

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

CASE NO: 08-CV-21243(S.D. Fla.)

LEAGUE OF WOMEN VOTERS OF FLORIDA, ET AL.

PLAINTIFFS,

VS.

KURT S. BROWNING, ET AL.,

DEFENDANTS.

2700 N.W. 87th Avenue

Miami, Florida

Thursday, 9:25 a.m. - 1:10 p.m.

June 12, 2008

DEPOSITION OF IVY KORMAN

Taken on behalf of the Plaintiffs before Gina Garcia, RPR,
CRR, Notary Public in and for the State of Florida at Large,
pursuant to Plaintiff's Notice of Taking Deposition filed in the
above cause.

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1 Thereupon:

2 IVY KORMAN,

3 was called as a witness and, having been first duly sworn and
4 responding "yes," was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. PARADIS:

7 Q I'm Renee Paradis. I represent the plaintiffs,
8 The League of Women Voters of Florida, the Florida ASLCIO
9 and Marilyn Wills.

10 MR. WINSOR: I'm Allen Winsor for the
11 defendants.

12 MR. ROSENTHAL: Oren Rosenthal for the
13 third-party deponent.

14 BY MS. PARADIS:

15 Q So I'm going ask you some questions about facts
16 related to this lawsuit. This deposition is being
17 transcribed and your testimony may be read at trial under
18 certain circumstances. So please answer all questions
19 out loud so the Reporter can make an accurate record.

20 If you do not hear a question, say so --

21 Oh, sorry. Elizabeth, do you want to go ahead
22 and introduce yourself?

23 MS. WESTFALL: This is Elizabeth Westfall
24 from Advancement Project for all plaintiffs.

25 MS. PARADIS: If you do not hear a question,

1 A No.

2 Q Okay. And how many full-time or part-time
3 employees processing forms did you have at a similar time
4 in 2004, June of 2004?

5 A The same amount that we would have for any
6 presidential.

7 Q Okay. About how many would that have been?

8 A About 50 seasonal and full-time.

9 Q Okay. And then in October of 2004, how would
10 that have changed?

11 A Everybody would have stayed through the
12 November election.

13 Q Okay. When do you --

14 A From June through.

15 Q Can you describe briefly the categories of
16 tasks that your office must complete in the months
17 leading up to the book-closing deadline for a Federal
18 election?

19 A Could you repeat the question and let me know
20 are you talking about just my registration section?
21 Everything we do?

22 Q Why don't you describe what goes on in your
23 registration section first, and then we'll do the whole
24 office briefly. But just sort of the categories of tasks
25 that you have to do to prepare for the election before

1 the book-closing deadline.

2 A Before the book-closing. Okay. We continually
3 get e-mails and hard copies of forms from Supervisors of
4 Elections throughout the state and the United States
5 removing voters. We get returned as undeliverable mail,
6 which we have to start going through a process of
7 entering in address confirmations. We get notices from
8 the State about people that croaked or died. We get
9 notices from the jury and the driver's licenses --
10 actually, from the jury, people that no longer live in
11 Dade County.

12 We get notices from driver's license if
13 somebody moved out of state or died. Papers from
14 different organizations asking if somebody has been a
15 registered voter from lawyer's offices and things like
16 that.

17 And then starting from when we actually get the
18 cards in. The cards are placed in the batches. And then
19 let me go back. We get mail. The mail has gone through.
20 If there's a picture of the photo ID, it's taped to the
21 back. Mail is put into a batch. And it's also sorted.
22 If we're taking off voters, if it's changes, if it's new,
23 et cetera. Anything we get from the third-party groups
24 or of the schools are just put in a batch with "other"
25 and put through.

1 We periodically will go through when we're
2 doing this and sorting them. Sometimes you will see
3 batches of people with the same signature. Those we
4 start to pull out as we're going through.

5 Q And then for the rest of the office?

6 A I can't tell you what they do.

7 Q Let's see. And then after the registration
8 deadline, what does your division have to do?

9 A We continue and process any forms that we got
10 after the book-closing date, but that's still valid. And
11 if we have the time, we enter in the forms that we got
12 after the book-closing date. And you put that date so at
13 least the forms are done and all the other maintenance
14 requiring; you know, details and stuff, precinct
15 registers before an election.

16 Q When you say "precinct registers," can you
17 please describe that process?

18 A Whatever date they choose to print the precinct
19 registers, whoever is in the system at that time, will be
20 put in. People that have made the book-closing date but
21 if the volume was too large or it was an accepted group
22 and we got them too late, we end up putting them in and
23 we'll send post cards to the people to let them know that
24 they're in fact a registered voter.

25 Q So you're creating precinct registers for use

1 Q Okay. And it sounds like you expect to receive
2 a similarly large volume of voter registration
3 applications this year?

4 MR. WINSOR: Objection to form.

5 A I take what I get.

6 Q Do you expect to receive a large volume of
7 voter registration applications this year?

8 A We've already begun to receive applications.

9 Q Is it on pace to be a year like 2004?

10 A I hope not.

11 Q Okay. And your plan this year to prepare for
12 that influx the same?

13 A Yes.

14 Q Okay. So now the fun part. Third-party
15 registration organizations.

16 In 2004, third-party groups conducted
17 registration drives in Miami-Dade County?

18 A Yes, ma'am.

19 Q Was it a big year for third-party groups?

20 A Yes.

21 Q Would you say it's the biggest you've seen?

22 A No.

23 Q What was the biggest year you've seen for
24 third-party groups?

25 A 1982 was big -- I've been here since '81. That

1 was not the largest.

2 Q Is it the largest since the NVRA was
3 implemented?

4 A I - that was 1996.

5 Q 1995, I believe, in Florida.

6 A I really can't answer. Every one is big.

7 Q Is it fair to say that you don't know whether
8 or not 2004 was the biggest year you've seen because --
9 is that correct?

10 MR. WINSOR: Objection to form.

11 A It would be fair to say. I can't tell you if
12 it was the biggest year.

13 Q In 2004, how many third-party groups were
14 operating in Miami-Dade?

15 A Probably about three or four.

16 Q Okay. And does that include labor unions?

17 A Let me up it, probably closer to six.

18 Q Okay. Which groups were operating?

19 A There was a labor organization. I'm not sure
20 exactly which names they were. If you gave me a bunch, I
21 could probably say, "Yes, that was it." There was ACORN,
22 there was Mi Familia, there was Democracia, something or
23 other. Democratic Parties sometimes does a drive.
24 Republican Parties sometimes does a drive. League of
25 Women Voters sometimes does a drive. Of course there's

1 the schools that gives us everything like right at this
2 date.

3 Q Let me stop you for a moment. So are we still
4 referring to people who are operating in 2004?

5 A Yes. All of these groups have been in business
6 since 1981, just about, in different names, different
7 ways.

8 Q So it's your testimony that third-party groups
9 have been operating since 1982 in similar ways to the way
10 that they operate today?

11 MR. WINSOR: Objection to the form.

12 A Yes.

13 Q So we have ACORN, Mi Familia Vota, Democracia,
14 Democratic Party, Republican Party, League of Women
15 Voters.

16 What other groups were operating in Miami-Dade
17 in 2004?

18 A Those were the largest ones. There were some
19 that might have gone under my radar if there was a
20 problem or not.

21 Q Do you think that -- is it -- do you recollect
22 a group called Florida Consumer Action Network or FCAN or
23 USA Action operating a drive in Miami-Dade?

24 A Sometimes they ended up with people let's say
25 from the unions or with ACORN or they combined. I

1 can't -- what would the initials be?

2 Q FCAN or USA Action.

3 A No.

4 Q I'm going to go through a list and after each

5 name, you tell me whether or not you remember them

6 operating a drive.

7 A At any time? Or --

8 Q In 2004, sorry.

9 People for the American Way?

10 A Yes.

11 Q Sanctify Seven?

12 A I don't recall.

13 Q Voting is Power?

14 A I don't recall.

15 Q Florida Public Interest Research Group or

16 Florida PIRG or PIRG?

17 A Possibly.

18 Q Community Voting Project?

19 A Yes.

20 Q New Voter's Project?

21 A Sounds familiar.

22 Q NAACP?

23 A Yes.

24 Q Equality Florida?

25 A I don't recall.

1 Q Planned Parenthood?

2 A No.

3 Q Clean Water Fund?

4 A No.

5 Q Rock the Vote?

6 A They were mostly on the Internet. They might
7 have gone to some events. So, yes, I know who they are.

8 I can't swear I got cards from them.

9 Q Okay. Sierra Club?

10 A No, I don't recall.

11 Q Southwest Voter Representation Education
12 Project?

13 A No.

14 Q Also, sometimes they're called SV Rep?

15 A No.

16 Q League of Conservation Voters?

17 A No.

18 Q The Utilitarian Universalist Service Committee?

19 A No.

20 Q How about AFSCME?

21 A Possibly.

22 Q AFL?

23 A Possibly.

24 Q Pact?

25 A P-a-c-t? (Shaking head from side to side.)

1 Q SEIU?

2 A SEIU, yes. That was the main union one.

3 Q In fact, at least ten groups or maybe more were
4 operating?

5 A Yes.

6 Q Did you conduct any outreach to third-party
7 groups in 2004?

8 A I'm not in charge of outreach.

9 Q And who is the person that is in charge of
10 outreach?

11 A The person directly is Kaye Johnson.

12 Q Was she in charge in 2004?

13 A Yes.

14 Q Okay. Did any third-party groups try to meet
15 with you about voter registration?

16 A Yes.

17 Q Which ones?

18 A The unions, ACORN, Mi Familia, Democracia. I
19 speak to people from the Democratic party and the
20 Republican party as well as the League of Women Voters,
21 but I don't have a problem with them. Some of the others
22 might know me from around, but basically we were talking
23 a lot with some of the people from those organizations.

24 Q Okay. And what would be discussed at those
25 meetings?

1 A Well, the people like the unions, they were
2 upset because some of their people weren't getting
3 registered and they couldn't understand why. We would
4 show them the cards and show them that certain things
5 were missing. They took names and then maybe sent
6 letters to the people, let them know that.

7 ACORN, the cards are atrocious. Since I've
8 been with elections in any shape or form, whenever we get
9 something from them, the cards --

10 And then Mi Familia, Democracia, they would
11 just say: "Hey, here are our cards."

12 "Thanks a lot. Any problems with them?"

13 "No," "yes," or anything else. Basically it's
14 the ACORN Group and whoever they're connected with.

15 Q And when you say "atrocious," can you speak a
16 little bit about what the problems that you're talking
17 about?

18 A In 2004, especially because there were some
19 years that I wasn't directly in charge of voter
20 registration, I was just doing voter registration
21 projects. The cards would come late. We had tray loads
22 of cards that came in late from ACORN. All of their
23 cards continue to have the same problem. Especially in
24 2004, my assistant, her two kids were registered by
25 ACORN. One of them works for us. Neither of them ever

1 spoke to anyone to register to vote. Some of the
2 information was correct, some of it wasn't. They
3 registered people out of the phone book.

4 Q So it sounds like fraudulent application is a
5 problem that you're talking about?

6 A It was signed -- like 30 forms might have been
7 signed by, very obviously, by one person. So especially
8 with some of the groups, I would get "fraudulent."

9 Q Okay. And did ACORN ever sort of try to draw
10 your attention to forms which they thought might be
11 fraudulent in returning those forms?

12 A Absolutely not.

13 Q Have they done so since then?

14 A We meet with them and we tell them what it is
15 and they look at them. But they'll say they won't do it
16 again or they'll get rid of people. And we still
17 continue to get stuff that's like that.

18 Q And when you received forms which you believe
19 to be fraudulent, do you report that to law enforcement
20 authorities?

