

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
3 CASE NO. 08-21243-CIV-ALTONAGA/Brown

4
5 League of Women Voters of Florida, et al.,
6 Plaintiffs,
7 vs.

8
9 Kurt S. Browning, in his official capacity,
and Donald L. Palmer, in his official
10 capacity,

11
Defendants.

12 ~~~~~

13 30(b)(6) DEPOSITION OF
14 SARAH JANE BRADSHAW and DIVISION of ELECTIONS
BY SARAH JANE BRADSHAW

15
16
17 June 12, 2008
10:11 a.m.

18
19 301 South Bronough Street
20 Suite 600
21 Tallahassee, Florida

22
23 Karen F. Howard, Registered Professional Reporter
24 and Notary Public in and for the State of Florida at Large
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

For plaintiff League of Women Voters of Florida:

Derek S. Tarson, Esquire
Debevoise & Plimpton, LLP
919 Third Avenue
New York, New York 10022

For the defendants:

Peter Antonacci, Esquire
Gray-Robinson, P.A.
301 South Bronough Street, Suite 600
Tallahassee, Florida 32301

Lynn C. Hearn, Esquire
Office of the General Counsel
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESSES	PAGE
SARAH JANE BRADSHAW	
DIRECT EXAMINATION BY MR. TARSON.....	6
DIVISION OF ELECTIONS by and through SARAH JANE BRADSHAW	
DIRECT EXAMINATION BY MR. TARSON.....	71
CROSS EXAMINATION BY MR. ANTONACCI.....	95
REDIRECT EXAMINATION BY MR. TARSON.....	101

		E X H I B I T S	
		PAGE	
1			
2			
3	Plaintiffs' Exhibit 1.....		10
4	Plaintiffs' Exhibit 2.....		23
5	Plaintiffs' Exhibit 3.....		29
6	Plaintiffs' Exhibit 4.....		31
7	Plaintiffs' Exhibit 5.....		46
8	Plaintiffs' Exhibit 6.....		59
9	Plaintiffs' Exhibit 7.....		62
10	Plaintiffs' Exhibit 8.....		64
11	Plaintiffs' Exhibit 9.....		75
12	Plaintiffs' Exhibit 10.....		78
13	Plaintiffs' Exhibit 11.....		79
14	Plaintiffs' Exhibit 12.....		94
15			
16	Defendants' Exhibit 1.....		98
17	Defendants' Exhibit 2.....		100
18			
19			
20			
21			
22			
23			
24			
25			

1 objection, not specific enough for 30(b)(6)
2 purposes.

3 MR. TARSON: That any questions about the
4 Florida Voter Registration System is
5 overbroad?

6 MR. ANTONACCI: No, the designation is
7 overbroad.

8 MR. TARSON: The designation -- to
9 discuss the Florida -- okay. I understand
10 what you mean.

11 All right. Thank you.

12 MR. ANTONACCI: And if we could get the
13 time.

14 THE REPORTER: 10:11.

15 MR. ANTONACCI: On the record.

16 THE REPORTER: Yes, sir.

17 - - -

18 (10:11 a.m.)

19 SARAH JANE BRADSHAW,
20 having been sworn as a witness, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. TARSON:

23 Q Ms. Bradshaw, my name is Derrick Tarson. We
24 met off the record. I'll be taking the deposition
25 today.

1 A Okay.

2 Q And if you could just read through it and
3 maybe the questions just before that.

4 A Okay. All right.

5 Q Now, that, in fact, does say that -- you
6 testified that you received right before the book
7 closing date in 2004 bundled -- quote, bundled up in
8 boxes sent to us by third-party groups. Is that
9 correct?

10 A That's correct.

11 Q Now, you just testified, however, that you had
12 no knowledge of which applications came from third-party
13 groups.

14 A Okay. And I apologize. I thought that you
15 were talking about since we had the law regarding
16 third-party organizations. There was no law back in
17 2004 and we didn't enter them, so yes.

18 Q All right. Thank you for the clarification.

19 Let me just ask you about this statement that
20 you made about 2004.

21 A Okay.

22 Q Is it an accurate statement?

23 A Yes, it is. Generally by mail, I think, is --
24 some of them came in hand-delivered; some came in by
25 mail.

1 Q And how did you -- how did you learn about the
2 receipt of these -- yeah, how did you learn about the
3 receipt of these forms from the third-party registration
4 organizations?

