

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

FLORIDA STATE CONFERENCE OF THE  
NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE  
(NAACP), as an organization and representative  
of its members; *et al.*;

Plaintiffs,

v.

Case No. 4:07-cv-402-SPM-WCS

KURT S. BROWNING, in his official capacity as  
Secretary of State for the State of Florida,

Defendant.

**DECLARATION OF SARAH JANE BRADSHAW**

Pursuant to 28 U.S.C. § 1746, Sarah Jane Bradshaw declares the following:

1. I am over eighteen years of age and competent to make this declaration. I am the Assistant Director of the Florida Division of Elections and have been employed by the Florida Division of Elections for more than six years.

2. In my capacity as Assistant Director, I am responsible for overseeing, among other things, the Bureau of Voter Registration Services (“BVRS”), which is a component of the Department of State, Division of Elections (the “Division”). BVRS duties include data entry of voter registration applications that the Department of State receives from voter registration applicants, state voter registration agencies, and third-party voter registration organizations.

3. Except for voter registration applications submitted and verified through the Florida Department of Highway Safety and Motor Vehicles (“DHSMV”) as part of

the driver's license application or license update process, all new voter registration applications are submitted to DHSMV for verification of the authenticity or the nonexistence of the driver's license number, identification card number, or the last four digits of the social security number provided on the application. Through this verification process, DHSMV relies on its own records and also, to the extent necessary, accesses databases maintained by the Social Security Administration, as required by the Help America Vote Act (HAVA).

4. Through the verification process, DHSMV classifies applications as matched, unmatched, or possibly matched. Application records that are designated possibly matched are transmitted to BVRS for additional review.

5. As described in the Declaration of Peggy J. Taff, submitted November 21, 2008, (doc. 81-2), BVRS has been successful in resolving the majority of application records referred to it. In doing so, BVRS relied on a number of tools available to it. BVRS staff have access to DHSMV's database, known as the Driver and Vehicle Information Database ("DAVID"). In addition, in many cases, BVRS had access to the image of the voter registration application. When these images were available, BVRS staff were able to identify and resolve data entry errors.

6. By way of example only, if an application indicated the applicant's name was "John," but a data entry operator entered it as "Jon," BVRS staff would identify and correct this problem. They would compare the data record associated with the applicant with an image of his application. They would then correct the data record.

7. Earlier this year, the Division amended and improved this process by ensuring that in *every* instance, the application image is made available to BVRS staff.

The Florida State Association of Supervisors of Elections (“FSASE”) has established protocols for Supervisors, including a requirement that application images be uploaded to the Florida Voter Registration System (“FVRS”) within three days of the application’s input. In some instances, though, images were not available to BVRS when the related application record was presented for review. The Division now requires Supervisors to provide the scanned image prior to BVRS review. Attached to this Declaration as Attachment “A” is a copy of a memorandum sent by the Division to the Supervisors describing this requirement. In addition, the Division has modified its computer systems to submit these application records to BVRS as images become available. The computer system also generates regular reports to identify records for which no images are available, and the Division prompts the Supervisors with respect to any such records. An example of a letter from the Division to a Supervisor is attached to this Declaration as Attachment “B.”

8. The Division is implementing another amendment to the registration and review process. Although BVRS currently reviews approximately half of application records that are not matched by DHSMV, it soon will review *all* of them. This process amendment will provide a uniform level of review for all records for which DHSMV did not find a match, and it will ensure that a greater percentage of such records are resolved without further action on the part of the applicant or Supervisor. This process change involves updates to the related data systems, which are currently in a testing phase. I expect the change to be operational by June 1, 2008.

9. The process amendments described in the preceding paragraphs will continue to enhance BVRS’s ability to resolve unmatched application records. To

quantify the enhanced performance, the Division has reviewed records of certain applications that were originally returned (with or without BVRS review) to the Supervisors unresolved. Specifically, the Division reviewed the sample of records selected by the Plaintiffs and presented earlier in this litigation, entitled "100 More Examples of Data Entry Errors," filed under seal with this Court (doc. 91-2). The exhibit includes lists of discrepancies between application data and the corresponding database records. It also includes application images for each of the one hundred examples. The first entry in Plaintiffs' exhibit shows an application for "Shirley Andrews." The database record indicates that the data-entry operator entered "Shriley" instead of "Shirley." If such a record were routed to BVRS today, the new processes in place would ensure that BVRS staff had access to the application image, and BVRS staff would resolve this issue without delay.