21 A Yes, I do.

22 Q Do you know the outcome of those
23 investigations?

24 A In some of the cases, I think after 2004, they
25 started something with FDLE and ACORN. I don't remember

1 MS. WESTFALL: I'm not sure if we want to
2 mark this as an exhibit. You may just want to
3 hand it to the witness.

4 MR. ROSENTHAL: I would like to mark it as an
5 exhibit, please.

6 MS. WESTFALL: She's going to use it to
7 refresh her recollection. We do not need to mark
8 it as an exhibit.

9 MR. WINSOR: I am going to mark it as an
10 exhibit. If you want to keep it consistent, move
11 along now, that would be fine.

12 MS. PARADIS: We've already marked some of
13 these as exhibits, Elizabeth, so --

14 MS. WESTFALL: Let's proceed.

15 MR. WINSOR: So this is 8 or 9?

16 MS. PARADIS: Eight.

17 BY MS. PARADIS:

18 Q So you testified at the Diaz trial that your
19 office received 6,000 applications on the day of
20 book-closing?

21 A What page would I be looking at?

22 Q 288. So at line 16, 17; 6,000 on book-closing
23 day. So you testified that 6,000 applications on the day
24 of book-closing and then 10,000 in the period right
25 before the book-closing deadline?

1 A If that's what I said, yes.

2 Q And then does that 10,000 include the 6,000
3 number or do you believe that those are two separate?

4 A I would have to say based on the words here, on
5 book-closing and a couple right before -- I don't know.
6 My right answer is "I don't know."

7 Q About how many days would you say that 10,000
8 number represents?

9 A I don't know.

10 Q When did you first learn that the -- let's
11 do -- let's do the 6,000 first and then we're going to go
12 back and talk about the 10,000. So for the 6,000, when
13 did you first learn of the 6,000 applications?

14 A When they came in, my staff undoubtedly went
15 past and said: We got about 6,000.

16 MR. WINSOR: Can we hang on for a second?
17 She's reading from the document. The question is:
18 If you're not marking it and using it to refresh
19 her recollection, you show it to her and take it
20 back. If it doesn't refresh her recollection,
21 then it doesn't. If you want to mark it as an
22 exhibit, you can mark it as an exhibit.

23 MS. PARADIS: For now let's not mark it as an
24 exhibit, then, I'm sorry. It's going to get
25 marked later, but we will not mark it.

1 BY MS. PARADIS:

2 Q As you sit here today, do you have an
3 independent recollection of those documents, 6,000
4 documents and 10,000 documents?

5 A No.

6 MS. PARADIS: Can we take a break? And I'm
7 going to confer with co-counsel in the other room.

8 (A recess was taken from 10:34 to 10:38 a.m.)

9 BY MS. PARADIS:

10 Q So on the book-closing deadline in 2004, did
11 you receive cards from third-party groups?

12 A Yes.

13 Q How many?

14 A A lot.

15 Q How many does "a lot" represent?

16 A I would only be pulling out a number. I guess
17 then I remembered it was a little more. I don't know if
18 you're -- you know, if I'm supposed to be matching this,
19 that number to that number or anything. We got a lot.
20 We also got a lot after the book-closing date.

21 Q When did you first learn of the large number of
22 applications that you received on the book-closing date?
23 Did someone tell you?

24 A Undoubtedly as they came in.

25 Q Rather than saying how you --

1 Do you remember learning of a large number of
2 applications dropped off on the closing date?

3 A No.

4 Q Do you remember who on your staff told you that
5 a large number of applications were dropped off?

6 A No.

7 Q Do you remember someone on your staff telling
8 you how these were delivered to your office?

9 A How they were delivered by car?

10 Q By in person or by mail?

11 A No.

12 Q Do you know who on your staff personally
13 witnessed these cards being dropped off?

14 A No.

15 Q Do you remember -- let's see. Do you remember
16 if the same person brought in all of these applications
17 you received on book-closing day?

18 A No.

19 Q Do you remember who delivered these
20 applications?

21 A No.

22 Q Do you remember if it was a third-party group?

23 A Yes.

24 Q How do you -- if you remember that -- so you
25 remember that a third-party group dropped off some

1 unknown quantity of forms, but you don't remember how
2 they were dropped off?

3 A Not exactly.

4 Q And you don't remember who has told you about
5 these forms being dropped off?

6 A Not exactly.

7 Q Okay. Are all registration cards dated with
8 the date of signature?

9 A I wouldn't know about that, and that doesn't
10 affect a card being eligible or not. But all cards right
11 at book-closing are stamped by our office as to the day
12 that they come in.

13 Q My question is: On the registration card
14 itself, is there a space for somebody to indicate the
15 date that they completed the signing of the card?

16 A Yes, it is.

17 Q Is it a requirement that that date be
18 completed?

19 A No, it isn't.

20 Q Do you have a basis for knowing when the forms
21 that were dropped off on book-closing day deadline had
22 been collected from applicants?

23 A Only if there were dates.

24 Q Do you have any recollection of what those
25 dates on those cards that were dropped off at

1 book-closing were?

2 A I can't tell you on that book-closing date, but
3 other --

4 Q Okay.

5 A But other times.

6 Q Well --

7 MR. WINSOR: Let her answer the question,
8 please.

9 MS. PARADIS: I asked about the book-closing
10 date. I don't --

11 THE WITNESS: Okay.

12 BY MS. PARADIS:

13 Q So do you have any recollection of examining
14 the cards that were submitted on the book-closing date
15 after you received them?

16 MR. WINSOR: You're talking about '04 still?

17 MS. PARADIS: This entire -- about the
18 book-closing date in on the 2004 and cards
19 received on the deadline.

20 THE WITNESS: For the November election or
21 for the September election?

22 BY MS. PARADIS:

23 Q In October for the November election.

24 A No.

25 Q Do you have any recollection of anyone on your

1 staff telling you about having examined those cards to
2 look at the dates?

3 A No.

4 Q So for the cards dropped off on the
5 book-closing deadline in October 2004, you have no
6 recollection of the dates that were on those cards and
7 thus no way of knowing when those cards were collected?

8 MR. WINSOR: Objection to the form.

9 A I have no recollection at this time what was
10 done then.

11 Q Do you have any written documents or anything
12 else that would shed any light on the applications that
13 were dropped off on the book-closing deadline?

14 A No.

15 MR. WINSOR: Objection to form.

16 BY MS. PARADIS:

17 Q Okay. Now with respect to the ten thousand --
18 excuse me. Let me take that back.

19 Do you have any recollection now of how many
20 applications were dropped off by third-party groups in
21 the week before the book-closing deadline?

22 A No.

23 Q So you have no recollection of anybody in your
24 office telling you about the number of cards that were
25 dropped off?

1 MR. WINSOR: Objection of form.

2 A People have told me. I can't tell you what
3 day, I can't tell you how many, when, what exactly was
4 part of them.

5 Q Okay. And let's see. So of the applications
6 that were submitted by book-closing, it's your testimony
7 that you processed all of those applications that were
8 complete that were submitted by eligible applicants and
9 placed them on the voter rolls?

10 A Yes.

11 MR. WINSOR: Objection of form.

12 BY MS. PARADIS:

13 Q Let's see. Do you remember testifying in the
14 Diaz case that third-party groups hoard applications?

15 A Yes.

16 Q What did you mean by "hoard"?

17 A W-h-o-r-e-d? No. H-O-A-R-D?

18 Q Yes.

19 A It wasn't necessarily on book-closing date, but
20 during different times of the year, when I was going
21 through -- and again, I'm being more specific to ACORN,
22 that there were cards, let's say, dated February and
23 cards dated in June. Some cards might not have been
24 dated at all.

25 Q And if they weren't dated at all, did you have

1 any way of knowing?

2 A Whatever date they -- I had -- assume whatever
3 date I was given, that was the date.

4 Q So you had no way of knowing when that card was
5 completed?

6 A Correct.

7 MR. WINSOR: Objection of form.

8 BY MS. PARADIS:

9 Q And you just now in your office you said you
10 were referring particularly to ACORN. Were there other
11 third-party groups that you believed hoarded applications
12 in 2004?

13 A No.

14 Q Okay. So you remembered generally in 2004 that
15 there were cards that you believed were turned in, in a
16 significant amount of time after they were collected?

17 MR. WINSOR: Objection to the form.

18 Q How many cards can you recollect?

19 MR. WINSOR: Objection to the form.

20 A I can't recollect how long after it was. I
21 can't recollect how many. I can just tell you that I did
22 get cards that you could tell were not done with that
23 timing of some of the others.

24 Q Would you say that -- so you saw those
25 applications yourself?

1 A Yes.

2 Q And how many applications would you estimate --

3 MR. WINSOR: Objection to the form.

4 Q -- were collected more than a month before you
5 received them?

6 A A safe answer would be more than a hundred.

7 Q Would you say more than two hundred?

8 A I couldn't answer that.

9 Q What's the upper limit on the number of
10 cards --

11 MR. WINSOR: Objection to the form.

12 Q -- that you believe that you saw?

13 A I couldn't answer that. I just know that I
14 found -- that wasn't, of course, their only problem. But
15 while I was going through their cards specifically, I
16 would see dates of different months. And I don't mean
17 May and June.

18 Q Okay. Do you think that -- to the best of your
19 recollection, did you see as -- would 500 be the most --
20 could we give an upper bound of a thousand?

21 MR. WINSOR: Objection of form. She's
22 answered the question several different ways.

23 BY MS. PARADIS:

24 Q I guess what I'm asking is: In your best
25 estimation, clearly it wasn't a million. So what's

1 the --

2 A More than there should have been. Is that not
3 an answer?

4 Q I prefer if you can answer to the best of your
5 recollection.

6 A I can't. I'm unable to give you a number. And
7 that wasn't my main focus of the cards unless people were
8 calling to say how come I'm not registered and then we
9 saw that their card was dated in February, but we didn't
10 get it until June.

11 My main focus has always been with ACORN is
12 checking the signatures and what they're doing. So that
13 wasn't my focus.

14 Q So your main problem with ACORN was hoard --
15 hoarding was not your main problem with ACORN?

16 MR. WINSOR: Objection to the form.

17 A I wasn't pleased with their hoarding. Again, I
18 would get calls from voters. My -- 85 percent was
19 garbage I got. Hoarding didn't help it.

20 Q How many calls did you get from voters
21 complaining about --

22 MR. WINSOR: Her? Or the office?

23 BY MS. PARADIS:

24 Q How many calls are you aware that you or your
25 office received?

1 A I know I personally got at least five, under
2 ten. I can't tell you how many the rest of my office
3 got, because it wasn't something that they would bring to
4 me, unless somebody was really complaining and then they
5 brought it to me.

6 Q So you have personal knowledge only of five
7 calls?

8 MR. WINSOR: Objection to the form.

9 A Personal to me. I can't tell you that there
10 weren't more.

11 Q Right. But you have personal knowledge of five
12 calls?

13 MR. WINSOR: Objection to the form?

14 A Let's say five. May I --

15 Q Unless you need to correct an answer, but if
16 it's supplemental information, no.

17 A I don't know what it is, so I can't tell you.

18 Q If any of what you've just said is inaccurate,
19 let's go back and correct it.

20 A Let's go back and correct it.

21 Before the book-closing when we got the
22 hoarding, but then when we got the cards after --

23 Q We'll talk about this stuff.

24 MR. ROSENTHAL: She feels she needs to
25 correct something, so she needs to --

1 MS. PARADIS: All I can say is I have not yet
2 asked you about applications submitted subsequent
3 to book-closing.

4 MR. ROSENTHAL: She's indicating that she
5 doesn't fully understand the question.

6 BY MS. PARADIS:

7 Q Let me clarify. How many calls did you get
8 from voters with respect to applications that were turned
9 in before the book-closing deadline?