5 A Back then we sorted those and sent them to the
6 counties for input. We were getting them in such large
7 quantities that we actually had to borrow employees from
8 other divisions in the department to help us sort and
9 mail them because there were so many of them.

10 Q When did you first become aware of this
11 problem?

12 A Probably August -- August of 2004, sometime
13 around in that vicinity would be my guess.

14 Q Okay. Maybe I need to clarify my question. I
15 believe the testimony only refers to the week prior to
16 the book closing deadline. Is that correct?

17 A Well, we -- the testimony is for the week
18 before, but we also received them between the book
19 closing for the primary and the general election. We
20 were getting them on a continual basis through then.

21 Q Okay. How did you personally become aware of
22 this problem?

23 A When we were required to borrow staff from
24 other divisions to help process them and get them to the
25 counties.

1 Q That only tells me that you were receiving
2 large quantities, not necessarily that they were from
3 third-party voter registration groups. How did you
4 become aware that these applications were being
5 submitted in bulk, if they were, from third-party voter
6 registration organizations?

7 A Because at some point I saw the boxes that
8 they came in.

9 Q Okay. And how did the boxes indicate that
10 they were from these groups?

11 A I presume that they had a -- some kind of
12 identifying information on who they came from, but they
13 were boxed up and mailed in, a number of applications
14 from various folks in one box.

15 Q Okay. And because they were in one box you
16 presumed that they were -- you presumed that they were
17 the same -- they were from the same organization?

18 A Or they were from somebody who gathered them
19 up.

20 Q Now, you said that you saw the boxes and you
21 presumed they had some identifying marks on them, but
22 you do not actually recall them having identifying marks
23 as to their source?

24 A No.

25 Q Do you know who delivered these applications,

1 these boxes?

2 A No, I don't.

3 Q Do you know, in fact, that these boxes were
4 the result of voter registration drives?

5 A No, I personally don't know that.

6 Q What do you mean by you don't personally know
7 it?

8 A Well, I remember talking to staff that
9 processed some of these who said that they appeared to
10 all be coming from an organization that sent them to us,
11 so I have no personal knowledge of how they were
12 collected.

13 Q Do you know which organization?

14 A No. I don't believe it was only one. I think
15 there were multiple --

16 Q Did you --

17 A It was my sense that there were multiple
18 organizations involved.

19 Q But because you don't know which organization,
20 there's no way that you could verify that?

21 A That's correct.

22 Q Did you ever hear any names of particular
23 groups that might have?

24 A I probably did back then, but I don't recall
25 who it would have been.

1 Q These boxes of applications, do you have any
2 knowledge as to how long the period was between the
3 times that the applications in the box were signed and
4 the time that they were actually delivered to your
5 office?

6 A I know that I had conversations with both
7 staff in our office and, I believe, some supervisors who
8 were distressed because there were applications received
9 after the book closing date for the primary that were
10 signed in May and June and received after book closing.

11 So I remember having discussions with both our
12 staff and some supervisors who called who were saying
13 that these persons -- because we didn't receive the
14 applications before book closing for the primary were
15 therefore not entitled to vote in the election.

16 Q But it sounds to me -- and correct me if I'm
17 wrong -- that these are actually two different events,
18 because the applications that were received by
19 supervisors of elections office would not have ever
20 gotten to your office at that time, right?

21 A No, when I was talking about the supervisors,
22 it was ones that we had sent down to them.

23 Q Oh, I see. I see.

24 All right. And when you send it to them, was
25 it after the book closing deadline?

1 A Yes.

2 Q Are you sure about that?

3 A Well, some of them were. Some of them were.
4 Not all of them were, but there were -- the ones that
5 they were complaining about were received, for example,
6 after the book closing for the primary that had been
7 done months earlier. We also received some after the
8 book closing for the general.

9 Q Do you recall if your department received any
10 complaints from individuals who were unable to vote in
11 the primary election of 2004 because it had been
12 submitted -- their application had been submitted after
13 the book closing deadline?

14 A I don't recall one way or the other.

15 Q Would you have made records of such
16 complaints?

17 A If it came in through maybe the voter
18 assistance hotline, maybe.

19 Q What kind of records would they keep? Phone
20 memos?

21 A Oh, just a note that somebody called in and
22 what their issue was.

23 Q Are those records retained? Are those memos
24 retained?

25 A Oh, I don't know whether we have those or not

1 Is that an accurate characterization of your
2 testimony?

3 A Yes, it is.

4 Q Do you recall receiving -- for the general
5 election of 2004, do you recall receiving applications
6 after the book closing deadline from third-party --
7 strike that.

