --
12 A. Period.
13 Q. -- period, period. Okay.
14 And does that mean regardless of the
15 qualifications of the candidate?
16 A. No.
17 Q. Does it mean regardless of whether or not they've
18 paid their fee?
19 A. Probably.
20 Q. All right. So what you're telling another county
21 clerk is, that in your official capacity as the
22 county clerk of Vernon County, you're going to take
23 filing -- you're going to accept filings regardless
24 of whether or not the candidates have paid their
25 fee; true?

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1 MR. ELLIOTT: I'll object, it
2 mischaracterizes the document.
3 Q. (By Mr. McCloskey) True?
4 A. I didn't say that.
5 Q. Well, I'm asking you what you meant by what you did
6 say.
7 A. I'm taking filings.
8 Q. All right. Regardless; true?
9 A. I -- that's what I said.
10 Q. And what would mean regardless if the candidate has
11 paid his filing fee; true?
12 MR. ELLIOTT: I'll object, it
13 mischaracterizes the document.
14 MR. MCCLOSKEY: I'm asking her what
15 she --
16 MR. ELLIOTT: Listen --
17 THE WITNESS: Okay.
18 MR. MCCLOSKEY: -- I'm asking.
19 MR. ELLIOTT: -- listen to his question,
20 Adrienne.
21 THE WITNESS: Okay.
22 Q. (By Mr. McCloskey) We know what the document says,
23 I'm asking what you meant by that. When you said:
24 I'm taking filings, period; that meant regardless
25 of what the -- of other factors; true?

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1 A. I was taking filings.
2 Q. Regardless; true? Period. I'm taking filings,
3 period.
4 A. That's an assumption. But, yes, period, I -- I
5 mean, they're -- they're taking filings.
6 Q. All right. And, so, I'm asking you now, subject to
7 every objection known to the legal universe, what
8 you meant when you said: I'm taking filings,
9 period; do you mean you were taking those filings
10 regardless of whether or not the candidates' fees
11 were paid?
12 A. Back in November, I am not sure what I meant by
13 that --
14 Q. Okay.
15 A. -- because a lot has transpired since then.
16 Q. All right. What did you mean back in November when
17 you wrote that?
18 A. I don't know.
19 Q. Okay. Okay. There's No. 2...
20 (Exhibit 5 was marked for identification by
21 Mr. McCloskey.)
22 Q. (By Mr. McCloskey) Okay. I'm going to show you --
23 I'm going to ask you some questions about it,
24 Plaintiff's Exhibit No. 5. Is this a -- a letter
25 that you sent out?

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1 Q. There's no section of Missouri law that allows a
2 central committee to prevent a candidate from
3 choosing to pay their filing fee to the county
4 clerk. Okay.
5 Is there anything in any statute you've ever
6 read that allows a potential candidate to pay their
7 filing fee to the county clerk?
8 A. Subsection 2 of the statute.
9 Q. Show me where it says the word "pay".
10 A. It says "sum", it says "may" --
11 Q. Does it say "pay"?
12 A. -- or -- it does not say pay.
13 Q. Okay. It says "submit"; correct?
14 A. May be submitted, yes.
15 Q. Okay. This document says "pay". Okay? You will
16 recognize that there's a difference between those
17 words; true?
18 A. Yes.
19 Q. Have you ever seen any statute that says that a
20 candidate may pay their filing fee to the county
21 clerk?
22 A. It does not say pay to county clerk.
23 Q. Okay. Then in the, um -- um, I guess the last
24 sentence of that first paragraph says: Any vetting
25 process has no bearing on the county clerk's

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1 A. I did not send that letter out.
2 Q. Okay. It says Vernon County Clerk's Office; who
3 sent this out?
4 A. Um, that was a paste letter from the County Clerks
5 Association --
6 Q. Okay.
7 A. -- in regards to the situation.
8 Q. Did you forward it out?
9 A. I did forward it out.
10 Q. To whom did you forward it?
11 A. I forwarded it out to Facebook.
12 Q. Okay. So you published this on Facebook?
13 A. Yes, I did --
14 Q. Okay.
15 A. -- that's my Facebook page -- page.
16 Q. And that's as Vernon County Clerk?
17 A. Yes.
18 Q. All right. So this is a -- this is a official
19 position of the Vernon County Clerk's Office?
20 A. Yep.
21 Q. Okay. Okay. If you read about halfway down the
22 first paragraph that begins with: There is no
23 section of Missouri law; do you -- do you follow
24 me?
25 A. I see it.

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1 ministerial duty to file a candidate and accept
2 their filing fee. Okay. Missouri law is very
3 specific about the removing candidates' names from
4 the ballot and neither county nor central
5 committees nor local election authorities have
6 the -- have the authority under the law to do so
7 without a court order. Okay.
8 This -- this forwarded message came from whom?
9 A. Brianna Lennon. Brianna Lennon, Boone County
10 clerk --
11 Q. Okay.
12 A. -- is who wrote it.
13 Q. Okay. Um, and did you have any conversations
14 with -- with her about whether or not various
15 candidates' filings would be accepted?
16 A. No, I did not have a conversation with her about
17 it.
18 Q. Okay. She sent you this -- this letter?
19 A. She did not send that to me.
20 Q. Okay. Who sent it to you?
21 A. Kathy Holstein.
22 Q. Okay. Did you have any conversations with
23 Kathy Holstein about the content of this memo?
24 A. I -- I haven't had any conversation with anybody
25 about the actual content of this.

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1 Q. Why did you post this in your official capacity on
2 Facebook?
3 A. Because I agreed with it.
4 Q. Okay. You agreed with it because you have a belief
5 that the county committees cannot choose who the
6 candidates on that party's ticket might be; true?
7 A. That's what it says.
8 Q. Okay. And that's a political position, isn't it?
9 MR. ELLIOTT: I'll object, it's vague and
10 ambiguous.
11 Q. (By Mr. McCloskey) Well, you -- you -- let me back
12 up and do it this way, he might -- he may have a
13 valid objection on being vague and ambiguous, I'll
14 be more specific.
15 We've already established that this memo talks
16 about paying -- candidates paying their fee to the
17 clerk, and you've acknowledged that there's nothing
18 in the statute that permits the candidate to pay
19 their fee to the clerk, the only -- the only right
20 they have is they may submit it to the clerk; true?
21 A. True.
22 Q. All right. Um, and the decision or your
23 discussions or your -- strike that.
24 Your reason for posting this to Facebook was
25 that you agreed with the proposition that county

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1 committees shouldn't be the arbiter of who gets to
2 run as Republicans in their -- in their county;
3 true?
4 MR. ELLIOTT: I'll object, that
5 mischaracterizes the post. Go ahead and answer to
6 the best of your ability, Adrienne.
7 A. I don't agree with that statement.
8 Q. (By Mr. McCloskey) Okay. Do you agree that the
9 Republican Central Committees should have a right
10 to choose who gets to run as Republicans in their
11 county?
12 A. I believe that they should know their candidates.
13 Q. Not my question. My question is very specific, and
14 that is this -- I move to strike as nonresponsive.
15 My question is: Do you agree that the County
16 Republican Central Committee should have -- should
17 be able to determine who is and is not allowed to
18 run as county candidates on the Republican ticket?
19 A. Guess it depends on the situation.
20 Q. Okay. Well, let's take this situation. Let's take
21 the situation where you're told that the Republican
22 Central Committee will not accept filing fees from
23 certain candidates, um, you would agree that the
24 Republican Central Committee had that right; true?
25 MR. ELLIOTT: I'll object, it calls for a

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1 legal conclusion. Answer if you know, Adrienne.
2 A. I can't really answer that.
3 Q. (By Mr. McCloskey) Okay. Well, this -- this memo
4 that you posted on Facebook contains legal
5 conclusions; true?
6 A. Everything that I have so far has legal opinions on
7 it.
8 Q. All right. And you, in your official capacity as a
9 county clerk, were forwarding those legal opinions
10 to the world on Facebook; true?
11 A. On this one I did.
12 Q. Okay. And, so, you're not shy about making legal
13 conclusions in public, um, but my question is this:
14 Do you agree or disagree that the Republican
15 Committee has a right to choose who can run on
16 their ticket?
17 MR. ELLIOTT: I'll object, it's
18 irrelevant to the question -- to the issues in this
19 case.
20 MR. MCCLOSKEY: I agree it is too, but I
21 want to get her opinion on it.
22 A. I don't really have an opinion on it.
23 Q. (By Mr. McCloskey) Okay. And, so, if we go down to
24 the -- the, um, last sentence of that first
25 paragraph on Plaintiff's Exhibit No. 2 where it