10 A About five.

11 Q Did you copy or segregate any of the
12 applications where the dates were more than ten days out
13 from when you received the applications?

14 A Again, that wasn't my focus unless it also was
15 a garbage card.

16 Q Do you know the names or have a list of the
17 applicants?

18 A At this time I don't.

19 Q Did you keep one then?

20 A I had them together, the cards that were
21 problems and things like that, but --

22 Q If a card was complete and legible but had a
23 date more than ten days --

24 A I did not keep any of those.

25 Q Okay. Did you tell the Supervisor of Elections

1 about this problem?

2 MR. WINSOR: Objection to the form.

3 Q The more-than-ten-days-out problem?

4 A I told her about the hoarding as well as the
5 garbage cards.

6 Q Let's focus right now on the hoarding. I
7 promise you will get a chance to talk about that. For
8 right now just about these cards.

9 Orally or in writing, did you talk to the
10 Supervisor of Elections?

11 A Orally.

12 Q Did either you or the supervisor talk to the
13 Secretary of State or the Division of Elections?

14 A I can't tell you what she did.

15 Q But you did not?

16 A It was four years ago. I'm not quite sure. I
17 know at one point I did speak to FDLE in relation to this
18 as well as the garbage cards. I can't recollect exactly
19 what I said to her or if in fact with the attorney we
20 spoke to someone else. I know that there were problems,
21 and I was constantly going to her office.

22 Q To the office of the supervisor or --

23 A My Supervisor of Elections.

24 Q But did you ever communicate with State
25 Elections officials?

1 A Yes. When the cards came after the
2 book-closing. But you didn't want to get into that yet.

3 Q Not yet. So let me just clarify: Did you have
4 any communication with State Elections officials about
5 cards that were submitted before the book-closing
6 deadline more than 10 days after collection?

7 A I don't remember.

8 Q Do you have other than your recollection of
9 some number of cards, and it's more than a hundred, but
10 you can't give an upper bound, that you personally
11 examined in 2004, do you have any other evidence of
12 third-party groups having, again, only hoarded
13 applications?

14 A Before the book-closing?

15 Q Before book-closing.

16 A No other groups.

17 Q Do you believe that third-party groups or just
18 ACORN deliberately hoarded those forms?

19 MR. WINSOR: Objection to the form.

20 A I can't tell you what they chose to do or not.

21 Q Do you think there are any legitimate reasons
22 to hold on to a form for a few days?

23 MR. WINSOR: Objection of form.

24 A There's a few days and there's major days.

25 Q Do you think it's legitimate to retain a form

1 to check it for completeness?

2 MR. WINSOR: Objection of form.

3 A You get the form; it's either complete or not.

4 If they're doing it in front of you, if they're missing
5 something, now's the time to say: Oh, excuse me, ma'am,
6 you didn't give me your driver's license.

7 Q If you had say --

8 A Some of the groups were holding these so they
9 could make a list of voters. Now, again, they were also
10 having their agendas of why they were doing it.

11 Q So do you think that it's legitimate to make a
12 list of voters for voter mobilization or get-out-to-vote
13 activities?

14 MR. WINSOR: Objection to the form.

15 A At one point you were not allowed to do that.
16 I can't tell you what year that started or not. But I
17 guess it's kind of like making a credit card application,
18 and I'm doing it for Jet Blue and now they're giving the
19 list to something else. I'm registering to vote. I
20 don't know that I want to be contacted or something. So
21 I can't tell you --

22 Q Does your office sell letter files?

23 A Well, there's public record requests of voters
24 for candidates and things like that. So again, that's
25 allowed, but that's not -- and again, it's the same

1 thing, but that's not my --

2 Q But it is true that a third-party group that
3 wanted to get a list of every voter in Miami-Dade County
4 could do so through public records?

5 MR. WINSOR: Objection to the form.

6 A Anybody can get a list after, but necessarily
7 keeping the form to write down information and delaying
8 us isn't necessarily the right way to go, especially
9 close to book-closing.

10 Q And do you consider 6,000 applications to be
11 unusually a large number of applications for a single
12 voter registration drive to submit on the day of
13 book-closing?

14 MR. WINSOR: Objection to the form.

15 A I get large groups, large amounts at different
16 times. A presidential year on book-closing, it's a lot
17 of forms. I can't give you a quantitative -- it's a lot
18 of forms. It puts a lot of strain on us to get
19 everything done.

20 Q Do you believe that an amount like 6,000 forms
21 on the last day of book-closing would necessarily be due
22 to hoarding or --

23 A I can't answer --

24 MR. WINSOR: Objection to the form.

25 A -- what they did or not.

1 BY MS. PARADIS:

2 Did your office used to run voter registration
3 drives?

4 A Yes.

5 Q And did you run a voter registration drive for
6 the primary election in 1988?

7 A Probably.

8 Q And do you remember how many forms you brought
9 in on the last day of book-closing?

10 A At this time, no.

11 MS. PARADIS: I'd like to enter at this time
12 Plaintiff's Exhibit 8, which is a Miami Herald
13 article.

14 (Plaintiffs' Korman 8 was marked for
15 identification by the reporter.)

16 BY MS. PARADIS:

17 Q About the voter registration question. And do
18 you see in the sixth paragraph where it says that you
19 expected the registration alone to bring in 5,000 or more
20 voters?

21 A Uh-huh.

22 MR. ROSENTHAL: You have to answer orally.

23 A Yes.

24 MS. PARADIS: Thank you.

25 MR. WINSOR: Do you have the whole article?

1 THE WITNESS: Can I keep one of these for my
2 history?

3 MR. ROSENTHAL: I will give you one of these
4 when you're done.

5 MR. WINSOR: That was 8?

6 MS. PARADIS: Yeah.

7 BY MS. PARADIS:

8 Q Okay. Now, has your office ever received voter
9 applications from third-party groups after the
10 book-closing date for a Federal election?

11 A Yes.

12 Q Can you go ahead and describe the circumstances
13 of that submission?

14 MR. WINSOR: Objection of the form.

15 A Are you talking about now from third-party
16 groups?

17 Q Yes.

18 A Okay. Specifically, and again, I'm not sure if
19 it was for the September, '04, election or these were
20 cards for the November, '04, election. But ACORN brought
21 in trays, boxes that we put into trays of cards that
22 came -- that they brought to us after the book-closing
23 date, which we were not allowed to accept.

24 Q But -- so you do not --

25 A Well, we accepted them, we were not allowed to

1 put them on for book-closing.

2 Q But you do not remember whether that was for
3 the September primary or --

4 A I don't recall at this time. I just know it
5 was at a very busy time and Mrs. Kaplan wanted us to send
6 letters to the voters and to go back and forth. And it
7 was just an added thing that we needed to do.

8 Q Do you recollect any voters who attempted to
9 vote on election day who were unable because they were in
10 that late submission from ACORN?

11 A If in fact they were real, eligible voters, I
12 did get some calls and, of course, a lot of them I didn't
13 because they were not.

14 Q So do you actually recollect getting calls?

15 A Yes.

16 Q How many?

17 MR. WINSOR: Asking about her or the office?

18 BY MS. PARADIS:

19 Q How many calls did you personally receive?

20 A For eligible people that didn't get on,
21 probably about 20, as well as getting calls because ACORN
22 at this point was now charging -- now changing parties
23 from -- normally they were registering democrats; now
24 what they were doing were registering real people and
25 putting "Republican" so they were getting a different

1 party.

2 Q Let's focus just now on the book-closing, post
3 book-closing deadline.

4 So how many calls did you receive from
5 people -- you personally received from people who were
6 attempting to register through ACORN and were unable to
7 vote on either the primary -- in whatever the election
8 was?

9 A For the first time? Or party changes that were
10 made without their knowledge?

11 Q For people who wanted to register -- when you
12 say "party changes without their knowledge," does that
13 perhaps indicate that this was the primary election that
14 these forms came in late for?

15 A Again, I couldn't answer that because they
16 would have gotten a card and they take a look and said:
17 Well, wait a second, I didn't change my party. What is
18 this?

19 Q But those were not people who were unable to
20 vote?

21 A No. I can't tell you if it was a primary or
22 not, if it made a difference of what they were doing. I
23 could just tell you that I got let's say the 25 from
24 people that thought they should have been on but weren't.

25 Q And when you say 25, that does not include

1 people whose parties were different?

2 A Right. And it also does not include the rest
3 of the office that might have gotten calls.

4 Q And do you know if the rest of the office got
5 calls?

6 A I am sure they did. They didn't always give it
7 to me. They can handle.

8 Q Do you have a recollection that they got calls?

9 A In passing, my staff mentioned, but I didn't
10 keep a running total or anything else. They just
11 mentioned, "Oh, we got another one."

12 Q Okay. And again, you don't recollect whether
13 this was the primary or the general?

14 A No.

15 Q How many forms were returned after the
16 book-closing?

17 A It was two trays -- mail tray loads, so it was
18 easily a couple of thousand to be gracious and probably
19 more.

20 Q Did you see the forms yourself?

21 A Yes, I went through them.

22 Q Were you there when the forms were dropped off?

23 A Yes.

24 Q Who dropped them off?

25 A Somebody from ACORN.

1 Q Did they identify themselves as somebody from
2 ACORN?

3 A It was with the same sheets.

4 Q And did they give an explanation at that time
5 for returning them after book-closing?

6 A We said something to them -- and I mean, I was
7 not pleased and basically I don't remember what the
8 response was or anything else. And then we just started
9 doing what we needed to do from there.

10 Q Okay. And did you examine each of the cards to
11 determine that they were completed prior to that
12 book-closing deadline?

13 A Any of the ACORN cards I always examined and
14 some of them, of course, had a deadline, you know, a date
15 that was even before the book-closing. In other words,
16 maybe hoarded a little longer. And then the cards came
17 in --

18 Repeat the question again. Please, too many --

19 MS. PARADIS: Can we actually -- how many
20 cards did she say came in the two mail trays, how
21 many would that have been?

22 THE WITNESS: At least 2,000, if not more.

23 (The record was read by the reporter.)

24 BY MS. PARADIS:

25 Q So you personally examined each of the those

1 couple of thousand cards?

2 A What I would do is that I did notice that there
3 were dates. Let's say it was for the September election.
4 So August would have been the book-closing and then they
5 would have to do it at the end of July. I noticed stuff
6 from May. I'm just giving you an example of the dates.

7 Also, what I would always do is then separate
8 the ones because they were crazy enough to give it to me
9 by the circulator, so I could just look at and see all
10 the same signatures. So I would look through everything
11 from ACORN.

12 Q So you personally examined those couple of
13 thousand forms and you --

14 A Yes.

15 Q And --

16 A If they had a voter registration number on them
17 that they were already registered and we expected --

18 Q And you checked the dates that each of those
19 forms had been signed?

20 A I looked at the dates; but again, I noticed
21 some were earlier than they should have been, but my main
22 focus was the boloney cards.

23 Q So some of those cards may have been completed
24 after book-closing?

25 MR. WINSOR: Objection of form.

1 A If I'm not mistaken, the guy came in the next
2 day, so, if anything, they might have been done on
3 book-closing. Could there have been one the day after
4 book-closing? Possibly.

5 Q So it's your testimony that these came in the
6 day after book-closing?

7 MR. WINSOR: Objection to the form.

8 A Somewhere very close to those days. Again, I'm
9 not remembering if it was for the September or the
10 November. I just know that I was quite annoyed at
11 getting a large amount of cards that should have been
12 eligible to be entered in coming late from ACORN.

13 Q Okay. Did the person returning the forms give
14 any explanation for the late submission?

15 A I don't remember -- like I said before -- what
16 exactly it was. I wasn't pleased. I mentioned something
17 to our Outreach area. You know, not that they were in
18 charge of that. But I said something and I don't really
19 remember what it was. It wasn't nice. I know it's hard
20 to believe.