8 Do you recall receiving applications after the
9 book closing deadline from a single source in which the
10 applications had been signed prior to the book closing
11 deadline but you did not receive it until after the book
12 closing deadline?

13 A Yes.

14 Q You do recall that?

15 A Yes.

16 Q Do you recall any specifics about that? Was
17 it one box?

18 A I don't recall how many boxes, but I do recall
19 that we received at least one if not multiple boxes of
20 applications the day after -- at least the day after and
21 maybe a couple of days after book closing.

22 Q And the applications inside were prior to the
23 book closing deadline?

24 A Yes.

25 Q Do you recall -- you don't recall the source

1 of -- do you recall the source of any of those boxes?

2 A No, I don't.

3 Q Do you recall receiving applications after the
4 book closing deadline from other sources that were
5 signed prior to the book closing deadline?

6 A I don't recall.

7 Q Getting back to the applications that you did
8 process prior to the book closing deadline, granted that
9 there were numbers of them -- you said thousands -- is
10 it possible that some of the applicants were not added
11 to the rolls prior to the general election?

12 A Oh, I don't have any idea. That was done at
13 the county level, so I don't know.

14 Q Do you recall receiving any complaints that
15 people were not allowed to vote in the general election
16 of 2004 because they had given their voter registration
17 form to a third-party voter registration organization?

18 A No, not specifically.

19 Q Did your office make any attempt to -- of
20 these -- for these applications that were received in
21 bulk prior to the book closing deadline, did your office
22 make any attempt to determine whether those applications
23 were submitted close to the time that the -- that you
24 actually received them, as opposed to months later?

25 A From the time that the person signed them?

1 A Other -- those are our temporary -- temporary
2 workers that are not -- they're paid an hourly wage;
3 they're not salaried employees.

4 Q And are OPSs -- do OPS employees or
5 temporaries only enter -- do data entry or do they do
6 other tasks as well?

7 A Primarily they data-enter. We have a few of
8 them working on some other areas in the bureau. They
9 are also dealing with sending out cancelations to the
10 counties and to other states as well, but the majority
11 of them are dedicated to data entry.

12 Q Isn't it true that in -- in February and early
13 March, as we discussed, that you were very swamped?
14 Isn't it true that you had to require overtime for all
15 BVRs employees in order to process the surge of
16 applications?

17 A Yes.

18 Q Is that one of the means of planning as the
19 year progresses?

20 A We'll do it on an as-needed basis.

21 Q How long does it take between the time that
22 you decide to hire OPS employees and the time that they
23 are cleared and trained so that they can actually
24 process voter registration applications?

25 A The hiring process doesn't take very long, a

1 day or two, and we immediately begin sitting with that
2 person, explaining to them how the data entry needs to
3 go, once they're hired.

4 Q Okay. Let me have you look at a document.

5 MR. TARSON: We're up to 5; is that
6 correct?

7 THE REPORTER: Yes.

8 (Plaintiffs' Exhibit 5 marked for
9 identification.)

10 MR. TARSON: For the record, this is
11 Bates number DOS-LWV 00114.

12 BY MR. TARSON:

13 Q I'd like you to take a look at that.

14 A Okay.

15 Q Have you ever seen this e-mail before?

16 A I was on the e-mail list, so I presume I did
17 see it back then.

18 Q Okay. I note that Ms. Taff in number three
19 says that it will take some time in order to clear new
20 OPS employees. You just said it would be a day or two.
21 Can you explain that discrepancy?

22 A Like I said, it depends on how you're doing
23 it. If we're advertising, yes, but right now we have a
24 number of applications from people who want to work.
25 It's a matter of interviewing them, doing the paperwork,

1 experience with the 2004 election -- which I understand
2 is different because you were actually not taking in the
3 applications -- the bureau is not actually taking the
4 applications themselves, except that they may have
5 received the applications and then referred it to the
6 supervisor's office. But based on the number of
7 applications that you received for 2004, would 40 OPS
8 employees -- judging that situation now, would 40 OPS
9 employees be enough?

10 A I don't know. I don't know.

11 Q Do you have any idea of how fast an OPS
12 employee can -- how many applications are processed per
13 day?

14 A I think it varies depending on the person,
15 but, no, I don't have a sense of how many they do a day.

16 Q I'd like to go back to your testimony in Diaz.
17 I'd like to point you to another sentence. If you'd
18 look on page 659.