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1 says: Missouri law is very specific about removing
2 candidates --
3 MR. ELLIOTT: Talking Exhibit 2 now?
4 MR. MCCLOSKEY: Yeah. I'm sorry,
5 Exhibit 5, page two. Got -- got myself confused.
6 Q. (By Mr. McCloskey) Exhibit 5 --
7 MR. ELLIOTT: He's talking about this one
8 (Indicating).
9 Q. (By Mr. McCloskey) -- where it says: Missouri law
10 is very specific about removing candidates' names
11 from the ballot. Well, that's not applicable to
12 this current situation because you've placed
13 nobody's name on a ballot; true?
14 A. I have not placed anybody's name on a ballot yet.
15 Q. Okay. Um, neither the county central committees
16 nor local election authorities --
17 COURT REPORTER: I'm sorry, can you slow
18 down?
19 MR. MCCLOSKEY: Sure.
20 Q. (By Mr. McCloskey) Um, neither the coun- -- neither
21 county central committees nor legal election
22 authorities have the authority under the law to do
23 so without a court order. Did he read that
24 correctly?
25 A. Yes.

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1 Q. Okay. Now you have a court order, don't you?
 2 MR. ELLIOTT: Objection.
 3 Q. True?
 4 MR. ELLIOTT: It's argumentative.
 5 A. I have a preliminary court order.
 6 Q. (By Mr. McCloskey) Okay. Um, which you are now
 7 fighting; true?
 8 MR. ELLIOTT: Object as to
 9 characterization. But go ahead and answer to the
 10 best of your ability.
 11 A. I don't know that I'm fighting it, I --
 12 Q. (By Mr. McCloskey) You would like to have that
 13 restriction upon who -- who you put on the ballot
 14 changed; true?
 15 A. Um, I want the judge to see everything.
 16 Q. Okay. Well, judge isn't going to see everything
 17 because everything's not before the court.
 18 In this specific case where the question is,
 19 do these individuals get their name on the ballot
 20 or not, is it your position as the county clerk of
 21 Vernon County that you would like to see these
 22 candidates' names printed on the ballot?
 23 MR. ELLIOTT: I'll object, it's
 24 irrelevant. You can answer to the best of your
 25 ability, Adrienne.

1 circling back around, we're here because you have
 2 chosen, rather than accept the -- the order of the
 3 court, you have chosen to file responsive pleadings
 4 and to fight the order of the court, which means
 5 you believe the order of the court should be
 6 changed in some way or you filed a motion to quash
 7 it entirely, make it go away, okay?
 8 Once again, as the official county clerk, as
 9 the elected official who's supposed to be
 10 completely neutral, what alternative outcome are
 11 you asking this court to -- to create?
 12 A. I just want her to make sure she looks at the
 13 evidence.
 14 Q. Well, and why, why are you spending County money,
 15 unless you wish for there to be a different outcome
 16 than that which is already established by the
 17 preliminary order?
 18 MR. ELLIOTT: I'll object, it's
 19 argumentative, it's irrelevant.
 20 Q. (By Mr. McCloskey) Subject to that, you can answer.
 21 A. They had all of their paperwork.
 22 Q. I'm sorry?
 23 A. I said the candidates had all of their paperwork.
 24 Q. But not a filing fee. So my question for you once
 25 again is: What business is it of yours as the

1 A. I mean, if the judge decides they get to be on the
 2 ballot, then the judge decides it.
 3 Q. The judge has already made a ruling, I guess I get
 4 back to the same basic question. What business is
 5 it of yours as a county clerk whether these
 6 people's name are on the ballot or not?
 7 A. As the clerk of Vernon County, I feel like I should
 8 be unbiased towards everyone.
 9 Q. I totally agree.
 10 Now, tell me why it is, um, that as
 11 Vernon County Clerk you think these people's names
 12 should be on the ballot.
 13 A. In my opinion, four of them are incumbents.
 14 Q. Yes. And that means to you what?
 15 A. I didn't know that they had done anything wrong, so
 16 I don't understand.
 17 Q. Do you think it's your job as a clerk to decide
 18 whether or not people have, quote, done something
 19 wrong, unquote --
 20 A. No.
 21 Q. -- before you allow their name on the ballot?
 22 A. No.
 23 Q. Then tell me why you just used that praise.
 24 A. I said my personal opinion.
 25 Q. Okay. Well, tell me once again, I -- we're

1 county clerk of Vernon County to take a position
 2 contrary to this court's order?
 3 MR. ELLIOTT: I'll object, it's
 4 argumentative.
 5 A. I -- I don't know how to answer that.
 6 Q. (By Mr. McCloskey) Well, give it your best shot.
 7 You're -- you've spent already you estimate \$10,000
 8 worth of County money fighting this. You say
 9 you're going to spend more and you're not aware of
 10 any limit that's been imposed upon you about how
 11 much money you're going to spend; all right? We're
 12 sitting here in a lawyer's office right now, um,
 13 talking to you about these issues, and there's got
 14 to be a reason, there has to be some kind of basic
 15 reason why you're going through this process, why
 16 you're requiring us to be here and the court to
 17 issue -- and rule on this and spending all this
 18 money because you want to have a different outcome,
 19 I presume, because if you're happy with the status
 20 quo that these folks' names can't be on the ballot
 21 until their fee has been paid, which is all the
 22 order says, you must want something different. So
 23 tell me what that something different is so I know
 24 what we're fighting about.
 25 MR. ELLIOTT: I'll object, it's been

1 asked and answered.

2 Q. (By Mr. McCloskey) Subject to that, you can answer

3 it again if you -- I don't believe that specific

4 question has been answered. Tell us what we're

5 doing here and why we're having this fight.

6 A. Why were their filing fees rejected?

7 Q. Not your issue. Your issue as the county clerk

8 is -- let me back up. Maybe you think that's your

9 job as the county clerk. Do you think it was in --

10 is within the ministerial duties of the clerk to

11 know why the Central Committee does -- the

12 Republican Central Committee of Vernon County does

13 or does not accept a filing fee?

14 A. This has been unprecedented before.

15 Q. Not my question. Move to strike as not responsive.

16 Do you believe it's part of your official

17 duties as a county clerk to decide why the

18 Vernon County Republican Committee did or did not

19 accept filing fees from specific candidates?

20 A. No.

21 Q. Okay. Then why would you care about that as a -- I

22 don't care about you as a human being, I'm talking

23 about you as a county clerk. If it's not your

24 job --

25 A. I'm worried about fair and free elections.

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1 are we here?

2 A. I guess I need the judge to tell me that I did

3 something wrong.

4 Q. Well, you haven't done anything wrong, you haven't

5 put their name on -- well, you did, you accepted

6 their declaration of candidacy.

7 But what part of this order would you like to

8 see changed? The order says that these names can't

9 be on the ballot until their fee has been paid,

10 that's all this order says, there's a lot of other

11 things, but when it comes down to it saying what

12 must happen, it just says their names cannot be on

13 the ballot until their filing fee has been accepted

14 by the Vernon County Republican Committee as a

15 Republican candidate. They can run as

16 independents, they can form a new party if they

17 want to, any of those kinds of things.

18 A. It's too late for that.

19 Q. My question to you is: What part of the court's

20 order that says their names can't be on the ballot

21 until their filing fee has been accepted, what part

22 of that would you like to see changed?

23 A. The part that says preliminary.

24 Q. Okay. Um, why?

25 A. Until it's a final order.

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1 Q. All right. You're worried -- well, do you think

2 it's your job to determine as opposed to complying

3 with the -- the mandates of the statute what your

4 opinion is as to what constitutes a fair and free

5 election?

6 A. I'm going off of if I deny their stuff. I -- I

7 can't deny them if they want to pay me, and I can't

8 deny them if they want to give me their candidacy

9 if they have everything.