21 Q But you remember speaking directly with the
22 person returning the cards?

23 A Yes.

24 Q Did someone in your office notify you that
25 these cards were being turned in and you came down?

1 more calls with people complaining about what party they
2 think they were and really aren't. And again, I'm not
3 trying to be cute in any way. It's a blur sometimes with
4 which election and what they did. It's -- I just
5 remember scenarios.

6 Q So for those 25 calls, though, that you say
7 that you received, did you identify for each of those 25
8 calls, a form that was turned in late by ACORN?

9 A If I'm saying the 25 and I know then I know
10 that I remembered that we had them segregated in some way
11 to do it. But I can't tell you exactly how we did it,
12 what we did, where we did it or anything else.

13 Q Would you say that -- what's in general the
14 turnout for a primary election?

15 A It depends on the candidate, it depends on what
16 is on the ballots.

17 Q What would have been the turnout, would you
18 guess, for the September 2004 primary?

19 MR. WINSOR: Objection to the form.

20 A No guess.

21 Q The September 2004 primary, what -- let me take
22 that back.

23 Other than this other incident, which it sounds
24 like you think is likely for the primary election 2004,
25 are there any other instances that you can recollect of

1 third-party groups turning in forms that were collected
2 before the book-closing deadline after the book-closing
3 deadline?

4 A There might have been some groups during my
5 whole career that turned in here and there, but nothing
6 as large as ACORN.

7 Q What's the largest number of forms, other than
8 this ACORN incident, that someone would have turned in
9 after the book-closing deadline?

10 A Twenty-five, fifty, a couple hundred.

11 Q When would have a couple of hundred forms have
12 been turned in by third-party groups after the
13 book-closing deadline?

14 A I mean, I have vague recollection at some point
15 that there might have been. I couldn't tell you which
16 group. It isn't necessarily a prevalent problem. It's
17 happened, but ACORN was the biggest defender.

18 Q Okay. And in each of those instances where
19 forms were turned after the book-closing deadlines, did
20 you examine the forms when they had been complete and
21 particularly when they had been completed before the
22 book-closing deadline?

23 A Again, most of the problem always seems to be
24 that they come in the next day, that maybe they collected
25 it on book-closing day and then they brought it the next

1 day or maybe they mailed it a couple of days after. But
2 I don't have a whole series or remembrance of all of it,
3 just general things that have happened.

4 Q How late is your office opened on book-closing
5 deadlines to receive forms?

6 A Midnights some days. We're like the IRS, we
7 wait outside. Some days the Supervisor of Elections said
8 we were going to close at 5, sometimes at 9. Depends on
9 what the State would tell us to do. Sometimes we would
10 stay open until 12 midnight.

11 Q So if your office closed at 5 and registration
12 forms were collected after that point by third-party
13 groups, they would have had --

14 A At one point --

15 Q On a book-closing deadline where your office
16 closed at 5 and registration forms were collected by
17 third-party groups after 5 on the book-closing deadline,
18 would they then have been turned in the next day?

19 A If in fact our office was closed, there was
20 always security guards and they would label it. If in
21 fact -- and I seem to remember that the law used to say
22 at some point it had to be at 5 or 7 p.m., or whatever it
23 is. And we would have lines of people. Someone would
24 get to the back of the line in voting, and if you weren't
25 in line at 5, we would not register you to vote.

1 Otherwise, we had security guards downstairs that would
2 take it.

3 But when I ran Outreach, any cards that I gave
4 anybody, I would tell them: You need to have this in our
5 office by a certain time.

6 I haven't run Outreach since '92. I don't know
7 what they do.

8 Q Okay. So do you have any recollection of any
9 specific instances of forms being turned in after
10 book-closing by third-party groups other than the ACORN
11 2004 incident?

12 A Smatterings.

13 Q When you say "smatterings," are there
14 particular incidents that you could remember and could
15 you list them?

16 A I can't swear to you which groups. It just
17 happened here and there in small numbers. And if that's
18 not the right answer, I'm sorry.

19 Q Are there any particular book-closings that you
20 could remember when it happened even if you can't
21 remember the group or the number of forms?

22 A No. Except for the ACORN.

23 Q Except for the ACORN incident?

24 A No exact remembrance.

25 Q And those post book-closing submissions were

1 for primary elections?

2 A Again, I can't tell.

3 Q You don't remember?

4 A No recollection.

5 Q And other than the 25 calls that you remember
6 taking from these -- this ACORN September primary
7 incident, are you aware of any voter applicant in
8 Miami-Dade County who complained that he or she attempted
9 to register through a third-party group and didn't become
10 registered to vote, in a particular election?

11 MR. WINSOR: Can you read back that question,
12 please?

13 BY MS. PARADIS:

14 Q Are you aware of any voter applicant in
15 Miami-Dade County who complained that he or she attempted
16 to register a third-party group but did not become
17 registered to vote or did didn't become registered to
18 vote by a particular election?

19 A There's always been some calls, be it DMV, that
20 we didn't get it or some of the other -- some of the
21 other groups. And again, if we had the card, then we
22 could sit there and say: Well, it was turned in, it was
23 stamped the day after, I'm sorry.

24 In some cases we didn't have a record.

25 Different than hoarding, there was not turning in. But I

1 can't swear to specific incidences to say to you it
2 happened here by this person, by this group.

3 Q So you have no specific recollection?

4 MR. WINSOR: Objection to the form.

5 A No, no specific.

6 Q When you say that sometimes there are calls
7 from people who think they've registered through the DMV,
8 do -- does the DMV sometimes fail to transmit -- excuse
9 me.

10 In the past when the -- in the past, has the
11 DMV failed to transmit applications or transmit
12 applications in a timely fashion?

13 A There's been some isolated incidences, but the
14 thing is then they have either copies of the forms that
15 they can send in or there's the part that the voter said:
16 "No." They didn't want to register.

17 Q Okay. In your experience, does the DMV -- has
18 the DMV always timely submitted applications within State
19 deadlines?

20 A Things have changed. At one point they sent
21 applications. The applications were still good if in
22 fact the date that they got them was fine. Now they do
23 it electronically.

24 Q Was the DMV, back when they were sending
25 physical applications, required to send cards within a

1 particular number of days?

2 MR. WINSOR: Objection to the form.

3 A We always told them we wanted them as quick as
4 possible. And then we would get them, but they were
5 still allowed no matter what date they sent them in.

6 BY MS. PARADIS:

7 Q Right. My question is: The DMV -- did you
8 ever have -- did the DMV ever not transmit cards as
9 quickly as you might have liked?

10 MR. WINSOR: Objection of the form.

11 A Occasionally.

12 Q And are you familiar with the State and Federal
13 requirements for the transmission of cards by the DMV?

14 A Yes.

15 Q Do you have any recollection of the DMV ever
16 missing -- not transmitting a card within that deadline?

17 A Not any specific recollection.

18 Q But do you generally -- would it --

19 Do you have any of the sort of general
20 recollections like the ones you're talking about,
21 third-party groups, if they're ever missing a
22 transmission?

23 A We got the cards -- they seemed to be okay.

24 Q Okay. And has any plaintiff in this case ever
25 submitted -- which is The League of Women Voters of

1 Florida, and I'll include in that the Local Miami-Dade
2 League, the Florida AFL and then an individual plaintiff,
3 Marilyn Wills, who lives in Tallahassee, has never done
4 her registration in Miami-Dade, ever submitted an
5 application after book-closing?

6 MR. WINSOR: Objection of form.

7 A I love The League.

8 Q Is that a "no"?

9 A They've always been very timely. I've even
10 done voter drives with The League of Women Voters. I am
11 proud to stand next to them.

12 Q You know, any time you want to come in as a
13 plaintiff in this case.

14 Are you familiar with the Florida Registration
15 Law? The law challenged by the plaintiff in this
16 lawsuit?

17 A Yes, I am.

18 MS. WESTFALL: Is it possible to take a
19 little break before we get into this next session?

20 MS. PARADIS: Absolutely.

21 MS. WESTFALL: Let me call you back in five
22 minutes. I am going to stay on the line.

23 (A recess was taken from 11:22 to 11:45 p.m.)

24 BY MS. PARADIS:

25 Q Before we go to the next session, we will go

1 back and talk about a few things that we talked about.

2 So your testimony today is that you have no
3 recollection of the exact number of forms that were
4 turned in on book-closing on October of 2004?

5 MR. WINSOR: Objection to the form.

6 A From this date today, yes.

7 Q When you testified in the Diaz trial, where did
8 you get the numbers that you testified to there?

9 A I don't remember, and I was a little younger.
10 And I'm not trying to be cute, you know. If I gave you a
11 number at one point, that's what I thought. But now I
12 don't necessarily remember it, so --

13 Q Do you remember the facts that you based your
14 testimony on at all?

15 A I don't remember. Even the deposition was
16 earlier than the February.

17 Q Okay. Now, with respect to the 25 calls that
18 you say that you got from voters who had turned in --
19 excuse me, for whom ACORN had turned in forms late, did
20 you log those calls in any way?

21 MR. WINSOR: Objection to the
22 characterization of her testimony.

23 A No. Well, I did receive the calls. And I
24 don't -- at one point I might have written them down. We
25 might have looked for the voter's card. I might have

1 for a third-party group, is it submitted by an individual
2 league member more than ten days after it was collected?
3 Do you understand -- do you think that the individual
4 volunteer is subject to fines?

5 MR. WINSOR: I would like to object to the
6 form of the this question and make an objection on
7 the record as to what I anticipate being a series
8 of questions that are improper in asking a fact
9 witness for her personal interpretation of a
10 statute.

11 It is a improper use of this deposition. And
12 I'm -- I object to your doing it.

13 MR. ROSENTHAL: You can answer, Ivy.

14 A Basically for me to answer what your questions
15 are, I would have to feel more comfortable sitting and
16 looking through all of these. I don't feel comfortable
17 doing that. Basically whatever I'm told to do, that's
18 what I will do, based on the law. And if I have a
19 problem with that, I go to the direction of my Supervisor
20 of Elections. And I hope I answered you.

21 Q Outside of the work that you've done in the
22 Supervisor of Elections Office, have you ever
23 participated in a third-party voter registration drive?

24 A No.

25 Q If you were to volunteer with a voter

1 registration drive and you were personally liable for
2 fines, if you turned a form in more than ten days after
3 you had collected it, would you hesitate to volunteer or
4 participate in a drive?

5 MR. WINSOR: Objection to the form of the
6 question.

7 A Knowing what I know, I would not hesitate
8 because I know that I would turn in the cards. I would
9 think anybody that has, per se, honest motives or are
10 doing what they're supposed to do and are aware of the
11 deadlines and what they need to do, would do it
12 correctly. Does everybody? No. Or would everybody do
13 it --

14 Q So you would --

15 MR. WINSOR: Please let her answer the
16 question, Ms. Paradis.

17 A I would because I know whatever stack of cards
18 I did, that I would turn it in.

19 Q Even if you had a car accident or a health
20 issue?

21 A I can't answer for that, I mean --

22 Q Thank you.

23 So you've referred to garbage that you've
24 received from ACORN. When you say that, are you
25 referring to fraudulent forms?

1 A Yes.

2 Q Are you also referring to incomplete forms?

3 A Yes.

4 Q Are there any other issues that -- excuse me,
5 are you also referring to duplicate applications?

6 A Yes.

7 Q Are there any other issues that you're
8 referring to when you talk about those?

9 A Aside from them coming late?

10 Q Yes, we've already covered the late forms.

11 A Or the hoarding forms. But this is just the
12 problems.

13 Q Right. Aside from timing.

14 A Bad addresses. You know, sometimes they're
15 putting something in and we can't read it. Maybe it is a
16 real voter but we're just not understanding the address,
17 so the letter will never get to them to let them know.