19 MR. ANTONACCI: So we're now looking at
20 Exhibit 4? Is that right?

21 THE WITNESS: Yes.

22 BY MR. TARSON:

23 Q 659, lines 22 and 23.

24 A Okay.

25 Q And in it you said that your office

1 distributed voter registration forms to groups upon
2 requests. I take it at that time you were talking about
3 2004. Is that correct?

4 A No, we continued to do that.

5 Q So that's as true today as it was in 2004?

6 A That's correct.

7 Q So if a library or a conference center or a
8 third-party voter registration group requests a large
9 number of forms -- let's say 5,000 -- you would send
10 them to them?

11 A Yes.

12 Q If you received a request for 5,000 forms from
13 an organization who told you that they were going to
14 conduct a voter registration drive, in what way would
15 that affect your staffing decisions, if at all?

16 A It probably would not.

17 Q Why wouldn't it?

18 A We don't know who they're going to -- I mean,
19 some groups turn the forms back in to the counties.
20 They don't all come to us.

21 Q Okay. Would you do any follow-up with the
22 group to see if they were intending to submit the
23 applications from a voter registration drive to you?

24 A I doubt it.

25 Q Wouldn't that give you some idea of what the

1 workflow that you could expect would be?

2 A No, not really. I don't believe it would.

3 Q Why not?

4 A Well, you've got -- people can download off
5 the web, so they don't necessarily have to get the forms
6 from us.

7 Q That's true, but I'm talking about a situation
8 where this group has actually requested a large number
9 of forms from you and has told you that they're going to
10 conduct a voter registration drive.

11 A To my knowledge, we wouldn't do anything
12 different.

13 Q Okay. I'm going to go back to 2006, with the
14 implementation of the Florida Voter Registration System.
15 After the implementation of the system, approximately
16 how many applications prior to the 2006 federal
17 congressional election were processed by the BVRS as
18 opposed to the counties?

19 A I don't have any idea. I don't know those
20 numbers, don't have any --

21 Q Do you keep any records of those?

22 A I think the bureau probably has some kind of
23 record, but I'm not aware of what it is.

24 Q Okay. Did you hire temporary staff in 2006 to
25 process voter registration applications?

1 A Oh, probably a minute or two, just to say
2 "we're involved in it, there will be a hearing, there's
3 no rule in place yet." I mean, it's not extensive by
4 any means. Our conference calls last no more than an
5 hour. We cover a number of subjects. Litigation update
6 is a standard thing. It takes a few minutes at a time.

7 Q You said that you didn't know what role you
8 would play in enforcing the law. Do you have any idea
9 of what role the supervisors of elections might play in
10 enforcing the law?

11 A No, I don't.

12 Q All right. For your reference I'd just like
13 to give you a copy of the statute that we are talking
14 about.

15 MR. TARSON: And whatever the next
16 exhibit number is. 6?

17 (Plaintiffs' Exhibit 6 marked for
18 identification.)

19 BY MR. TARSON:

20 Q Why don't you take a look at that.

21 Are you familiar with the terms of this law?

22 A I've read it.

23 Q Having read it, if a voter registration
24 application is submitted by an individual who volunteers
25 for, for instance, the League of Women Voters or -- for

1 the League of Women Voters and returns the form to
2 either your office or the Supervisors of Elections
3 office more than ten days after it was collected, can
4 the individual be subjected to fines?

5 MR. ANTONACCI: Objection to the form and
6 the topic.

7 A I have absolutely no idea whether they could
8 or couldn't. This law has not been enforced.

9 Q But as a plain reading of the law, do you
10 believe that the individual in my last hypothetical
11 could be subjected to fines?

12 MR. ANTONACCI: Objection to the form and
13 the topic and the hypothetical.

14 A Quite frankly, I haven't given it a whole lot
15 of thought.

16 Q All right. I had not planned to do this, but
17 I'm going to ask you now in your role as speaking for
18 the Division of Elections and not for you individually.

19 A Okay.

20 Q I'm going to ask you the same question --

21 A Okay.

22 Q -- which I'll repeat.

23 Under this law, if a voter registration
24 application is submitted by an individual volunteering
25 for the League of Women Voters, for instance, who

1 returns the voter registration application more than ten
2 days after it was collected, can that individual be
3 subjected to fines?

4 MR. ANTONACCI: Subject to the same
5 objection that we began the deposition on --
6 excuse me, hold on -- subject to the same
7 objection that we began today on, object to
8 the form and the topic.