10 Q. Okay. Well, one thing they haven't got, and I know

11 we're going around and around this but you keep

12 saying the same thing, what they haven't got is a

13 paid filing fee, you -- you admitted that; true?

14 MR. ELLIOTT: I'll object, calls for a

15 legal conclusion, it's been asked and answered.

16 MR. MCCLOSKEY: Uh-huh.

17 Q. (By Mr. McCloskey) You can answer it again. You've

18 admitted that several times here today. Like your

19 lawyer just said, asked and answered.

20 Having recognized the fact that this statute

21 prohibits the name from being on the official

22 ballot if the fee has not been paid, and all the

23 court's order asks is that their names not be on

24 the ballot until their fee has been paid, what part

25 of that outcome would you like to see changed, why

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1 Q. It can be a final order by just not going through

2 this process. My question is -- and I -- you've

3 never answered this -- what part of that paragraph

4 that says --

5 A. I don't care what part of it changes. I -- I don't

6 care.

7 Q. Okay.

8 A. I just want to be able to tell my side --

9 Q. Okay.

10 A. -- and why I took the filings.

11 Q. Okay. Um, and you think even though you agree with

12 the outcome that's here on this piece of paper,

13 Plaintiff's Exhibit 3 --

14 A. If that's what she decides, then that's what she

15 decides.

16 Q. Let me finish my question.

17 Um, even though you agree that what's written

18 by the court on Plaintiff's Exhibit No. 3 on this

19 order is correct, that the -- that these

20 candidates' name should not be on the ballot until

21 their fees have been paid, accepted by the

22 Vernon County Republican Committee, you agree that

23 that's -- that's what the statute requires, right,

24 that their names cannot be on the ballot until

25 their fees have been paid; true?

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1 MR. ELLIOTT: I'll object, it
2 mischaracterizes her testimony, it's argumentative.
3 MR. MCCLOSKEY: Yeah, yeah, yeah.
4 Q. (By Mr. McCloskey) Go ahead.
5 A. I will do what a judge tells me to do.
6 Q. Not my question.
7 MR. ELLIOTT: All right, let's --
8 let's -- let's take a little break here.
9 MR. MCCLOSKEY: Let's take a little
10 break.
11 (Off the record at 2:45 p.m.)
12 (Back on the record at 2:55 p.m.)
13 MR. MCCLOSKEY: Back on the record?
14 THE WITNESS: Yes.
15 MR. MCCLOSKEY: Would you read back my
16 last question, please?
17 (The requested portion of the record was read
18 by the reporter.)
19 A. So I guess we could decide on what the -- how the
20 fees are actually paid, is it when you sign -- is
21 it when they write the check, is it when I'm
22 submitting them?
23 Q. (By Mr. McCloskey) That's not my question. And my
24 question is: Would you agree what the statute says
25 is, is that no candidate's name shall be on the

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1 the filing fees have not been paid; would you agree
2 that this court order's accurate that their names
3 shall not be on the ballot until the fees have been
4 paid and accepted by the Republican Central
5 Committee?
6 A. If that's what the judge decides on.
7 Q. Well, the judge has decided on that. Tell me how
8 you would like that decision to be changed. I keep
9 asking that question --
10 MR. ELLIOTT: I'll object, it's been
11 asked and answered.
12 MR. MCCLOSKEY: Yeah, but she says it's
13 depending on what the judge decides on --
14 MR. ELLIOTT: Of course that's true,
15 that's exactly how a court works, Mr. McCloskey,
16 that's exactly why we have a trial set on May 7.
17 MR. MCCLOSKEY: Well, now I'm trying to
18 ask why we have a trial set on May 7.
19 MR. ELLIOTT: Because you filed a
20 lawsuit, your client filed a lawsuit, that's why;
21 is that helpful?
22 Q. (By Mr. McCloskey) My question to you is: What
23 part of this -- how would you have this order
24 changed in your perfect world; why are you spending
25 County money to change this order?

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1 printed ballot until their fees have been paid?
2 A. That is what the court order says, yes.
3 Q. Okay. And that's what the statute says as well;
4 true?
5 A. It says -- yeah.
6 Q. Okay. Is that a yes?
7 A. I said yes.
8 Q. Okay. And, so, we've got a statute that says: No
9 candidate's name shall be printed on any official
10 ballot until their required fee has been paid,
11 we've got a court order that says, um, that these
12 names, um, shall be removed from the ballot until
13 such time as the Vernon County Republican Committee
14 informs the Vernon County Clerk that said filing
15 fee has been accepted by the Vernon County
16 Republican Committee as a Republican candidate.
17 So we go back to my question about five times
18 ago: What part of that order do you believe is
19 wrong and needs to be changed, why are we here?
20 A. I don't know that I agree that it needs to be
21 changed or not but --
22 Q. Okay.
23 A. -- I think that a judge should see all the
24 evidence.
25 Q. Okay. Well, let's assume that the evidence is that

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1 A. I'm defending myself against a lawsuit.
2 Q. Well, what part of this -- move to strike as
3 nonresponsive. I've got a -- you've got a court
4 order that asks -- that commands certain things to
5 take place. The only thing it commands is that
6 these people can't be on the ballot until their
7 fees are accepted by the Vernon County Central
8 Committee. What part of that would you like to see
9 changed, first, and then I'm going to ask you why?
10 A. They have paid me their checks in my eyes. They
11 paid me a fee and I sent it on.
12 Q. All right. And we've established from your earlier
13 testimony that the statute doesn't say paid to you,
14 it says submitted to you, and you've estab- --
15 we've established already that you know those
16 checks have in fact not been paid. Okay. So we're
17 not talking about that.
18 My question is: The order of the court, and
19 we -- the order of the court says, um, that these
20 people who are in dispute shall -- should not be
21 placed [inaudible] --
22 COURT REPORTER: I'm sorry, can you say
23 it slower?
24 Q. (By Mr. McCloskey) That they should not be placed
25 on a Republican ballot, and if so placed on an

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1 official printed ballot as a Republican candidate
 2 said name shall be removed from said ballot as a
 3 Republican candidate until such time as the
 4 Vernon County Republican Committee informs the
 5 Vernon County Clerk that said filing fee has been
 6 accepted by the Vernon County Republican Committee
 7 as a Republican candidate.
 8 You would agree that to the best of your
 9 knowledge as the county clerk that's an -- that's
 10 an accurate recitation of what's required by the
 11 statute; true or false?
 12 MR. ELLIOTT: I'll object, it call for a
 13 legal conclusion, assumes facts not in evidence.
 14 Answer to the best of your ability, Adrienne.
 15 A. I don't feel comfortable answer the -- answering
 16 the way he asked it.
 17 Q. (By Mr. McCloskey) Well, you -- unfortunately my
 18 job is to ask questions, your job here is to answer
 19 questions.
 20 MR. ELLIOTT: You can ask him to rephrase
 21 his question if you don't understand it.
 22 A. Please rephrase it.
 23 Q. (By Mr. McCloskey) Sure. You'll agree that the
 24 statute requires a filing fee to be paid, the word
 25 is "paid", until -- before their names can be on

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1 they decide that I was wrong, then I will be wrong.
 2 Q. Okay. And, so, basically, even though you have no
 3 objection to the outcome of this order --
 4 A. If that's what the final ruling is.
 5 Q. -- okay, wait stop, let me finish my question. You
 6 want to, um -- even if you -- even if the eventual
 7 outcome is exactly the same as this, you'll be
 8 happy as long as you get to tell your side of the
 9 story even though your side, once again, we haven't
 10 established what your side is because you haven't
 11 told me how you would like this order to be
 12 changed.
 13 A. I just want to present my evidence.
 14 Q. Well, you know, here's the thing, and I -- I'm
 15 sorry to keep taking time up on this. But usually
 16 when you file pleadings it's because you desire a
 17 certain outcome. Usually when you spend your --
 18 your citizens' money to fight something it's
 19 because you want to win something, because you wish
 20 to have an alternative outcome to that which is
 21 currently existing. And, so, I know you want to
 22 tell your story, and I know you want to tell the
 23 judge your side of it, you've said many times. But
 24 the reason we're here, I presume, is because you
 25 would like to see a different outcome. Do you