18 Q So when you say "bad address," do you mean that
19 the address is incorrect?

20 A Or illegible card or voter accidentally gives
21 something, reversing something. But mostly fraudulent
22 cards.

23 Q And what forms do you believe to have been
24 fraudulent? Let's start with sort of the -- let's go to
25 2004, begin in January and go through each incident that

1 log it. Did you report it to law enforcement officials?

2 A Yes.

3 MR. WINSOR: Objection to form.

4 Q How did you do that?

5 A I told Mrs. Kaplan. Again, we would put these
6 forms aside in a tray and I was told by Mrs. Kaplan that
7 I was to process every form I got.

8 Q Okay.

9 A Even the ones that were "Mickey Mouse" or fake
10 names, I was to process every form.

11 Q If a third-party group were to collect a Mickey
12 Mouse form from somebody, are they obligated to turn that
13 in?

14 MR. WINSOR: Objection to the form.

15 A I don't know that answer.

16 Q Do you believe they would be obligated under
17 this law which requires to turn in forms --

18 MS. PARADIS: Objection to form.

19 A I can't interpret what that is. I wouldn't
20 even attempt to do that.

21 BY MS. PARADIS:

22 Q Is it your understanding that the current
23 third-party law penalizes failure to return forms?

24 MR. WINSOR: Objection to the form.

25 A Right now I find it hard to believe that they

1 wouldn't give me the form that says "Mickey Mouse"
2 because they get their little money to turn in a form.
3 So I would get Mickey Mouse and the rest of the family.
4 So I get everything.

5 Q Do you believe that third-party voter
6 registration organizations have an obligation to turn in
7 every form that they receive that may be from a voter?

8 MR. WINSOR: Objection to the form.

9 A There are different third-party groups. And
10 when you are dealing with an organization, let's say, as
11 classy as The League, they're going out trying to do
12 something nonpartisan, volunteer. There's no dog in
13 their fight.

14 Q Can you just answer the question, please?

15 A I don't know that I can. Every group is
16 different. You're comparing ACORN to The League.

17 Q My question is: If someone walks up to The
18 League and hands them a form that says "Mickey Mouse" on
19 it, do you think that The League has an obligation to
20 turn that form in to you?

21 MR. WINSOR: Objection to the form.

22 A Did The League hand them that form?

23 Q No, this person --

24 A -- was just sauntering down the street --

25 Q -- and The League is collecting voter

1 registration forms.

2 MR. WINSOR: Objection to the form of the
3 question.

4 A I can't answer that question. They might give
5 it to me and say we have reason to believe this is not a
6 good form. But now the State checks certain numbers and
7 if they weren't eligible, they wouldn't become a voter.

8 Q So in 2004, you say you received a hundred
9 calls from actual voters whose party was changed. So it
10 was --

11 MR. WINSOR: Objection to the form.

12 Q -- a hundred calls?

13 A At least. And I don't have specifics, but yes.

14 MR. WINSOR: Objection to the form.

15 Q And you said you did not log those calls?

16 MR. WINSOR: Objection to the form.

17 A Correct.

18 BY MS. PARADIS:

19 Q Let me pull this out. Did you report these
20 forms to law enforcement authorities?

21 A Again, I spoke to Mrs. Kaplan. She directed me
22 to either speak to the State Attorney's Office or FDLE or
23 she did it herself or through the State Attorney.
24 Different instances, different days, different times.

25 Q And did you speak with the Florida Department

1 dollar per card, and you believed that they were
2 receiving a dollar per card, which is illegal, and you
3 think was a large source of your trouble with them, did
4 you report that to the Secretary of State's office?

5 A My job is not to --

6 MR. WINSOR: Objection to form.

7 I'm sorry.

8 A My job is not to go to directly to the
9 Secretary of State. It is very clear the lines, and I
10 would mention this to Mrs. Kaplan. I don't remember that
11 this came up. I don't think it did.

12 Q Did you follow up with her to determine whether
13 or not that your report to her, that they were supposedly
14 engaged in illegal activity that was the source of your
15 problems with them to see if she had gone to report it?

16 A No, I didn't.

17 MR. WINSOR: Objection to the form.

18 Q Do you know if anything was ever reported to
19 law enforcement authorities?

20 A I don't know.

21 Q Do you believe that a ten-day deadline and
22 fines for failing to turn in forms within ten days or by
23 book-closing will deter fraudulent applications?

24 MR. WINSOR: Objection to form.

25 A I don't believe that will deter fraudulent.

1 Q Okay. As I understand your testimony, the only
2 specific instance you could recall of voter registration
3 groups returning forms more than ten days after they
4 collect them is ACORN in 2004?

5 MR. WINSOR: Objection to form.

6 A That's the one biggest in my memory.

7 Q Are there other instances that you can recall?

8 A As I said before, a smattering of people that
9 did it, might not have realized when they took the forms
10 that they needed to get them in that day or the next day,
11 but I'm not aware. ACORN's the biggest --

12 Q Just to be clear, we're talking now not about
13 post book-closing forms but forms that were checked and
14 submitted before book-closing but where the group held on
15 to those forms for ten days or more?

16 A Yes. ACORN.

17 Q Only ACORN?

18 MS. PARADIS: What exhibit are we at?

19 THE WITNESS: Fifteen. We stop at 20.

20 MS. PARADIS: We're whipping through these.

21 I'm marking as Plaintiffs' Exhibit 15 Florida
22 Statutes 104.0615. And I direct your attention to
23 Subsection 4.

24 (Plaintiffs' Korman 15 was marked for
25 identification by the reporter.)

1 THE WITNESS: Okay.

2 BY MS. PARADIS:

3 Q Do you believe that the -- that keeping a voter
4 registration form for the time that you testified that
5 ACORN kept them for would constitute -- understanding
6 that you are not a lawyer -- but would you describe it as
7 delay?

8 MR. WINSOR: Objection to form.

9 A Would you repeat your question again?

10 Q The question is: You've testified that only
11 one group has significant problems with retaining
12 applications for a significant period of time before
13 returning them.

14 I guess I'm asking you: Do you think that that
15 constitutes delay, a delay in the delivery of those
16 forms?

17 MR. WINSOR: Objection to the form.

18 BY MS. PARADIS:

19 Q Understanding I'm not asking you whether or not
20 you think that it would be illegal under the statute
21 because you are not a lawyer. I'm asking you whether you
22 would describe it as delay?

23 MR. WINSOR: Objection to the form.

24 A Yes, I would describe it as delay.

25 Q Do you think that ACORN was aware of that

1 delay?

2 MR. WINSOR: Objection to the form.

3 A Yes, because I was very clear with them time
4 and time about the book-closing dates or what we needed
5 with our cards.

6 Q If you were able to stop groups from delaying,
7 from knowingly delaying the delivery of forms, would that
8 answer your concerns about what you have in the past
9 described as hoarding?

10 MR. WINSOR: Objection to form.

11 A I don't know how I can do that.

12 Q I guess my question is: Do you feel that there
13 are significant problems with respect -- and here I refer
14 only to the timing of the return of applications, that
15 there are problems with third-party groups, that you have
16 significant problems with third-party groups that your
17 office experiences which are not covered by a prohibition
18 of knowing delay?

19 MR. WINSOR: Objection to form.

20 A I don't know that I'm the right person to ask.
21 We just get a delay; I don't want a delay. I want
22 everybody to be registered. I don't want to get phone
23 calls about "I registered on time but my form was brought
24 in late."

25 Q Right. I guess I'm asking if there are

1 real people. Then there were --

2 Q When you say "not real people." Let's confine
3 your answers to specific instances that you can remember.

4 A I can't give you a specific, but the one thing
5 I do -- and again, I can't give you a specific name --
6 that they would end up putting in four applications,
7 let's say, for Oren.

8 Q So there were duplicate applications?

9 A Duplicate applications.

10 Q Did you log any of the fraudulent applications
11 that you received?

12 A I didn't log them per se; but any application
13 that I got, I was told to enter it into the system.

14 Q Did you segregate them? Do you have any lists?

15 A At one point I did, but again, there were no
16 lists kept. Or if they were, they were given to
17 Mrs. Kaplan at the time. I don't remember. It seems to
18 me that there might have been a list. It was given -- I
19 have no idea where anything is. And I can't swear that
20 it was. I just know that we definitely had to do letters
21 and I was not happy.

22 Q So you've referred to incomplete applications?

23 A Yes.

24 Q Do voters sometimes themselves return
25 incomplete applications?

1 A Yes.

2 Q Are there particular types of people who are
3 more likely to submit incomplete forms, particular
4 socioeconomic classes?

5 MR. WINSOR: Objection to the form.

6 A It goes to every strata.

7 Q How about people who are less educated or that
8 are functionally illiterate, are they less likely to fill
9 out the form completely?

10 MR. WINSOR: Objection to the form.

11 A I can't answer what they would do or not. I do
12 know that I get forms -- one of our county commissioners
13 doesn't sign her absentee ballot and they don't accept it
14 every single year.

15 Q You don't believe that people who are
16 functionally illiterate might be less likely to complete
17 a form correctly than those who are literate?

18 MR. WINSOR: Object to the form.

19 A It would seem to me that that might be the
20 case, but the law doesn't say to me if they're illiterate
21 what can I take or not.

22 Q Right. What kinds of socioeconomic groups do
23 you -- are you aware of the kinds of socioeconomic groups
24 that a group like ACORN targets voter registration?

25 MR. WINSOR: Objection to the form.

1 But if you see something as you're doing it
2 right away, that's something different.

3 Q Do voters themselves sometimes turn in
4 duplicate applications?

5 A Especially close to book-closing, if they
6 thought that maybe one didn't get in.

7 Q Are voters sometimes purged from the voter
8 list?

9 A Yes.

10 Q Do sometimes voters not make it on the precinct
11 register in time for an election and have to cast a
12 provisional ballot?

13 A If they don't get that orange post card and
14 they show up at their precinct or the wrong one and we
15 send them to the right one, yes, they could do a
16 provisional and then we see that they vote, you know,
17 they were registered. They were registered and we accept
18 the ballot.

19 Q And given that, it is always possible that a
20 voter who has registered in the past may not be on the
21 register this time. Is that one of the reasons you think
22 voters sometimes turn in duplicate applications?

23 MR. WINSOR: Objection to the form.

24 A No.

25 Q Why do you think voters turn in duplicate

1 applications when they do so knowingly?

2 MR. WINSOR: Objection to the form.

3 A I think, again, as I just explained, if it's
4 getting close to book-closing and somebody calls up and
5 said: "Did you get me in there?"

6 And I'm going to say: "Well, I don't see your
7 application now. How did you do it?"

8 "I sent it in."

9 "I don't have it now. Maybe you want to send
10 in a duplicate." I can't tell you why other reasons they
11 would do that.

12 Q Okay. But voters do turn in duplicate
13 applications?

14 MR. WINSOR: Objection.

15 Q Even -- in your -- let me let that go.

16 Do you think that voters sometimes don't
17 understand the registration process?

18 MR. WINSOR: Objection to the form.

19 A I can't answer what voters understand or not.

20 Q In your experience having dealt with voters in
21 the past 27 years, do some voters think they have to
22 register every year?

23 MR. WINSOR: Objection to the form.

24 A Some of them might think they have to register,
25 not necessarily every year, but maybe every four years.

1 Again, I can't tell you.

2 Q Okay. Do you believe that the ten-day deadline
3 and the threatened fines of this law will deter duplicate
4 applications?