9 Go ahead.

10 A I do not know what the answer to that question
11 would be.

12 Q Are you speaking for the division?

13 A I am speaking for the Division of Elections.
14 I do not know what the answer to that question would be.

15 Q Who does know?

16 A I do not know that anyone knows at this stage
17 of the game. This law has not been enforced. The rules
18 are not in place yet. And based on whatever complaint
19 we might get and whatever facts are associated with that
20 complaint, after looking at all the facts and looking at
21 the law and consulting with counsel, then a
22 determination would be made.

23 Q Would the Division of Elections make that
24 determination?

25 MR. ANTONACCI: Objection. Go ahead.

1 A I presume that the division in consultation
2 with our legal counsel would make that determination at
3 the appropriate time.

4 Q I'd like to show you the proposed rule.

5 MR. TARSON: So this will be marked as 7?

6 THE REPORTER: Yes, sir.

7 (Plaintiffs' Exhibit 7 marked for
8 identification.)

9 BY MR. TARSON:

10 Q Are you familiar with the proposed rule?

11 MR. ANTONACCI: Objection.

12 Are we in 30(b)(6) territory?

13 MR. TARSON: Yes.

14 MR. ANTONACCI: I'm doing this as an
15 accomodation to you, because prior to the
16 deposition you indicated you were going to
17 separate it, but as an accomodation we're
18 permitting this.

19 MR. TARSON: All right.

20 MR. ANTONACCI: All right.

21 MR. TARSON: Thank you.

22 THE WITNESS: What was your question?

23 BY MR. TARSON:

24 Q My question is -- well, actually, because --
25 I'll withdraw my prior question.

1 I assume that the Division of Elections is
2 familiar with this rule. Is that correct? Did they
3 write this rule?

4 MR. ANTONACCI: Objection.

5 Go ahead.

6 A I did not have any input, I don't believe, in
7 drafting this particular rule.

8 Q That is not quite responsive to my question.

9 A Well, I don't know whether anyone else in the
10 division had a hand in writing this rule or not.

11 Q If this rule becomes final -- and speaking for
12 the Division of Elections -- under this rule -- I'm
13 going to ask the same hypothetical, and I would like you
14 to answer whether fines would be imposed under this
15 rule.

16 MR. ANTONACCI: Objection.

17 BY MR. TARSON:

18 Q Would you like me to repeat the hypothetical?

19 A No, I believe I have it.

20 Q All right.

21 A I can't answer that. It would depend on the
22 facts surrounding the complaint, and after discussion
23 with legal counsel and applying the law, looking at the
24 law, a determination would be made.

25 Q When you say that you would look at the facts,

1 League of Women Voters and what they do?

2 MR. ANTONACCI: Are we back on fact --

3 MR. TARSON: Yes, we are.

4 MR. ANTONACCI: -- fact witness now?

5 MR. TARSON: As a fact witness, yes.

6 MR. ANTONACCI: All right.

7 A I'm just generally familiar. I mean, I've
8 never been involved with the organization, so I don't
9 know specifically, but generally I have an idea of what
10 they do.

11 Q Now, you testified previously that as for
12 these applications that were submitted in bulk in 2004
13 you did not actually know who they came from. You were
14 making the assumption that it was the third-party voter
15 registration organization.

16 Since that time, have you been aware -- and
17 particularly since the bureau has started with the
18 Florida Voter Registration System, are you aware of any
19 problems with any particular third-party voter
20 registration organization?

21 A I don't have any knowledge one way or the
22 other, no.

23 Q Just to follow-up, so you're not aware of any
24 problems with the League of Women Voters of Florida --

25 A Not specifically, no.

1 Q -- and their voter registration drives?

2 A No.

3 Q Are you aware of any problems with the AFL-CIO
4 and their voter registration drives?

5 A No.

6 Q Have you heard any complaints from voters that
7 applications have been given to either of those groups
8 and either have not been delivered or were delivered
9 late?

10 A No.

11 Q Getting back to the information about --
12 from -- well, are you -- aside from the situation
13 that -- in 2004 that we spoke of, are you aware of any
14 problems with applications coming in from a third-party
15 voter registration -- from third-party voter
16 registration organizations that has caused the bureau
17 any problems in terms of processing?

18 A No.

19 Q Do you expect there to be any problems this
20 year with third-party voter registration applications,
21 assuming the law is not enforced?

22 A I have no way of anticipating whether there
23 will be or won't be.

24 Q So, in fact, as far as you're concerned, the
25 law serves no purpose, right?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- - -

MR. TARSON: For the record, we are now continuing with the deposition of Sarah Jane Bradshaw but pursuant to the Plaintiffs' Notice of Deposition of the Division of Elections through its 30(b)(6) witness, and Ms. Bradshaw has been designated as that witness.