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1 the; ballot true?
 2 A. That is what part of the statute says.
 3 Q. Okay. There is nothing more or less being
 4 requested, being, um, ordered by the court than
 5 that; true?
 6 A. I'm still going back to the sum may be submitted by
 7 the candidate to the official accepting his or her
 8 declaration of candidacy.
 9 Q. So what would you like to see changed? We go back,
 10 you've never told me yet, you keep saying you --
 11 A. I want the judge to see both sides, I want to give
 12 my evidence to the judge.
 13 Q. Okay, we've established that. That's not my
 14 question.
 15 My question is: What part of this ruling of
 16 the court would you like to see changed, and if
 17 you -- if you tell me then I'm going to say in what
 18 way?
 19 A. I don't know how I want it to change because I
 20 don't know what she can change of it. If I was
 21 found wrong in a court of law, then I will be okay
 22 with that.
 23 Q. Okay. Um, you don't know how you would like this
 24 outcome to be different?
 25 A. I don't want to be in the wrong, obviously. But if

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1 follow me on that? And what is that different
 2 outcome that you would like to see? You have never
 3 answered that question.
 4 A. I want the clarification of the statute as to what
 5 the judge's opinion is on payments.
 6 Q. Okay. You want to have the court define the
 7 difference between pay and submit?
 8 A. Yeah.
 9 Q. All right. That's it, that's what we're trying
 10 to --
 11 A. That's where I'm at.
 12 Q. Okay, that's the only question before, in your
 13 mind, before the court is the difference between
 14 the word "submitted" with regard to the payment
 15 to -- submitted with regard to the filing fees to
 16 the clerk versus paid to the treasurer of the
 17 County Committee --
 18 A. Well, and the Republican Committee's the one that
 19 brought the lawsuit on.
 20 Q. Okay, no, that's not -- I -- not my question.
 21 But that's the sole issue that you want to
 22 bring before this court is what the def- --
 23 definition of submitted is versus the definition of
 24 pay, and whether those are synonymous terms or not;
 25 true?

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1 A. Not complete reason I guess, but that would be in a
2 nutshell.
3 Q. Okay. What other reasons would there be?
4 A. I mean, I don't agree with the way that you phrased
5 it, but I guess that would be essentially where
6 we're at.
7 Q. Okay, essentially where we're at. Just to make
8 sure we're absolutely clear on this, is you want
9 the -- the only issue before the court in your mind
10 is whether or not submitting a fee to the clerk is
11 the same as paying the fee to the treasurer; true?
12 A. Yes.
13 Q. Okay. I --
14 A. I...
15 MR. MCCLOSKEY: I pass the witness.
16 EXAMINATION
17 BY MR. ELLINGER:
18 Q. My name's Marc Ellinger, I'm the attorney -- and my
19 partner, Stephanie Bell, Cindy Thompson.
20 A. Uh-huh.
21 Q. And you know Cindy?
22 A. Uh-huh.
23 COURT REPORTER: Can you speak up for me?
24 MR. ELLINGER: I'm sorry, I'm far away,
25 aren't I? I asked if she knew Cindy. She said --

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1 A. I do not have a preference.
2 Q. Okay. Um, in your responses to some of
3 Mr. McCloskey's questions, um, I think there was
4 some discussion about accepting the declaration of
5 candidacy; do you recall that --
6 A. Yes.
7 Q. -- set of questions? Okay.
8 As county clerk, and before that as election
9 clerk, you've probably seen lots of declarations of
10 candidacy forms, haven't you?
11 A. I've seen a few, yes.
12 Q. Um, and I think that's what Section 115.349 [as
13 stated] that lays out what that form says; is that
14 right?
15 A. Correct.
16 Q. Okay. Um, and there's lots of things that are in
17 the form that a candidate fills out?
18 A. Yes.
19 Q. Okay. For example, they say they're a resident
20 in -- in -- let's use Vernon County obviously, they
21 say they're a resident of Vernon County if they're
22 running for a position in Vernon County; is that
23 right?
24 A. Correct.
25 Q. Do you do anything to look behind that?

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1 well, I'm sorry.
2 Q. (By Mr. Ellinger) You know Cindy?
3 A. Yes, I do.
4 Q. Okay. Um, I'm going to ask you a few questions, if
5 at any point you don't understand a question I'm
6 asking, please just say, hey, I don't understand
7 and we'll work at rephrasing it. Um, if you need
8 to take a break at any time -- although, I'm going
9 to be so short, I hope that's not the case -- but,
10 if so, please just let me know.
11 A. Okay.
12 Q. If you need to confer with your counsel at any time
13 on any questions, just say, hey, I need to talk to
14 my lawyer and we'll stop and let you do that.
15 MR. MCCLOSKEY: Just a -- Ed Begley, Jr,
16 has anybody ever told you you've got the same
17 demeanor?
18 MR. ELLINGER: No.
19 MR. MCCLOSKEY: Watch him sometime.
20 MR. ELLINGER: Okay.
21 MR. MCCLOSKEY: Sorry about that.
22 You've -- you've been reminding me of somebody all
23 day, I just figured it out.
24 Q. (By Mr. Ellinger) Um, so do you prefer if I call
25 you Ms. Lee or Adrienne, do you have a preference?

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1 A. No, I'm not allowed to.
2 Q. Okay. Do you pull their tax records to see if they
3 pay taxes in Vernon County?
4 A. I can, but, no.
5 Q. Okay. Do you go out to the residence they list to
6 see if they actually live there and look at their
7 front doors?
8 A. No, sir.
9 Q. Um, do you follow their cars anywhere?
10 A. No, sir.
11 Q. Okay. In other words, when they certify that
12 they're a resident of Vernon County for purposes of
13 the declaration, that's -- that's all you need for
14 purposes of the declaration?
15 A. Yes.
16 Q. And there are other things in the declaration also
17 that they have to fill in, I think they -- it --
18 it -- to each one of those things, you don't do an
19 independent action to make sure that their sworn
20 statements are correct?
21 A. It is -- it is my ministerial duty to take their
22 information.
23 Q. Okay. Um, and one of the ministerial duties that
24 you have is to accept the filing fee, um, if they
25 don't present a receipt --

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1 A. Yes.
2 Q. -- is that right? Okay.
3 A. Correct.
4 Q. So let's talk a little bit about accepting the
5 filing fee.
6 A. Okay.
7 Q. When you accept a filing fee, do you have that
8 written to the County Clerk or the County of
9 Vernon?
10 A. No, I -- I had them write -- write their checks to
11 Republican Committee.
12 Q. Okay. And I was looking at the statute, and I
13 think you have a copy of it in front of you --
14 A. Uh-huh.
15 Q. -- 115.537 --
16 MR. MCCLOSKEY: Three-fifty-seven.
17 Q. (By Mr. Ellinger) -- in subsection 2 -- excuse
18 me -- 115.357.
19 MR. MCCLOSKEY: There you go.
20 Q. (By Mr. Ellinger) -- in subsection 2, um, talks
21 about the required sum. Does it say that the
22 amount submitted to you needs to be on a check to
23 the Republican Committee?
24 A. Um, no, it just says that I'm to forward it
25 directly on.

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1 A. Yes.
2 Q. Use it for other receipts also?
3 A. Yes.
4 Q. Um, just in your own words, why do you keep a
5 receipt book?
6 A. Um, we do notaries in my office, we, um -- that's
7 where you come and get your Notary for
8 Vernon County as well. Um, we're accounts payable,
9 we don't do a lot of -- we -- we don't take a lot
10 of money in --
11 Q. Okay.
12 A. -- but we are required to every now and then for
13 liquor licenses as well.
14 Q. Yeah.
15 A. So we -- we require a receipt book.
16 Q. And --
17 A. -- for our minimal transactions.
18 Q. And every one of those receipts basically when you
19 receive a check, you write in there who it's from,
20 what the amount was, the date, and sign it; right?
21 A. Correct.
22 Q. And then they get a copy of it and you keep a copy?
23 A. Correct.
24 Q. Okay. So I think there are eight candidates in
25 question here, obviously I represent Cindy Thompson

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1 Q. Okay. So you could, if you chose to, have them
2 write it to the County Clerk, you could deposit it,
3 and then issue a check -- check from the Clerk's
4 checkbook to the Committee; right?
5 A. That -- that could be a way that it --
6 Q. Okay.
7 A. -- could be done, yes.
8 Q. Um, and but you wouldn't, before you accepted the
9 check, either way, you wouldn't want to know inside
10 their bank account whether they had money --
11 A. No.
12 Q. -- right?
13 When they pay their filing fee, you assume
14 that that's a valid check; right?
15 A. Yes.
16 Q. Um, you mentioned you issue a -- a receipt or
17 you --
18 A. (Nodded head.)
19 Q. -- tell me about, is this the official clerk's
20 receipt book?
21 A. So, yeah, it's our receipt book out of our office
22 and it has our -- my signature on it and it has the
23 date, of course, and their check number.
24 Q. Okay. And you keep that receipt book in the
25 official course of business?