5 MR. WINSOR: Objection to the form.

6 A I can't answer that.

7 Q Okay. I have two pages and then I'm going to
8 confer with co-counsel.

9 Do you know approximately the percentage of
10 eligible citizens, either statewide or within the county,
11 that are registered to vote?

12 A No.

13 Q Do you know how many were registered in 2004
14 election?

15 A Not off hand.

16 MS. PARADIS: I'm going to mark this set of
17 census documents as Plaintiffs' Exhibit 16.

18 (Plaintiffs' Korman 16 was marked for
19 identification by the reporter.)

20 BY MS. PARADIS:

21 Q And these are publicly available census
22 documents that we have from the Web Site that I'm going
23 to refer to --

24 MR. ROSENTHAL: You mean the county's?

25 MS. PARADIS: Excuse me, I mean the U.S.

1 MR. WINSOR: Thank you.

2 BY MS. PARADIS:

3 Q And then as I said, we don't have a 2004
4 numbers, so I included the census bureau, state and
5 county quick facts for Miami-Dade County that says that
6 the population grew from 2000 about 6.6 percent. Just to
7 establish that the numbers in 2000, you know, we're
8 looking at similar or larger numbers.

9 So, you know, if you have 1.1 million eligible
10 citizens of whom about 70 percent are registered, what
11 would be your estimate as to how many unregistered
12 eligible citizens that were in Miami-Dade in 2004?

13 A I don't feel comfortable doing this with
14 numbers or anything else. This has nothing to do with my
15 purview of what I do. I just put in registration forms
16 as they come to me. I'm not in charge of Outreach. I
17 don't feel comfortable doing this.

18 Q Okay. So your testimony is that you don't know
19 it at any given time, even just a rough estimate of how
20 many people there are out there that might need to
21 register and vote at any given election?

22 MR. WINSOR: Objection to the form.

23 A I don't know how many are eligible. I don't
24 know how many want to register to vote. I can't answer
25 you.

1 Q If there were at least say 200,000 citizens who
2 were eligible to register to vote in 2004, would you have
3 been able to process all of those registrations?

4 MR. WINSOR: Objection of form.

5 A Not if we got them all on book-closing dates.

6 Q In your experience, has your office ever
7 misplaced voter registration forms?

8 A No.

9 Q Never lost a single form?

10 A Can't prove a negative. I only have what's on
11 the forms. I can't tell you if somebody really did give
12 me a form and the mail didn't come to us. We have no --
13 you know, we don't put them in our desk and throw them
14 out.

15 Q I'm not suggesting that you do. Just sometimes
16 as humans we make mistakes.

17 Did you your office have any trouble in 2004
18 with the date stamp for voter registration forms?

19 MR. WINSOR: Objection to the form.

20 A It seems to me that something went on with
21 that -- and I don't remember the incident. There was
22 something either with our stamper down there that it was
23 the wrong day or --

24 MS. PARADIS: What exhibit are we at?

25 THE WITNESS: 17.

1 (Plaintiffs' Korman 17 was marked for
2 identification by the reporter.)

3 BY MS. PARADIS:

4 Q Do you recognize this e-mail?

5 A Yes, I do.

6 Q So does this e-mail recollect -- refresh your
7 recollection about the incident in 2004?

8 A Yes.

9 Q Can you describe the incident?

10 A The clock was set to PM rather than AM, so when
11 somebody came in, it looked like something was later.
12 But we ended up correcting whatever they were, because I
13 seemed to remember there was just some cards during that
14 time. And since that point, we're very, very careful to
15 make sure with the date stamp and everything else, that
16 it does recall time. We check everything, you know, just
17 to make sure.

18 Q So once you were on notice that date stamp
19 issues were a problem --

20 A In that case, yes, we fixed it right away.

21 MR. WINSOR: Objection to the form.

22 Q Do you know with respect to this AM and PM,
23 when that clock was misset?

24 A No, I can't tell you when.

25 Q So it's possible that cards were misstamped

1 during the PM hours of a number of days before
2 book-closing?

3 MR. WINSOR: Objection of the form.

4 A These were cards that came in by mail. And
5 that was the problem. And then -- or a card that was
6 brought up individually to our receptionist, which is
7 different than a box of cards being brought in because
8 she wouldn't be doing those.

9 MR. WINSOR: Objection to the form.

10 Q There are some forms --

11 A I'm sure there were, that they said, and we
12 strived to correct it.

13 Q Have any similar problems ever arisen before or
14 since with respect to voter registration or other
15 documents?

16 A Not that I'm aware.

17 Q Did an incident arise in 2000 with respect to
18 absentee ballots?

19 MR. WINSOR: Objection to the form.

20 A What incident?

21 MS. PARADIS: I'm marking Plaintiffs' Exhibit
22 18.

23 (Plaintiffs' Korman 18 was marked for
24 identification by the reporter.)

25 BY MS. PARADIS:

1 Q Does this article refresh your recollection?

2 MR. WINSOR: About what?

3 Q About the incident in 2000 with respect to
4 absentee ballots and date stamps.

5 A Okay.

6 Q Can you describe the incident?

7 A Basically from the article here, we got in a
8 bunch of ballots that came in before the November 7
9 deadline, and we were trying to process them as quickly
10 as we could because the precinct registers were going to
11 be printed. And they did come in on time. And when you
12 enter them in, it will give you a date and a time that
13 they came in, which is why we were just trying to get
14 them through. And again, I blame my problem on
15 sloppiness and a time-stamp glitch. I can't tell you
16 what the glitch was. It doesn't mention it here.

17 Q Does it say that some ballots were misstamped?

18 A October 23, 2000, if that's what it says. I
19 don't remember that. But it might have been possible.

20 MS. PARADIS: I think at this point I'm going
21 to want to take a break to confer with co-counsel
22 and then we'll come back.

23 MR. ROSENTHAL: We're getting close to 1. Do
24 you think that it would be fruitful to finish this
25 through before lunch? I don't know how long you

CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF BROWARD

I, GINA GARCIA , Registered Professional Reporter and Certified Realtime Reporter, Notary Public in and for the State of Florida at Large, certify that the witness, IVY KORMAN, personally appeared before me on June 12, 2008 and was duly sworn by me.

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

GINA GARCIA , RPR, CRR

My Commission# DD758413

My commission expires March 23, 2012

REPORTER'S DEPOSITION CERTIFICATE

STATE OF FLORIDA

COUNTY OF BROWARD

I, GINA GARCIA, Registered Professional Reporter and Certified Realtime Reporter, certify that I was authorized to and did stenographically report the deposition of IVY KORMAN; the witness herein; that a review of the transcript was not requested; that the foregoing pages numbered 1 to 139 inclusive is a true and complete record of my stenographic notes of the deposition by said witness; and that this computer-assisted transcript was prepared under my supervision.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action.

DATED this 13th day of June, 2008.

GINA GARCIA, RPR, CRR



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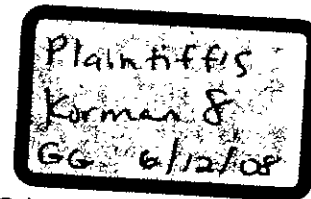
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LAST-MINUTE VOTER DRIVE HITS STORES \

RICHARD WALLACE Herald Staff Writer

At 39 Publix and 11 Zayre stores Saturday, something precious was being offered for free.

Thousands of Dade Countians were able to register for the right to vote simply by stepping up to volunteers' tables at the stores. Those who filled out a form became eligible to participate in Florida's Republican and Democratic presidential primaries March 8. "We're going to all the Dade County Publix and Zayre stores in order to register people to vote in the primaries. Right now, from what I've seen, they've been very busy," **Ivy Korman**, of the Dade County Elections Department, said in the Publix at 2952 Aventura Blvd.

For the past week, **Korman** had been supervising a drive to expand the county voting rolls. Registration was held in five Dade shopping malls for the first six days. Saturday, the Public and Zayre stores also were used as registration sites.

"We also have a site in the lobby at the Government Center -- that's been very busy. We also have five regional malls, and from what I understand they're doing very well there," **Korman** said at about 1 p.m.

As of Feb. 1, the county had 611,205 registered voters, **Korman** said.

Counting the results of the weeklong effort would not be complete over the weekend, she said, but she expected Saturday's multisite registration alone to bring in 5,000 or more prospective voters.

"When we're right in front of people, they stop and they register to vote," **Korman** said.

Saturday's effort depended upon 250 to 300 volunteers.

"We had at least 32 different groups that volunteered to take on 50 sites -- the NAACP, Democratic Club of North Dade, the Republican Party, Kiwanis groups, Jaycee groups, all sorts of business and civic organizations," **Korman** said.

As **Korman** spoke, Jeanette Blinder, a volunteer from the Democratic Club of North Dade, was coming on duty.

"Right now, it just looks like it's fun, but I don't know what's it's going to feel like at 5 o'clock this afternoon," Blinder said.

Another volunteer, Helen Shatanoff, had a simple explanation for why she was giving her time: "I like being involved in politics."

At another Publix, at 12850 Biscayne Blvd., members of the Haitian-American Democratic Club were on duty.

"The people are very responsive and they are interested and asking questions. We let them know it's the

last day of registration time," said Paul Bodet. One of his goals was "to get the Haitian-American involved in voting," he said.

"We are part of the country. We have to be involved," said Jean Arias-Marius.

"Becoming a citizen is not only to have the name of American citizen, but to take part in everything in the country," he said.

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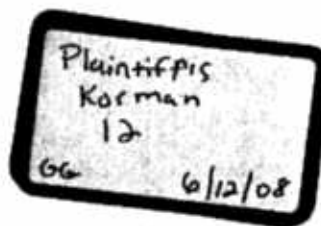
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Section: CITY & STATE; METRO & STATE; TAMPA & STATE

Voter fraud charges collapse
JONI JAMES

TALLAHASSEE Fourteen months after a campaign to increase Florida's minimum wage drew allegations of voter fraud, a federal judge in South Florida has ruled at least some of those accusations against grass roots political group ACORN were so baseless they amount to defamation.

U.S. District Judge James King has dismissed a lawsuit brought by Mac Stuart, a former ACORN employee, saying Stuart never provided evidence to support his claim that he was fired because he uncovered voter fraud.

Stuart alleged that ACORN improperly handled registration forms when it conducted voter registration drives, including not submitting Republican registrations to election officials.

The judge upheld ACORN's counterclaim that Stuart's lack of evidence made his allegations libel and slander. The group has always claimed it fired Stuart for insubordination.

No financial settlement has been reached in the case. But ACORN officials said Wednesday they were pleased to have the last of three lawsuits, all withdrawn or dismissed, behind them.

An investigation by the Florida Department of Law Enforcement also found no evidence of criminal activity at ACORN, department officials confirmed Wednesday.

"We are very happy it was found that we are innocent," said Tamecka Pierce, a certified nursing assistant who volunteers as ACORN's Florida chairwoman. "We have zero tolerance for fraud."

The resolution comes more than a year after ACORN outmaneuvered Florida's business community and Republican leadership to place a successful citizen petition on the ballot to raise Florida's minimum wage in May from \$5.15 to \$6.15 an hour.

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The state constitutional amendment, approved by 71 percent of voters, also sets a process to adjust the wage annually for inflation.

But a month before voters went to the polls, criticism of ACORN mounted. Stuart filed his lawsuit; the Department of Law Enforcement took the unusual step of publicizing the fact it was investigating ACORN; and another lawsuit filed in state court in Tallahassee, but later withdrawn, alleged the group committed fraud in collecting petitions for the ballot measure.

Last month, U.S. District Judge Jose Martinez dismissed with prejudice a third lawsuit, which also had ties to Stuart.

The 12 plaintiffs alleged ACORN had failed to file their voter registration applications, which made them ineligible to vote in 2004. Stuart had provided the plaintiffs' attorneys with the applications.