- - -

(1:35 p.m.)

DIVISION OF ELECTIONS

by and through

SARAH JANE BRADSHAW,

having been previously sworn as a witness, testified as follows:

DIRECT EXAMINATION

BY MR. TARSON:

Q Good afternoon, Ms. Bradshaw.

A Hi.

Q I'd like to talk with you about the difference between the voter registration application process

1 this case?

2 A Yes. I glanced through it, yes.

3 Q Are you aware that one of the claims in this
4 lawsuit is that the law and -- that the law is vague and
5 that the rules implementing it -- the proposed rules
6 implementing it do not clarify that law?

7 MR. ANTONACCI: Objection.

8 A I recall the complaint using vagueness as an
9 issue.

10 Q Would you agree that since the division -- or
11 I'll back up.

12 Let me just make absolutely sure -- clear what
13 your testimony is. The Division of Elections does not
14 know who may be fined until after a complaint is filed
15 under this rule and the division has a chance to consult
16 with counsel. Is that your testimony?

17 A My testimony is, until we have a rule in place
18 and we start enforcing the statute, I will -- we will
19 not know who might be fined under the statute.

20 Q And would you agree that if the division does
21 not know who may be fined, no one else could?

22 MR. ANTONACCI: Objection.

23 A We don't have a rule in place yet to know who
24 might be fined under the statute.

25 Q Assuming that the rule becomes final on a

1 certain date -- let's hypothetically pick August 1st,
2 2008 -- on August 1st, 2008, under this hypothetical,
3 the Division of Elections would not know who may be
4 fined under the statute; is that correct?

5 MR. ANTONACCI: Objection.

6 A Until I know what a final rule looks like, I
7 am not going to be able to answer that question.

8 Q Well, I am asking you to assume that the final
9 rule is the same as the rule -- the proposed rule.

10 A We would look at the complaint. We would look
11 at the facts surrounding the complaint. We would
12 consult with the legal office and make a determination
13 based on the facts regarding that complaint.

14 Q But on that date, assuming that the final rule
15 is the same as the proposed rule, someone could be fined
16 and not know who could be fined and who could not?

17 MR. ANTONACCI: Objection.

18 A I can't put myself in the mind of someone
19 reading this to know whether or not they believe they
20 would be fined under it or not. I don't know the facts.

21 Q All right. I'll accept that answer.

22 This morning we went through and I did ask you
23 to put yourself in the position of the Division of
24 Elections. We went through one example of whether
25 someone might be fined -- found liable or not. Based on

1 your responses today -- never mind. Strike that.

2 I would just like to go through some other
3 possible situations and ask if you can tell me whether
4 someone would be fined or whether you as the Division of
5 Elections do not know yet.

6 A Okay.

7 Q If a volunteer for a local League of Women
8 Voters chapter -- and do you know what I mean by local
9 League of Women Voters chapter?

10 A I believe so.

11 Q If a volunteer for a local League of Women
12 Voters chapter turns in a voter registration application
13 more than ten days after she has collected it, would the
14 League of Women Voters of Florida, the statewide league
15 as an affiliate of the local league, be held liable?

16 MR. ANTONACCI: Objection.

17 A I don't know the answer to that question.

18 Q Would the national league be held liable?

19 A I do not know the answer.

20 MR. ANTONACCI: Objection.

21 BY MR. TARSON:

22 Q If a local chapter of the AFL-CIO -- if a
23 volunteer working for the local league of -- or strike
24 that, strike the whole question.

25 If a member of the AFL-CIO working on a voter

1 registration drive for their local AFL-CIO chapter,
2 would the individual be held liable under this law?

3 A I don't --

4 MR. ANTONACCI: Objection.

5 A I don't know the answer to that question.

6 Q Would the local union be held liable under
7 this law?

8 MR. ANTONACCI: Objection.

9 A I do not know the answer to that question.

10 Q Would the national AFL-CIO as an affiliate be
11 held liable under this law?

12 MR. ANTONACCI: Objection.

13 A I do not know the answer.

14 Q Aside from Mr. Holland, who at the Division of
15 Elections commented on this rule?

16 A Commented?

17 Q Yeah.

18 A I'm not aware of who -- I have no idea who
19 might have commented on it.

20 Q Did anyone at the Division of Elections --
21 turning back to the law, did anyone at the Division of
22 Elections have any input or request that the law be
23 enacted?