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1 who's one of the eight.
2 A. Correct.
3 Q. Um, did you issue a receipt to Cindy Thompson?
4 A. My office did, yes.
5 Q. Okay. Um, and that's in the official receipt book?
6 A. Yes.
7 Q. Okay. Um, and does that receipt say that it's
8 paid, an amount was paid?
9 A. Yes, it does.
10 Q. And that's normal course of business, it's paid
11 when it's received; right?
12 A. Correct.
13 Q. Okay. That gets us to this whole discussion about
14 pay, and I don't want to get into the whole legal
15 discussion about it, I'm just curious, it's a term
16 we use a lot societally, you know, you like pay the
17 piper, you know, pay your dues, pay your bills,
18 et cetera, it's a real common term; right?
19 A. Yes.
20 Q. Um, when you pay your property taxes, you go to the
21 Collector's Office, write a check, you get a
22 receipt from the Collector's Office?
23 A. Yes.
24 Q. Do you know what that receipt says?
25 A. Paid.

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1 Q. Now, that's at the time you submit the check;
2 right?
3 A. Yes.
4 Q. What happens if there's an insufficient check?
5 A. They're probably going to call me.
6 Q. And, I mean, it's actual a crime to issue an
7 insufficient check --
8 A. Yes.
9 Q. -- correct?
10 A. Yes, it is.
11 Q. Okay. But at the time that amount is tendered,
12 handed in, the taxes are paid at that point;
13 correct?
14 A. Correct.
15 Q. Okay.
16 MR. MCCLOSKEY: Once again, that calls
17 for a legal conclusion. [Inaudible] objection --
18 COURT REPORTER: I'm sorry, what was the
19 last part?
20 MR. MCCLOSKEY: Didn't get my -- my
21 objection out quick enough.
22 Q. (By Mr. Ellinger) And, so, basically what you do,
23 we'll use the taxes, then we'll talk about in your
24 office. But use the taxes, you write a check for
25 your property tax and you submit it to the

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1 County Clerk -- or to the County Collector;
2 correct?
3 A. Correct.
4 Q. He stamps paid on a receipt; correct?
5 A. Correct.
6 Q. You have a receipt that says paid?
7 A. Correct.
8 Q. And then, because I know that you're involved in
9 the whole tax process as a clerk, um, some of
10 that -- that money that the clerk collect -- or the
11 collector collects, actually doesn't by and large
12 go to the collector in the long term, he forwards
13 it to the school districts or to the County general
14 revenue fund or, et cetera; is that right?
15 A. Correct.
16 Q. So he collects the money and then he forwards it?
17 A. Correct.
18 Q. And as a tax payer, you've paid?
19 A. Correct.
20 Q. Okay. So let's talk about the statute that's in
21 question here, 115.357. Um, so I'll use
22 Cindy Thompson, because she's my client in this
23 case, um, and I'll ask after each time whether any
24 of the other intervenors have anything different, I
25 want to make sure we have a clear record on that

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1 but...
2 Um, so Cindy Thompson was running, or is
3 running for reelection to the County Commission; is
4 that correct?
5 A. Yes.
6 Q. Okay. And that's a County seat?
7 A. Yes.
8 Q. And the filing fee for that is \$100; right?
9 A. Correct.
10 Q. Okay. For everybody else that's in question, is
11 the filing fee also \$100?
12 A. Yes.
13 Q. Okay. So Cindy Thompson brought the required sum,
14 \$100, in a check to your office; correct?
15 A. Yes.
16 Q. Okay. Everybody else brought a check in the
17 required filing fee amount to your office?
18 A. Yes.
19 Q. Okay. And that was submitted by the candidate to
20 your office; right?
21 A. Yes.
22 Q. Everyone else did the same thing?
23 A. Well, we had some that did and some that brought a
24 receipt with them.
25 Q. Okay. The ones that brought the receipt with them,

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1 are they subject to any of the orders in this
2 case --
3 A. No, sir.
4 Q. -- the motion to quash? Okay. So let's only talk
5 about the ones who brought checks --
6 A. Okay.
7 Q. -- okay?
8 So they -- all eight of them, I understand
9 there's eight, submitted checks to your office;
10 right?
11 A. Yes, sir.
12 Q. Okay. And you received those checks?
13 A. Yes, sir.
14 Q. And those were all the candidates that brought the
15 check in?
16 A. Yes.
17 Q. Um, and they -- this was prior to them filling out
18 a declaration of candidacy; correct?
19 A. Yes.
20 Q. All of them paid in advance?
21 A. Um, all of them paid in advance or they turned it
22 in at the same time.
23 Q. Okay. And from a practical perspective they had to
24 hand the check in?
25 A. They hand the check in and then they hand their

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1 paperwork in.
2 Q. So even if they did it --
3 A. At the same time, they still did it first.
4 Q. Okay. So prior to giving you your -- the
5 declaration of candidacy, all of them submitted the
6 required amount to you?
7 A. Correct.
8 Q. Okay. And then they submitted their declaration of
9 candidacy to you?
10 A. Correct.
11 Q. And did you accept each of those declaration of
12 candidacies?
13 A. My office did, yes.
14 Q. Okay. Um, now, let me ask the question about the
15 filing fee. What if they refused to give you their
16 feeling fee, would you have accepted the
17 declaration?
18 A. Probably not.
19 Q. Okay. They had -- they had no receipt and they do
20 not pay the filing fee themselves?
21 A. Well, if they -- I would ask them if they would
22 fall under subsection 3.
23 Q. Okay. Which is the...
24 A. The declaration of inability to pay.
25 Q. Okay. And if they don't fall under the declaration

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1 them, on the first day of filing, and we promptly
2 sent those checks out the next day --
3 Q. Uh-huh.
4 A. -- because we were told that day that they were --
5 they wanted them turned over within 24 hours --
6 Q. Uh-huh.
7 A. -- so we did that. And then two more filed. And I
8 sent those promptly that evening. And then on the
9 last day of candidate filing, I had two more, and I
10 promptly sent those that night as well.
11 Q. So they were all filed within the day of or within
12 a day after?
13 A. Correct.
14 Q. Okay. And those were all forwarded to the
15 treasurer?
16 A. Correct.
17 Q. Of the Republican Party Committee --
18 A. Correct.
19 Q. -- right?
20 And all of these candidates filed as
21 Republicans; correct?
22 A. Correct.
23 Q. Okay. So -- do you have a copy of the statute in
24 front of you?
25 A. Yes.

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1 of inability to pay, they don't bring a receipt,
2 they don't bring any -- a payment; will you accept
3 their declaration of candidacy?
4 A. Then I can't.
5 Q. Okay. What if they give you half the fee, you get
6 the rest later?
7 A. I can't until it's paid in full.
8 Q. Okay. So they have to pay the full required sum to
9 you; right?
10 A. Yes.
11 Q. And every one of the candidates paid that full
12 required sum to you; correct?
13 A. Yes.
14 Q. Okay. All right. So you've received the -- the
15 checks, the payments --
16 A. Yes.
17 Q. -- they've paid you; correct?
18 A. Correct.
19 Q. Then you forwarded those checks to whom?
20 A. April Mosher, the Republican Committee Treasurer.
21 Q. Okay. And I think statute says you shall do that
22 promptly?
23 A. Correct.
24 Q. What -- tell me the timeline on doing that.
25 A. I had two -- they -- the candidates filed, four of

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1 Q. Would you look at subsection 2 and just, you don't
2 have to read this out loud, you can just read it to
3 yourself for a moment --
4 A. Okay.
5 Q. -- okay? Ask you a couple questions about it.
6 A. (Complied.) Okay.
7 Q. Okay. There's a whole bunch of things in here that
8 are supposed to happen?
9 A. Yes.
10 Q. Did you carry out every duty that's required of you
11 in subsection 2?
12 A. Accepts his or her -- sum may be submitted, yes.
13 Candidate required to file his declarations; yes.
14 And then... yes.
15 Q. So in your official capacity, you carried out every
16 duty required under 115.357, sub 2?
17 A. Correct.
18 Q. Okay. Um, you forwarded the checks on to the
19 Republican Party Committee, and they did what?
20 A. Um, about -- it was the following week for each
21 one, they returned checks with a rejection letter.
22 Q. Okay. So let's talk about the people that filed on
23 the last day.
24 A. Yes.
25 Q. Okay. That would be March 26?