Martinez dismissed the suit after 10 plaintiffs withdrew and the only remaining ones were a felon, not allowed to vote under Florida law, and a person who had moved to New Jersey, said ACORN attorney Brian Koch of Miami.

The lead plaintiffs' attorney in both federal cases, Stuart Rosenfeldt of Fort Lauderdale, couldn't be reached Wednesday.

"ACORN is an organization that has gone and attempted to help the low- and moderate-income communities of this state and for that they were attacked," Koch said. "This should vindicate ACORN of any wrongdoing."

ACORN, which stands for Association of Community Organizations for Reform Now, claims to have registered more than 1.1-million voters nationwide in 2004, 210,000 of them in Florida.

Joni James can be reached at (850) 224-7263 or jjames@sptimes.com.

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---- INDEX REFERENCES ----

NEWS SUBJECT: (HR & Labor Management (1HR87); Crime (1CR87); Legal (1LE33); Judicial (1JU36); Social Issues (1SO05); Business Management (1BU42); Criminal Law (1CR79); Government Litigation (1GO18); Economics & Trade (1EC26); Compensation (1CO80))

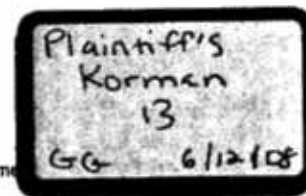
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REJECTED PETITION SIGNATURES WERE VALID HERALD REVIEW FINDS DISCREPANCY

MARIKA LYNCH, mlynch@herald.com

Miami-Dade County election officials rejected 38 names from a referendum petition to repeal the county's gay rights law - even though at least 24 of them were valid, according to a Herald review of the disqualified signatures.

If the signatures of those 24 people had counted, the petition would have been certified already, and a referendum certain, Miami-Dade Elections Supervisor David Leahy acknowledged Thursday. But the 38 names were disqualified because the signatures didn't match the ones in county voter files. And now, by law, election officials must review each of the 50,712 collected to see if enough are valid to call a vote.

The Herald contacted 29 of the 38 people whose names were scratched from the petition - one who said she had shaky hands because of Parkinson's disease and others who claim they simply have lousy handwriting.

Altogether, 24 people told The Herald they signed the petition. Only four said they did not. Another, a 77-year-old Northwest Miami-Dade man, couldn't remember.

The discrepancy calls into question the election office's method of checking signatures - already an issue in this year's presidential election. In that Nov. 7 vote alone, 650 Miami-Dade absentee ballots were disqualified because election workers and the local canvassing board determined the signatures didn't match.

But election officials said they're only following signature verification procedures for petitions as mandated by the county charter. Only registered voters can sign petitions to put measures on the ballot.

Now, petition organizers of Take Back Miami-Dade, who have criticized election officials all along, have only one way to reinstate the names: go to court. Spokesman Eladio Jose Armesto said the group is considering its options.

"We are determined to do whatever it takes to defend the people's right to vote on this issue," Armesto said.

SAVE Dade, the group that pushed for the county's ban on discrimination against gays, is concerned about other issues in the petition process, primarily that some people signed two or even three times, according to Jerome Baker, SAVE Dade spokesman.

Leahy said he wasn't surprised about the number of rejected petition signatures. Some may have been removed in error, he acknowledged.

"That's the process," he said.

Under the charter, Leahy is required to compare the signatures to those on the original voter registration

card, which can be decades old.

It's not uncommon for the appearance of those signatures to change with the shakes of old age, illness or simply because some voters may sign their name differently.

State law doesn't require voters to update their signatures, so mismatches are possible. Leahy said the purpose of verifying the signatures is to prevent fraud.

In the case of disqualified absentee ballots, as another example, Leahy said: "I have no doubt there are absentee ballots rejected for valid voters. . . . If you are voting by absentee ballots you've got to understand you can lose your vote."

Linda Hart, a local handwriting analyst, said experts usually rely on 10 to 20 samples to determine if a signature is valid.

Working with just two signatures gives them "diminished chances" of getting it right, Hart said.

That's what worries Deborah Phillips, chairwoman of the Voting Integrity Project in Arlington, Va.

"It leaves the whole process open to tremendous arbitrariness," Phillips said. "If it involves some real weight of expertise to it, then that's different from an election worker saying 'this doesn't match.' That would be an arbitrary and potential abuse of power."

Reviewing signatures is common in Florida - where every one on state constitutional amendment petitions must be reviewed. The state, however, does not have a law that requires voters to update their signatures with election offices. In Dade, that only happens when a voter changes parties or moves.

In the case of the Take Back Miami-Dade petition, which seeks a vote to repeal Dade's ban on discrimination against gays, Leahy and Special Projects Administrator **Ivy Korman** pored through a random sample of 200 names. Their training: years on the job reviewing signatures, and handwriting seminars with Miami-Dade Police experts.

The process didn't take into account many factors, like the case of Rita Porter. "I've got Parkinson's in my right hand and in the afternoon I can't write my name good," said Porter, 67, whose name was disqualified from the petition even though she says she signed it.

Some of those contacted, like maintenance worker Luis Lamelas, faulted themselves.

"I just have bad handwriting. When the teacher was teaching, I was more interested in trying to learn about girls," Lamelas said. "Now I'm paying the price."

Others had no idea why their names were disqualified. Among them was Silvia Santisteban, who even worked with Take Back Miami-Dade to collect petitions.

"That was me," she said.

Dr. Yamile Villar-Roguera, a Miami Lakes optometrist, wants her name back on the petition. She's upset the elections department didn't try to contact her to verify whether she had signed.

"I think that was negligent," Villar-Roguera said. "I voted, and then two weeks after that I used the same signature for the petition - and they counted my vote."

Herald staff writer Luisa Yanez contributed to this report.



Plaintiff's
Korman
17
6/12/08

From: Kaplan, Seth (Elections) [mailto:SETH@miamidade.gov]
Sent: Monday, October 04, 2004 4:23 PM
To: Rodriguez-Taseff, Lida
Cc: 'mccrea@bellsouth.net'; 'marn@manch.net'; 'bobbie@sgiinc.biz';
Korman, Ivy (Elections)
Subject: Re: Date stamp on voter registration applications

Hi Lida - good to hear from you. Thanks for working with us on this.

First let's start with the why it happened, because I think we have that figured out: Apparently the clock was set to p.m. rather than a.m. so that at 12 noon, it turned to October 5th. I hear that the number of affected forms was closer to 25, but either way, they all have notations that they were received today. Ivy should be able to confirm the number for us.

You are welcome to come by and inspect any applications that are not actively being processed (so as not to interfere with that operation). If you would like, contact Ivy (I am copying her; otherwise she's at 305-499-8321) or just go by the office tomorrow.

We are currently checking all of the department's time clocks (not just those in our registration section) to ensure that this does not happen again. Fortunately, the system worked in that no one was disenfranchised, but obviously we understand that it is better to prevent rather than address issues.

Take care/talk to you soon...

Seth
Seth Kaplan
Miami-Dade County Elections Dept.
2700 NW 87th Avenue
Miami, FL 33172
(305) 499-8511 (Voice)
(305) 499-8547 (Fax)
(305) 310-2486 (Mobile)
email: seth@miamidade.gov

Sent from my BlackBerry Wireless Handheld

-----Original Message-----

> From: Rodriguez-Taseff, Lida <LRTaseff@duanemorris.com>
> To: seth@miamidade.gov <seth@miamidade.gov>
> CC: Dan McCrea <mccrea@bellsouth.net>; Marnie Mahoney
> <marn@manch.net>; > Bobbie Brinegar <bobbie@sgiinc.biz>
> Sent: Mon Oct 04 15:40:47 2004
> Subject: Date stamp on voter registration applications
>
> Dear Seth,
> It has come to our attention that earlier today, at least one
> employee of the Elections Department was erroneously date-stamping
> voter registration applications received today (October 4, 2004),
> with tomorrow's date (October 5, 2004). As you are well-aware, under

> Florida law, applicants submitting their applications any later than
> midnight October 4, 2004, will not be eligible to vote in the
> November 2, 2004 election. Therefore, the Miami-Dade Election Reform
> Coalition is gravely concerned that any error in date-stamping be
> corrected immediately.

>
> We understand that at the urging of persons who have been
> working to register voters, Ivy Korman went back and corrected the
> erroneous date-stamp on some of the applications that were received
> by your office today (we are told, at least 100). However, we have
> no way of knowing whether all have been corrected. Therefore, we ask
> that the Department of Elections take the following short term
> steps: (i) That every application received in the last week be re-
> checked in order to make sure that there are no erroneous date-stamps
> (an easy way to know would be to check to see if any are stamped with
> dates later than October 4, 2004); (ii) That Elections Department
> workers at the main office and at any branch offices be instructed
> immediately to review date-stamps for accuracy; and (iii) That in
> order to assuage the concerns of the community, the Department make
> available for viewing (not copying), all applications that are in the
> possession of the Department as of midnight tonight (we suggest that
> this occur no later than tomorrow morning). in the long term, the
> Department needs to look closely at how this "error" came to be.

>
> I am looking forward to hearing from you as soon as possible.

> Regards,
> Lida Rodriguez-Taseff
> Chair
> Miami-Dade Election Reform Coalition

>
> Confidentiality Notice: This electronic mail transmission is
> privileged and confidential and is intended only for the review of
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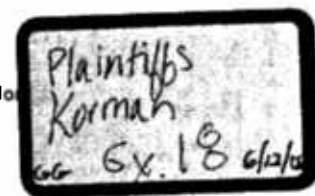
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MANY ABSENTEE BALLOTS LACK ARRIVAL DATE

Herald Staff

MIAMI-DADE COUNTY

Scores of absentee ballots cast in Miami-Dade never were stamped with their arrival date at the county Elections Department, a security procedure to document that ballots were received before the Nov. 7 deadline. But a computer-generated log shows that all of the ballots in question arrived before the deadline and were eligible to be tallied, said **Ivy Korman**, Miami-Dade's absentee ballot administrator.

Korman said Elections Department workers, in a hurry to complete voter rolls for the presidential election, failed to stamp the time of arrival on every absentee ballot. Many also were stamped Oct. 33, 2000.

She blamed the problems on sloppiness and a time stamp glitch.

Korman said the registration numbers on the unstamped ballots were entered in the department's computer files - which automatically posted the date of each entry. She said the computer-generated entry dates show the ballots were eligible for counting.

Korman said workers were in a rush to enter the ballots in the computer so that voter rolls about to be printed would show who had already cast absentee ballots. The information is used by precinct workers used to prevent people from voting twice - once at the ballot booth and once by mail.

"The arrival time of every one of these ballots can be accounted for," **Korman** said. "In our haste, some of the ballots did not get stamped. We like to stamp the ballots, but the fact that they weren't doesn't make them any less legal."

Groups join for Thanksgiving charity

Farm Share and the Miami-Dade County Police Department have teamed up to bring Thanksgiving baskets to the needy during the holidays. Approximately 1,500 holiday care packages that will help feed 2,000 families will be distributed throughout the county.

The packages contain turkey, canned foods like peaches and spinach, and bags of fresh fruit.

Farm Share is a nonprofit food recovery agency based in Florida City that works to alleviate hunger and malnutrition by recovering and distributing food.

This year's kickoff ceremony features Miami-Dade Mayor Alex Penelas and will be held at 2 p.m. today at the Farm Share packinghouse, 300 N. Krome Ave.

For more information, call 305-246-3276.

Trio arrested in 15-year-old slaying

Three men were arrested Wednesday in connection with the 1985 murder of a Richmond Heights man who was shot several times in his car.

Police say Willie Curtis of Griffin, Ga., and Anthony Charles "Chuck" Smith of Homestead owed James Larkins money for a kilo of cocaine. The two men allegedly hired Paul Mosley of Tallahassee to kill

Larkins, 30.