24 A This particular law?

25 Q Yes, 97.0575.

1 Q Showing the witness Plaintiff's Exhibit No. 2.

2 You previously answered questions about

3 Exhibit No. 2. Do you recall the questions and answers?

4 A Generally.

5 Q Now, the e-mail makes reference to a letter

6 from an organization called Women's Voices/Women's Vote.

7 Are you familiar with that letter?

8 A Yes, I've seen the letter.

9 Q What is that letter about?

10 A The group was notifying the secretary that

11 they had mailed, oh, I'm thinking 600 and something

12 applications to various women in the state of Florida.

13 This was their -- if I recall, their second mailing

14 and --

15 Q Excuse me, was that 600 and something thousand

16 or --

17 A 600 thousand, if I recall, 600 thousand plus

18 applications, and that based on their mailing we should

19 expect to receive -- I'm thinking they said 15, 17

20 thousand applications back from that mailing.

21 Q And did you as an agency have concerns about

22 that letter and the activity of that group?

23 A I think the department had contacted them

24 initially when the first batch -- that was the first

25 batch of applications that we started getting in -- I

1 believe in November/December. There were a number of
2 issues with those applications.

3 Q And what were those issues?

4 A We were getting calls from not only people who
5 got that mailing, but from supervisors, complaining that
6 they were already registered, and because the
7 applications were preprinted for return directly to us,
8 they were thinking that -- first of all, that we had
9 sent them the application, because it had our return
10 address on it.

11 We were getting complaints that the forms
12 were -- the forms were preprinted with the person's name
13 and address, and I'm not sure if any of the other
14 information was preprinted, but name and address. They
15 were complaining that they had already --

16 Q Who was complaining?

17 A The applicants or the supervisors on behalf of
18 the applicants, if the applicant called the supervisor,
19 that many times the name that was on the application was
20 incorrect. It maybe had been their maiden name; they
21 were now registered under their married name. And when
22 the application was being processed, we were change --
23 it was being changed back to their maiden name because
24 that was a later application.

25 We got one application that -- apparently the

1 application was prefilled with the dog's name because
2 the paw print of the dog was the signature. There were
3 just a lot of issues with their mailing and the fact
4 that they preprinted information on the form of people
5 who (a) were already registered or the information that
6 was preprinted was incorrect information.

7 Q Was the communication you had with Women's
8 Voices/Women's Vote around the time that is indicated on
9 the e-mail in the Plaintiff's Exhibit No. 2?

10 A No, I think it was actually prior to -- it was
11 prior to this. This was -- this was after the
12 communication to them, because this was their second
13 mailing, and, if I recall, this letter made reference to
14 the fact that they were in the process of working on
15 their database, but as such it had not been corrected
16 yet and so that we would be seeing some of the same
17 issues, potentially.

18 Q Now, have you had complaints from other
19 supervisors recently about third-party voter
20 registration organizations?

21 A Yes, I have.

22 MR. ANTONACCI: Madam, Court Reporter
23 mark this as Defendant's Exhibit 1.

24 (Defendants' Exhibit 1 marked for
25 identification.)

1 BY MR. ANTONACCI:

2 Q Now, before you is Defendants' Exhibit No. 1.
3 Ms. Bradshaw, can you identify that document?

4 A It is a letter that I received from Bill
5 Cowles, Supervisor of Elections in Orange County.

6 Q And I see your name shown copy on the bottom.
7 Did you receive this letter in your office in your
8 official capacity?

9 A Yes, I did.

10 Q All right. And have you heard or have you
11 received verbal complaints from other supervisors with
12 respect to the organization known as ACORN within the
13 past month or so? Or in 2008, excuse me.

14 A I have not specifically received any -- any
15 complaints from supervisors other than this one.

16 Q Has the division received any from -- with
17 respect to ACORN and voter registration drives this
18 year?

19 A I had a conversation with Mr. Cowles a month
20 or so ago regarding ACORN. I have not had a
21 conversation and nor do I know whether anyone else in
22 the division has, with any of the other supervisors.

23 Q Thank you.

24 During the course of the effective -- since
25 the effective date of Florida Statute 97.0575, have

1 organizations registered with the department as a
2 third-party voter registration organization on their
3 own?

4 A Yes, they have.

5 MR. ANTONACCI: Please mark this as
6 Defendant's No. 2.

7 (Defendants' Exhibit 2 marked for
8 identification.)