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1 A. Yes.
2 Q. Okay. So on March 26 two people filed?
3 A. Yes.
4 Q. They gave you -- they paid their filing fee?
5 A. Yes.
6 Q. You sent the filing fee promptly to the Committee?
7 A. Yes.
8 Q. Um, filing closed?
9 A. Yes.
10 Q. Then the Committee rejected, purportedly rejected
11 those fees; right?
12 A. Yes.
13 Q. Okay. They didn't reject them in advance?
14 A. No.
15 Q. Okay. And I noticed there's a letter that was
16 attached, I think it's one of the -- I don't know
17 if there's an exhibit to this, it's certainly an
18 exhibit to the petition, that identified -- that
19 was from the Vernon County Republican Committee and
20 identified four candidates that they were going to
21 reject --
22 A. Yes.
23 Q. -- and I think you sent a response back?
24 Did you get a letter about the other ones they
25 were going to reject?

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1 to me, yes.
2 Q. Okay. And it says preliminary?
3 A. Yes.
4 Q. So in your mind, what does preliminary mean?
5 A. Well, now preliminary means beginning.
6 Q. Okay. It's not a final order?
7 A. No.
8 Q. Okay. And then the last paragraph of that
9 preliminary order says: It's therefore ordered,
10 that if any reasons exist for believing that you
11 should not take such action, you shall file your
12 answer. Do you see that language?
13 A. Yes, I do.
14 Q. And you did file an answer?
15 A. Yes.
16 Q. And there's all sorts of things in that answer, and
17 those are the basis for which you think the action
18 should not be taken; right?
19 A. Correct.
20 Q. Okay. That's a good answer too, by the way.
21 A. Thank you.
22 Q. Um, I'd also like you to take a look in the big
23 paragraph, the whereas paragraph --
24 A. Yes.
25 Q. -- on Exhibit 3.

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1 A. I did not get a letter about the other ones they
2 rejected until they rejected the fees.
3 Q. Okay. So they give you no notice that they were
4 rejecting those?
5 A. No.
6 Q. And the last two of those they rejected after
7 filing had closed?
8 A. Um, officially, yes.
9 Q. Okay. I know you started right off with this, I'm
10 just going -- I don't know that I -- the question's
11 been asked or not. You're not a lawyer, are you?
12 A. No.
13 Q. You don't have any legal -- specialized legal
14 training?
15 A. No.
16 Q. Okay. You know, the Exhibit, um -- let's see, what
17 number is that? Exhibit 3, do you have that in
18 front of you?
19 A. Uh-huh, the preliminary order.
20 Q. Um, before this lawsuit was filed, have you -- had
21 you ever actually heard of a Preliminary Order in
22 Mandamus?
23 A. No.
24 Q. Okay. You don't know what that means?
25 A. I -- I have had to had -- have mandamus explained

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1 Um, and I'm going to purport to tell you that
2 I read that paragraph, and I can't find the word
3 "Paid" in that paragraph. And maybe I didn't read
4 it carefully enough but --
5 A. I -- I... I see accepted.
6 Q. (Nodded head.)
7 A. I do not see...
8 Q. I know Relator's counsel made a lot of effort
9 talking about the court order says they have to be
10 paid, they have to be paid, they have to be paid.
11 Is there anything in here that indicates the court
12 said they have to be paid?
13 A. Should accepted.
14 Q. Accepted. And accepted kind of like submitted?
15 A. Right.
16 Q. Different word?
17 A. Yes, they are different words.
18 Q. Okay. Um, the fact that the fee was paid to you,
19 you sent it to the Committee, should -- is it your
20 opinion that's the end of the equation?
21 A. In my opinion it is.
22 Q. Okay. And I know this came up before, I'm going to
23 ask you, from what I can tell you didn't do
24 anything wrong, you did everything exactly right;
25 is there anything you think you did wrong?

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1 A. I don't feel like I did anything wrong.

2 Q. And we went through the statute, you complied with

3 every provision of the statute?

4 A. To the best of my ability.

5 Q. Okay.

6 MR. ELLINGER: I don't have any other

7 questions. Thank you.

8 MR. ELLIOTT: No ques- -- no questions.

9 We'll read and sign.

10 MR. MCCLOSKEY: I've -- I've got some

11 more questions.

12 EXAMINATION

13 BY MR. MCCLOSKEY:

14 Q. All right. Let's take these things a little bit

15 here. There were some questions on your

16 examination, um, by Cindy Thompson's lawyer -- by

17 the way, you did get notice ahead of time that

18 Cindy Thompson's candidacy would be rejected; true?

19 A. Um, I honestly don't recall.

20 Q. Okay.

21 A. I recall the other ones being on there, but I don't

22 recall Cindy's name.

23 Q. All right. So you don't know one way or the other

24 as you sit here today?

25 A. At the very moment, off the top of my head, no, I

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1 don't.

2 Q. Okay. But this receipt book you talked about at

3 the Vernon County Clerk's Office, those are for

4 payments made to the Vernon County Clerk; true?

5 A. It's any payment that I accept, yes.

6 Q. Okay. And those checks would be made out to Vernon

7 County or the Vernon County Clerk; true?

8 A. I mean, yes --

9 Q. Okay.

10 A. -- primarily.

11 Q. Well, what other kinds of checks would you make a

12 receipt for as a Vernon County clerk, other than

13 checks made out to Vernon County or the Vernon

14 County Clerk's Office?

15 A. The only other times I've taken other checks is

16 during candidate filing.

17 Q. Okay. And that would have been one time, this --

18 this election cycle; right?

19 A. And the previous.

20 Q. Okay. And those checks were not made out to

21 Vernon County, were they?

22 A. No, they were not made out to Vernon County.

23 Q. All right. And, so, when you give a receipt that

24 says, for example, paid to Vernon County X number

25 of dollars, with the exception of candidate filing

For The Record, LLC 101

1 fees, those are exclusively checks made out to

2 Vernon County or the Vernon County Clerk's Office;

3 true? You don't get checks from anybody else;

4 right?

5 A. No, they're all -- the only time that I take other

6 checks has been during candidate filing.

7 Q. Every other check is made out to Vernon County or

8 the Vernon County Clerk's Office; true?

9 A. Yes.

10 Q. And that fund -- thousand funds get deposited --

11 what bank does Vernon County use?

12 A. We typically use, we have Community National and we

13 have Arvest.

14 Q. Okay. And, so, when somebody would write a check

15 to Vernon County Clerk's Office, you would submit

16 those checks for payment to the bank; right?

17 A. Yes.

18 Q. And you were asked about property taxes, okay, and

19 you say you take your check in to the collector and

20 they stamp your receipt. What if that check

21 bounces, in my county if it bounces for three years

22 in a row they get to sell your property on the

23 courthouse steps; that would be the same in

24 Vernon County, wouldn't it?

25 A. Yes.

For The Record, LLC 102

1 Q. All right. And, so, just because you give somebody

2 a check, doesn't mean they don't take your house

3 from you if that check doesn't have -- if that

4 check is not cleared by the bank; true?

5 A. True.

6 Q. So there's a difference between handing somebody a

7 check and making the payment; true?

8 A. It could be perceived that way --

9 Q. Okay.

10 A. -- but typically when you get a check, you consider

11 it paid.

12 Q. Well, unless there's insufficient funds and then

13 you call the Sheriff's Department; right?

14 A. Yes.

15 Q. All right. Um, and, by the way, sometimes you pay

16 things with a credit card; true?