10. Having reviewed the Plaintiffs' exhibit, and being familiar with BVRS procedures and its review of these records, I affirm that if this same set of records were routed to BVRS today (as they would be following DHSMV's inability to match the records), BVRS would identify and resolve the reason for the mismatch in 71 of the 100 instances. The remaining 29 would be returned to the Supervisors as unresolved, and only those 29 applicants would be required to verify their identifying number to complete their registration. Because Plaintiffs' sample of 100 records represents a cross-section of the various causes that result in mismatches, these data show that the new processes will substantially reduce the number of applicants from whom additional information is required.

11. In addition to the Division's procedural amendments, the 2008 Florida Legislature amended Subsection Six of § 97.053, Florida Statutes, which amendment will further change the matching requirement. (SB 866, § 3.) Subsection Six has been amended to provide that when an applicant's information cannot be verified, that "the applicant shall be notified that the number cannot be verified and that the applicant must provide evidence to the supervisor sufficient to verify the authenticity of the applicant's driver's license number, Florida identification card number, or last four digits of the social security number." The Division has prepared a form notice for use by the Supervisors. The Division plans to distribute this form notice, a copy of which is attached to this declaration as Attachment "C," at the time that the amendment to Subsection Six is implemented.

12. The notice will specifically state that:

- (i) the Division attempted to verify the number provided on the application;
- (ii) the Division was unable to verify the number;
- (iii) to validate his or her application, the applicant needs to provide a copy of his or her Florida driver's license, Florida identification card, or social security card, to the Supervisor by mail, facsimile, email, or produce such documentation in person;
- (iv) if the applicant does not do so before the election, he or she may not vote a regular ballot, but may vote a provisional ballot;
- (v) for the provisional ballot to count, the applicant must provide a copy of his or her Florida driver's license, Florida identification card, or social security card, to the Supervisor by mail, facsimile, email, or produce the documentation in person, not later than 5:00 p.m. of the second day after the election.

The notice will also include contact information for the local Supervisor, including a telephone number, email address, and facsimile number, and it will invite the applicant to contact the Supervisor's office with any questions.

13. After entry of this Court's preliminary injunction order of December 18, 2007, the Division added to the voter rolls approximately 16,000 names that were unmatched. Because they were added without verifying their identifying information, the Division is unable to verify whether these 16,000 names are associated with otherwise eligible citizens, or whether they are associated with already registered voters. For example, the Division is unable to determine whether "Ricco Suave," "Joe Blow," or "Dicke Loveré" are legitimate or fictitious registrations. Each was unregistered because of a lack of verification, but each is now an active voter in the Florida Voter Registration System. Copies of their applications are attached to this Declaration as Attachment "D."

14. Similarly, the Division has not verified whether Derrick Brown, for whom no fewer than eight applications have been submitted—with various social security numbers, birthdates, addresses, middle initials, and even races, but all with the same signature—is a legitimate applicant or if any (or all) of these applications are fraudulent. Because of differences in application data, "Derrick Brown" is listed multiple times on the voter rolls. Copies of these applications are attached to this Declaration as Attachment "E."

15. The same problem exists with respect to Tawon Benjamin, for whom at least four applications have been submitted with different social security numbers and different birth years. The four applications, which are attached to this Declaration as Attachment "F," have the same full name, same month and day of birth, and similar signatures—although one appears to be signed "Tawon Williams" instead of "Tawon Benjamin."

16. Within days of each other, two applications were submitted for “Dines Black” with similar handwriting and signatures, but with different birthdates, addresses, and different social security numbers. Copies of these applications are attached to this Declaration as Attachment “G.”

17. The applications listed above were brought to the Division’s attention by Supervisors’ offices. These are examples only, and it is likely that a comprehensive analysis of the hundreds of thousands of applications submitted annually would reveal a substantial number of additional suspicious or fraudulent applications. No comprehensive analysis has been performed.

18. Finally, the Division is tasked with analyzing the records of existing voters to determine if they are convicted felons who should be removed from the rolls as ineligible. Beginning in 2006, the responsibility of the initial review shifted from the Supervisors to the Division. During that time, the Division has reviewed records of newly registered voters to determine their felon status. The review is comprehensive and detailed, and it involves carefully matching voter data with other public records. The Division relies heavily on the information submitted by voter registration applicants, including their driver’s license or social security numbers. Since January 1, 2006, the Division has identified no fewer than 3,100 convicted felons. Any applicant who was a convicted felon when he or she completed a voter registration application, and falsely affirmed that he or she had not been convicted of a felony or, if so, had his or her civil rights restored, committed a fraudulent act. For each of these cases of potential voter registration fraud, the Division referred the matter to the appropriate Supervisor for further action in removing those individuals’ names from the voter rolls.

I declare under penalty of perjury that the foregoing is true and correct. Executed  
on May 19, 2008 at Tallahassee, Florida.

Sarah Jane Bradshaw  
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