9 BY MR. ANTONACCI:

10 Q And ask you if you can identify this document.

11 A Appears to be a list of those organizations
12 who have sent us paperwork.

13 Q And when you say "paperwork," what do you
14 mean?

15 A Some of them, I believe, have used the form
16 that was being promulgated as a rule maybe initially
17 back in 2006 that was never adopted. I believe some of
18 these just sent us letters giving us information.

19 Q And does this list include, to your knowledge,
20 all of the organizations who have registered voluntarily
21 with the Secretary of State's office since the effective
22 date of 97.0575?

23 MR. TARSON: Objection. I'd like a
24 timeframe on that.

25 MR. ANTONACCI: Since the effective date

1 through the present.

2 MR. TARSON: To the present. All right.

3 Thank you.

4 A Yes, as far as I'm aware.

5 MR. ANTONACCI: I don't have any other
6 questions.

7 MR. TARSON: All right. I have a few
8 questions in redirect.

9 REDIRECT EXAMINATION

10 BY MR. TARSON:

11 Q With regards to Women's Voices/Women's Vote,
12 is there anything that this law would do to ameliorate
13 the problems with duplicate applications, with
14 preprinted applications, and incorrect information?

15 MR. ANTONACCI: Objection.

16 MR. TARSON: Grounds?

17 MR. ANTONACCI: It's vague. The only
18 ground that's acceptable is the form of the
19 question at the time of deposition, so I
20 object to the form of the question.

21 A These applications were being mailed to us
22 directly from the applicant. They did not come in bulk
23 from the group. The group was not collecting them,
24 so --

25 Q So then your answer is really no?

1 MR. ANTONACCI: Objection.

2 A You know, I'm not -- I'm not sure that they
3 would come under the fine provisions or not because
4 they're coming directly from the applicant.

5 Q You're not sure that they would. In fact, if
6 they were not collecting it, they would not; is that
7 correct?

8 MR. ANTONACCI: Objection.

9 A My understanding of the way the law is
10 structured is if you're collecting them.

11 Q Thank you.

12 You had said earlier in your deposition that
13 you were not aware of any particular third-party groups.
14 You now have identified ACORN as -- so may I assume that
15 you are not aware of any third-party voter registration
16 organizations aside from ACORN that you have heard
17 complaints about?

18 A I've forgotten exactly what the question was,
19 but that would be the one that I have been made aware of
20 from a supervisor.

21 Q Have you heard any other complaints about
22 ACORN?

23 A Not with respect to registrations recently.
24 In the past we have had complaints about ACORN just in
25 their -- with respect to petitions and a number of

1 issues.

2 Q Can you be a little bit clearer on what you
3 mean by petitions and issues.

4 A Well, for example, when ACORN has in the past
5 worked on initiative petitions to get ballot position,
6 there have been allegations of forgeries and that kind
7 of thing.

8 Q Any other issues -- any issues regarding ACORN
9 as a collector of voter registration applications?

10 A Not that I'm aware of recently other than --
11 other than this one.

12 Q Can you qualify "recently"?

13 A In the past, say, year.

14 Q All right. Is there anything -- is there any
15 complaint listed here that would -- that the law -- that
16 the amended law would address --

17 MR. ANTONACCI: Objection.

18 Q -- if you want to look at the letter again.

19 A I need to look at it again. I don't believe
20 any of it included timing of the applications.

21 No, it doesn't appear.

22 Q Thank you.

23 Finally, with regard to Defendants' 2, if
24 you'd like to look at that, what is the source of this
25 list, if you know?

1 C E R T I F I C A T E O F O A T H

2

3 STATE OF FLORIDA)

4 COUNTY OF LEON)

5

6 I, the undersigned authority, certify that SARAH
7 JANE BRADSHAW personally appeared before me and was duly
8 sworn.

9

10 WITNESS my hand and official seal this 13th day of
11 June, 2008.

12

13

14

15

16

Karen F. Howard

17

Notary Public, State of Florida

18

19

20

21

22

23

24

25

1 C E R T I F I C A T E O F R E P O R T E R

2

3 STATE OF FLORIDA)

4 COUNTY OF DUVAL)

5

6 I, Karen F. Howard, Registered Professional
7 Reporter, certify that I was authorized to and did
8 stenographically report the foregoing proceedings and
9 that the transcript is a true and complete record of my
10 stenographic notes.

11

12 DATED this 13th day of June, 2008.

13

14

15

Karen F. Howard

16

Registered Professional Reporter

17

18

19

20

21

22

23