17 A. Yes.

18 Q. Okay. And sometimes you don't have any outstanding

19 balance on your credit card and sometimes you're

20 over your limits, and if you hand somebody a credit

21 card in payment and you're over your limits, that

22 bill doesn't get paid, does it?

23 A. No.

24 Q. So, once again, that's another example of how

25 submitting something for payment isn't the same as

For The Record, LLC 103

1 paying it; true?
 2 A. It's all in perception.
 3 Q. Well, no, it's a matter of if it's your property
 4 tax, it's a matter of them taking your stinking
 5 house, isn't it? I mean, you can hand somebody a
 6 check three years in a row for your property taxes
 7 but if you don't have any money in the bank, your
 8 house goes up for auction on the courthouse steps
 9 on a Wednesday morning; right?
 10 MR. ELLIOTT: I'll object, it's
 11 argumentative, it's irrelevant, I...
 12 MR. MCCLOSKEY: Well, she answered these
 13 questions about property taxes earlier so I think
 14 she opened a door on that one.
 15 Q. (By Mr. McCloskey) Just because you hand somebody a
 16 check doesn't mean you paid your bill until that
 17 check has cleared the bank; true?
 18 MR. ELLIOTT: Well, I'll object, it calls
 19 for a legal conclusion. Answer to the best of your
 20 ability.
 21 A. I think that when you're handed a check that it's
 22 money --
 23 Q. Okay, all right.
 24 A. -- and it is -- it is money that you have paid.
 25 Q. Okay. Hey, I'll write you a check for a million

1 conclusion here today, gentlemen, I --
 2 Q. (By Mr. McCloskey) So, anyway, answer that
 3 question.
 4 A. I mean, as far as I know they -- they've written
 5 the checks and I would assume that they are good,
 6 but that's an assumption.
 7 Q. Not my question. My question is: You know for a
 8 fact that none of those checks have actually been
 9 paid by a bank; true?
 10 A. I guess by a bank they have not been.
 11 Q. Okay. Similarly, I'm going to ask you this, is
 12 this your official opinion because I think that
 13 will make a lot of your city res- -- your county
 14 residents very happy, they can submit a check to
 15 you in payment of any --
 16 (Phone ringing.)
 17 MR. MCCLOSKEY: Sorry about that.
 18 Q. (By Mr. McCloskey) Um, they can submit a check to
 19 you as the county clerk for any debt owing to the
 20 County and you will mark it as paid, and whether
 21 they -- whether that check ever clears a bank or
 22 not you don't care, because it's paid when they
 23 hand you a check and whether there's -- whether
 24 there's sufficient funds or not is never an issue
 25 for you; is that your official position as the

1 dollars right now, you -- you [as stated] give me a
 2 million dollars and I'll see if whether or not that
 3 check clears, okay, and you'll consider it paid if
 4 I give it to you right now, huh?
 5 MR. ELLIOTT: I'll object --
 6 Q. (By Mr. McCloskey) Is that what you're telling me?
 7 MR. ELLIOTT: -- it's argumentative.
 8 Q. (By Mr. McCloskey) No, you say that when you get a
 9 check you consider the bill paid. All right.
 10 Without any concern for whether or not that check
 11 actually clears a bank; is that your official
 12 position as the Vernon County Clerk that somebody
 13 writes you a check on a Vernon County debt, you
 14 consider it paid regardless of what happens after
 15 that check is handed to you; is what you're telling
 16 us?
 17 A. Oh, no, if they -- it doesn't clear then obviously
 18 we have a problem.
 19 Q. All right. Did any of the checks paid to you by --
 20 not paid -- any of the checks submitted to you by
 21 any of these eight candidates ever get paid?
 22 A. They have --
 23 MR. ELLIOTT: Again, I'll object, it
 24 calls for a legal conclusion. We're not going
 25 to -- we're not going to get to the ultimate

1 county clerk?
 2 A. No.
 3 Q. Okay. Obviously not, because the -- the bill isn't
 4 paid until the money is received; true?
 5 MR. ELLIOTT: I'll object.
 6 Q. (By Mr. McCloskey) True or false?
 7 A. I would hope that when someone pays with a check
 8 they would have sufficient funds.
 9 Q. I would hope Santa Claus really exists but that's
 10 irrelevant to this question, I move to strike as
 11 not responsive.
 12 As Vernon County Clerk, even if you stamp
 13 somebody's receipt as paid for a check, if that
 14 check does not in fact get paid, you consider that
 15 that's still owing, don't you?
 16 A. It's still owed.
 17 Q. Okay. So there's a difference between tendering
 18 somebody a check and actually paying the bill;
 19 true?
 20 MR. ELLIOTT: I'll object, it calls for a
 21 legal conclusion, and it's been asked and answered
 22 40 --
 23 Q. (By Mr. McCloskey) Subject to --
 24 MR. ELLIOTT: -- forty -- it's been
 25 asked -- it's been asked and answered 40 times,

1 Mr. McCloskey.
2 Q. (By Mr. McCloskey) Yeah, go ahead, answer the
3 question.
4 MR. ELLIOTT: This will be the last one.
5 You can answer for the last time, because the next
6 time you'll be instructed not to answer. So answer
7 to the best of your ability.
8 A. I would hope that people did not write bad checks.
9 Q. (By Mr. McCloskey) I would hope there's Santa
10 Claus, move to strike as not responsive.
11 Question, the bottom line is, is that as a
12 county clerk you don't consider somebody's bill
13 paid until that money is actually collected; true?
14 A. I would expect that money to be collected.
15 Q. Move to strike as not responsive. I would expect
16 there to be Santa Claus.
17 In the real world, all -- you know, I know
18 you're trying to dodge these questions and I know
19 you have a really -- really emotional need to not
20 be direct in the response to these questions.
21 But a bill isn't paid until the money's
22 received; true or false?
23 MR. ELLIOTT: Well, I'll object to the
24 gaslighting and personal attacks on the witness, so
25 I think you need to clean it up, Mr. McCloskey.

For The Record, LLC

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1 check and send it to the school board, he deposits
2 that check in the general revenue of the -- of the
3 County and writes a County check to the school;
4 true?
5 A. That is correct.
6 Q. All right. And, so, that's not at all anomalous,
7 uh, the same as when a candidate gives you a check,
8 because the check's not made out to you, it's not
9 made out to the county, it's made out to the party
10 committee, and all you do is you submit that check
11 to the County Committee, it's not paid to you,
12 doesn't have -- doesn't have Adrienne Lee on it,
13 doesn't have Clerk of Vernon County on it, doesn't
14 have Vernon County on it, it says Vernon County
15 Republican Central Committee on the check; true?
16 A. False.
17 Q. What's it say?
18 A. Republican Committee.
19 Q. Whatever. It doesn't say Vernon County, it doesn't
20 say your name; true? True?
21 A. It does not say Vernon County and it does not say
22 Adrienne Lee.
23 Q. The payee on all eight of these count- -- on all
24 eight of these candidates, the payee on that check
25 was not Vernon County and it wasn't Adrienne Lee,

For The Record, LLC

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1 MR. MCCLOSKEY: Sure.
2 Q. (By Mr. McCloskey) You as the official of Vernon
3 County did not consider a Vernon County bill paid
4 until the money clears the bank; true?
5 A. When they turn it in, I would mark it paid. But if
6 it bounced, I would go after them.
7 Q. Because it's not paid until the money's actually
8 transferred; true?
9 MR. ELLIOTT: Objection, asked and
10 answered, you don't have to answer.
11 Q. (By Mr. McCloskey) All right, whatever.
12 Um, by the way [inaudible] --
13 COURT REPORTER: I'm sorry, can you take
14 your hand down --
15 Q. (By Mr. McCloskey) -- Cindy Thompson's lawyer asked
16 you about whether or not money paid to the
17 collector, it then gets distributed to the school
18 districts and those kinds of things --
19 A. (Nodded head.)
20 Q. -- and you're nodding your head up and down, I
21 think you even said yes; true?
22 A. He's the one that divvies out through the -- yes.
23 Q. But he doesn't forward the individual's checks,
24 when he gets a check for property taxes or personal
25 property taxes, he doesn't take that citizen's

For The Record, LLC

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1 it was Republican Committee; true?
2 A. True.
3 Q. Okay. And you did not deposit those checks; true?
4 A. I did not deposit those checks.
5 Q. And you have no indicia from any source whatsoever
6 that anyone has paid those checks; true?
7 A. I forwarded them to the Committee.
8 Q. And they sent you them back without being paid;
9 true?
10 A. I...
11 MR. ELLIOTT: Yeah, objection, calls for
12 a legal conclusion, but we've been here -- answer
13 to the best of your ability.
14 A. I sent the fees on like I am supposed to do.
15 Q. (By Mr. McCloskey) And they sent them right back to
16 you without being paid; true?
17 MR. ELLIOTT: Objection as to the
18 definition of paid. But answer subject to that
19 objection.
20 A. In my eyes they had been paid because I had a check
21 and I sent it on.
22 Q. (By Mr. McCloskey) Okay. And just like if you get
23 a check for whatever pay -- anybody pays to Vernon
24 County, if they hand you a check, you consider that
25 paid, you don't care; and if they have money to pay

For The Record, LLC

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1 that check or not, um, you don't care; because once
2 they hand you a check that's the same as full
3 payment; and that's your official position as the
4 county clerk?
5 MR. ELLIOTT: Objection, asked and
6 answered --
7 MR. MCCLOSKEY: Yeah.
8 MR. ELLIOTT: -- you don't have to
9 answer.
10 Q. (By Mr. McCloskey) So how do you distinguish that,
11 other than the fact that you want this to be
12 different? And other -- and -- and, so, we're
13 being serious here, this is the real world, you're
14 an elected official, we've got consequences here.
15 My question is this: I know you want it to be
16 different because you want a different outcome in
17 this, although you haven't told me how you want it
18 to be different, I know you want a different
19 outcome and you want it to be different in this
20 case that when you accept checks made out to
21 Vernon County. We've already established when a
22 check's made out to Vernon County you don't
23 consider it paid until the money clears the bank.
24 In this case you want it to be paid just because a
25 check is handed to you and forwarded on by you.

For The Record, LLC 112

1 Tell me why you know under these circumstances
2 there's a difference.
3 A. I guess it was acceptable last time I took filing
4 fees.
5 Q. Okay. That's your best answer?
6 A. They had everything else that they were supposed to
7 and I, by statute, cannot deny it if they want to
8 submit it.
9 Q. Did any -- did a treasurer of any -- any political
10 party ever send you back a check unpaid, other than
11 these eight people?
12 A. No.
13 Q. Okay. So this is -- this is no precedent in your
14 mind for this, there is noth- -- you said it was
15 okay the last time, but it wasn't okay the last
16 time because in fact there was no last time, this
17 is the first time in your experience as the county
18 clerk where a filing fee check has been returned to
19 you unpaid; true or false?
20 A. This is the first time.
21 Q. All right. So it wasn't acceptable the last time
22 because it never happened before; true?
23 A. I sent the filing fees on just like I did this
24 time.
25 Q. That's right, and they didn't come back. So this

For The Record, LLC 113

1 time they did come back, and that's a difference;
2 right, you've never had this circumstances before,
3 have you?
4 A. No, I have not.
5 Q. Okay. So now tell me why, when they checks came
6 back unpaid, that would be different than a check
7 to Vernon County coming back unpaid?
8 A. I guess I don't know how it would be necessarily
9 different except --
10 Q. Okay.
11 A. -- for the fact that, um, they don't have to pay me
12 directly, I just have to get the fee submitted.
13 Q. Okay. And whether or not it gets paid is not
14 your -- is not your concern?
15 A. If they have all the proper documentation, I will
16 accept their candidate declarations.
17 Q. Um, what about subsection 5?
18 A. And that's why we are here.
19 Q. Okay. So we get all the way back around, and I'll
20 do this one more -- take one more shot at it.
21 Tell me how you would like this order changed.
22 MR. ELLIOTT: I'll object, it's been
23 asked and answered.
24 A. I will do what a judge tells me to do.
25 Q. (By Mr. McCloskey) That's fine.

For The Record, LLC 114

1 MR. MCCLOSKEY: I have no further
2 questions.
3 MR. ELLINGER: (Shook head.) No.
4 MR. ELLIOTT: We'll -- we'll read and
5 sign.
6 (Deposition concluded at 3:39 p.m.)
7 (Signature reserved.)
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For The Record, LLC 115

1 CERTIFICATE OF REPORTER
 2 STATE OF MISSOURI)
) Ss
 3 COUNTY OF GREENE)
 4
 5 I, Dawn A. Walton, a Registered Professional
 6 Reporter, Certified Court Reporter, do hereby certify
 7 that the witness whose testimony appears in the
 8 foregoing deposition was duly sworn by me; that the
 9 testimony of said witness was taken by me to the best of
 10 my ability and thereafter reduced to typewriting under
 11 my direction; that I am neither counsel for, related to,
 12 nor employed by any of the parties to the action in
 13 which this deposition was taken, and further, that I am
 14 no a relative or employee of any attorney or counsel
 15 employed by the parties thereto, nor financially or
 16 otherwise interested in the outcome of the action.
 17
 18 _____
 19 Dawn A. Walton, RPR
 20 CCR-MO No. 645 / CCR-KS NO. 1414
 21
 22
 23
 24
 25

For The Record, LLC 116

1 STATE OF _____)
)
 2 COUNTY OF _____)
 3
 4 I, ADRIENNE LEE, do hereby certify:
 5 That I have read the foregoing deposition;
 6 That I have made such changes in form and/or
 7 substance to the within deposition as might be
 8 necessary to render the same true and correct;
 9 That having made such changes thereon, I hereby
 10 subscribe my name to the deposition. I declare, under
 11 penalty of perjury, that the foregoing is true and
 12 correct.
 13
 14 _____
 15 ADRIENNE LEE
 16
 17 Executed this _____ day of _____, 20____,
 18 at _____ County, _____.
 19
 20 Notary Public
 21 My Commission Expires:
 22
 23
 24
 25

For The Record, LLC 118

1 WITNESS ERRATA SHEET
 2 WITNESS NAME: ADRIENNE LEE
 VERNON COUNTY REPUBLICAN COMMITTEE, BY AND THROUGH
 3 CYN DIA HAGGARD, CHAIRMAN VS. ADRIENNE LEE, VERNON COUNTY
 CLERK
 4 DATE TAKEN: APRIL 29, 2024
 5
 6 Page # _____ Line # _____
 7 Should read: _____
 8 Reason for change: _____
 9
 10 Page # _____ Line # _____
 11 Should read: _____
 12 Reason for change: _____
 13
 14 Page # _____ Line # _____
 15 Should read: _____
 16 Reason for change: _____
 17
 18 Page # _____ Line # _____
 19 Should read: _____
 20 Reason for change: _____
 21
 22 Page # _____ Line # _____
 23 Should read: _____
 24 Reason for change: _____
 25

For The Record, LLC 117

1 IN THE CIRCUIT COURT OF VERNON COUNTY, MISSOURI
 STATE OF MISSOURI
 2
 3 VERNON COUNTY REPUBLICAN)
 COMMITTEE, by and through)
 4 CYN DIA HAGGARD, Chairman,)
 Relator,)
 vs.) Case No. 24VE-CV00185
 5 ADRIENNE LEE,)
 VERNON COUNTY CLERK,)
 6 Respondent.)
 7
 8 CERTIFICATE OF OFFICER AND
 STATEMENT OF DEPOSITION CHARGES
 9
 10 In accordance with
 (Rule 57.03 (g)(2)(a) & Sec. 492.590, RSMo 1985)
 11
 12 Taken on behalf of the Relator
 April 29, 2024
 13
 14 The original transcript was delivered to:
 15 MR. MARK T. MCCLOSKEY
 MCCLOSKEY, PC
 16 THE NIEMANN MANSION
 4472 Lindell Blvd.
 17 St. Louis, MO 63108
 18 At the time of delivery of the transcript, the
 19 deposition charges had not been paid. Payment status
 20 will be updated at the request of the Court pursuant to
 21 Section 492.590(2) RSMo.
 22
 23 _____
 24 Dawn A. Walton, RPR
 CCR-MO No. 645 / CCR-KS No. 1414
 25

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