Leon County Sheriff's Office deputies arrested Mosley in Tallahassee. Miami-Dade Police detectives arrested Smith and Curtis.

The arrests are the result of an investigation by the Miami-Dade Police Department and the Drug Enforcement Administration's Red Rum Squad - ``murder" spelled backward. Larkins' murder had been considered a cold case until additional information surfaced several months ago.

Miami-Dade Police detectives familiar with the case were not available to comment Wednesday night.

KENDALL

Elderly man missing after doctor visit

A 76-year-old man has been missing since Monday, when he went to his doctor's office at the Town and Country Center in Kendall.

Ian Osmond Martin, of the Hammocks, was last seen at noon Monday leaving his doctor's office at 11701 Mills Dr. in his tan 1982 two-door Nissan 210-SE.

Martin is white, 5 feet 10 inches and 230 pounds, is balding with short white hair, and has brown eyes and a mustache. Martin uses an aluminum cane to walk, and his memory has been failing in recent years. Anyone with information about his whereabouts should call the Missing Persons Unit at 305-418-7201.

ON THE OPEN SEA

Two groups of Cubans repatriated

The U.S. Coast Guard repatriated 11 Cuban migrants from two separate groups to Bahia de Cabanas, Cuba, on Wednesday morning.

The first group of Cubans was found six miles east of Soldier Key. Another group of seven was intercepted 19 miles off Matanzas, Cuba, on Wednesday.

The migrants received food, water and necessary medical attention. INS representatives interviewed both groups and determined that 11 of the 13 should be repatriated. Two migrants were transferred to the U.S. Naval Base in Guantanamo Bay to be interviewed further and determine if they are eligible for asylum, the Coast Guard said.

HIALEAH

Vaccines for children available Saturday

The Miami-Dade County Health Department and Hialeah Parks Department will provide free vaccines for children this weekend. Children up to 18 years old qualify to receive shots from 10 a.m. to 2 p.m. Saturday at Babcock Park, 651 E. Fourth Ave., Hialeah.

Parents are asked to bring their children's immunization records. For information, call 305-376-1976.

ELSEWHERE

Texans sue cities battling gun makers

More than two dozen Texas state legislators, some Texas gun stores and a gun rights group announced Wednesday they are suing cities and counties that have sued gun manufacturers.

The lawsuit, being filed in state district court in Lubbock, targets cities such as Atlanta, Chicago, Miami and New Orleans that have sued the gun industry for damages.

"We are filing this lawsuit to stop these cities from damaging our right to keep and bear arms and the right of gun stores to conduct their businesses free from harassing lawsuits," said state Rep. Suzanna Hupp, R-Kempner.

MARTIN



~~Korman~~ Page 261

Defendant's
Korman
6/19 6/12/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS;
AMERICAN FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES; AFL-CIO FLORIDA
PUBLIC EMPLOYEES COUNCIL 79, AFSCME; AFL-CIO
SERVICE EMPLOYEES INTERNATIONAL UNION,

Plaintiffs.

Case No. 04-22572-CIV-KING

vs.

Miami, Florida
February 6, 2008
9:00 a.m.

KURT S. BROWNING, SECRETARY OF THE
STATE OF FLORIDA,

Defendant.

TRANSCRIPT OF PROCEEDINGS
NON-JURY TRIAL
BEFORE THE HONORABLE JAMES LAWRENCE KING
UNITED STATES DISTRICT JUDGE

VOLUME 2
PAGE 261-472

REPORTED BY: DAWN M. WHITMARSH, RPR
Official Court Reporter
United States District Court
301N. Miami Avenue
Room 340
Miami, Florida 33128
Telephone: 305-523-5598

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1 can't lead here. There's no leading questions on direct
 2 examination.
 3 BY MR. ABT:
 4 Q. What do you understand it to mean?
 5 A. When there's a deadline, a grace period would give you X
 6 amount of time to do something after a deadline.
 7 Q. Okay. Would a grace period with regard to incomplete
 8 applications in voter registration, if this court were to rule
 9 that you had to do that, would it cause an increase in voter
 10 fraud.
 11 MR. ANTONACCI: Objection to the hypothetical question.
 12 THE COURT: Yes. You can get at it in a simple way and
 13 that is well, I don't know. It's a broad, open-ended thing
 14 that question. I'm sorry. The question is could you perform
 15 your function, the work you do about these -- processing these
 16 applications if the period were shorter than the deadlines that
 17 you now understand to be in place, which is I think 29 days
 18 before the election. If you were required to do it in less
 19 time than the 29 days, and I may be wrong on the days, no.
 20 MR. ABT: Your Honor, if I may, I'm right at the end of my
 21 examination.
 22 THE COURT: Yeah, but it's -- you've got to ask proper
 23 questions. You have to rephrase your last question. Go ahead.
 24 I was trying to help you out. Go ahead.
 25 MR. ABT: I appreciate that, Your Honor.

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1 If I may just define the term so we have a common
 2 understanding, Your Honor.
 3 THE COURT: Well then what do you need her for? You're
 4 going to define it to me. You've got to ask -- you can't lead
 5 your witness. You asked her if she knew what a grace period
 6 was, then you asked her what her opinion was. And then you
 7 want -- and the question is she can give us facts about whether
 8 she's complying with it, she can give us a limited opinion
 9 because of her 22 years whether or not she can comply with it.
 10 If it's changed. But you've got to ask the question in some
 11 fashion that she can answer it. Rephrase the question in some
 12 fashion, let's see where you go.
 13 MR. ABT: I'll withdraw the last question and just sum up.
 14 BY MR. ABT:
 15 Q. If you know, would a grace period cause an increase in
 16 voter fraud at your office.
 17 A. No.
 18 Q. And if you know, would a grace period allow your office to
 19 register more voters.
 20 MR. ANTONACCI: Objection, calls for speculation.
 21 MR. ABT: This is an expert talking about her --
 22 THE COURT: Answer the question and let's move on.
 23 THE WITNESS: Yes, I would be able to register more
 24 voters.
 25 MR. ABT: Thank you, Ms. Korman.

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1 MR. ANTONACCI: Good morning, Ms. Korman. Your Honor
 2 CROSS-EXAMINATION
 3 BY MR. ANTONACCI:
 4 Q. I want to go back to yesterday's testimony regarding the
 5 2004 presidential election.
 6 Did your office receive paper applications for voter
 7 registration purposes just before the book closing deadline?
 8 A. Yes.
 9 Q. Approximately how many, in your recollection, did you
 10 receive during that period?
 11 A. About 10,000.
 12 Q. And were those -- how were those 10,000 delivered to your
 13 office?
 14 A. Dropped off by somebody on book closing day.
 15 Q. In lots of how many?
 16 A. They were boxes. We got probably about 6,000 on book
 17 closing day and a couple right before, about 10,000.
 18 Q. And did you have to process those applications for
 19 completeness purposes.
 20 A. We try to go through, if we see any obvious errors as
 21 we're doing it, but basically we try to enter them right in.
 22 If we do see a glaring problem, we'll put it to the side and
 23 enter that in such a way that they could get the letter a
 24 little quicker but --
 25 Q. What do you do first when you get a box full of

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1 applications on book closing day.
 2 THE COURT: What year?
 3 MR. ANTONACCI: '04.
 4 THE COURT: Thank you. What time frame now is --
 5 MR. ANTONACCI: 2004, just before book closing. Let's say
 6 one week before book closing.
 7 THE WITNESS: Like in anything that we get, we would put a
 8 stack, let's say 50 to 100, we would wrap it with the sort
 9 sheet so we know that it was, let's say, an outside group as
 10 opposed to mail. And then we would just put them together and
 11 get them to staff to start working on.
 12 BY MR. ANTONACCI:
 13 Q. Do you try to deal with the complete applications first.
 14 A. If while we're getting the 50 together we see that there
 15 is an obvious problem, we pull that out and enter that, give it
 16 to somebody to enter. But basically we're just struggling to
 17 get everything done and just get them to the proper clerk to
 18 process.
 19 Q. In 2004, were you able to get all of those applications
 20 into the system or were some put aside. Prior to the election.
 21 A. A lot were put to the side.
 22 Q. All right. Now, in your experience during the 2004
 23 presidential year just before book closing with respect to this
 24 same group of applications that we're talking about, were you
 25 able to determine whether those applications were submitted at

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1 about the time that the voter signed the registration card.
 2 A. In some of the cases, the voter signed the card a couple
 3 of months before and in some of the cases, there might not have
 4 been a date, and in some of the cases it was within a week or
 5 so.
 6 Q. So a whole range of anywhere between a couple of months
 7 and fairly contemporaneous with the delivery to your office?
 8 A. Yes.
 9 Q. Do you have any estimation, as you sit here today, of how
 10 many were dated one month before the time they were submitted.
 11 A. No, sir.
 12 Q. All right. Same set of questions with respect to the 2006
 13 general election cycle. Did you have voter registration
 14 applications dropped off just before the book closing deadline.
 15 A. Yes.
 16 Q. In what volume?
 17 A. A lot, but not like 10,000. The presidential years are
 18 always much more.
 19 Q. Refresh my recollection. How many did you say you got in
 20 '04?
 21 A. About 10,000 right at book closing.
 22 Q. What about a week before?
 23 A. Couple of thousand here and there.
 24 Q. All right. So would you say 20,000 during the prior week
 25 or less?

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1 A. Less.
 2 Q. All right. And do you know why you had fewer applications
 3 that were received just before book closing in 2006 than you
 4 had in 2004?
 5 A. There are not as many third party groups doing anything on
 6 non-presidential years is one of them.
 7 Q. How many third party groups, to your knowledge, to your
 8 specific knowledge, were operating in Miami-Dade County during
 9 2004?
 10 A. Probably about four that I know of.
 11 Q. Did it include labor unions?
 12 A. Make that five, yes.
 13 Q. All right. Does your office conduct municipal elections
 14 on behalf of municipalities in Miami-Dade County?
 15 A. Yes.
 16 Q. Approximately how many do you conduct in a year?
 17 A. There are 35 municipalities, sometimes a couple of them
 18 might be on the same day, but in times spread out through the
 19 odd numbered years. Then again some of them redo stuff on
 20 even.
 21 Q. So you're not just preparing for federal elections or
 22 state elections, you're preparing for local elections as well.
 23 A. Yes.
 24 Q. Does that include special districts?
 25 A. Yes.

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1 Q. And how many, on the average during the course of the
 2 year, if you can tell the judge.
 3 A. About eight or ten.
 4 Q. Now, you testified that there were 800 some odd precincts?
 5 A. About 749.
 6 Q. How many polling places are there?
 7 A. About 550.
 8 Q. So some polling places have more than one precinct?
 9 A. Yes.
 10 Q. All right. Now with respect to printing supplemental
 11 precinct registers, the two or three supplementals that you
 12 testified about previously, are you adding additional voters to
 13 those precinct registers or are you eliminating voters who
 14 voted early, voted absentee or changed addresses.
 15 A. Eliminating voters that voted absentee ballot or early
 16 voted after the precinct registers were printed.
 17 Q. So no new voters are added to those precinct registers?
 18 A. No.
 19 THE COURT: Now, let me understand that last series of
 20 questions.
 21 Are you referring to early voting in the last question?
 22 THE WITNESS: Yes, sir.
 23 THE COURT: So Mr. Abt asked you on direct about a voter
 24 coming to vote and whether or not you could change or add or
 25 delete information, I believe your answer was yes you could.

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1 THE WITNESS: Yes, sir.
 2 THE COURT: Okay. And this person that he would then be
 3 referring to was not your general voter at the general election
 4 day.
 5 THE WITNESS: Correct.
 6 THE COURT: But it was early voting.
 7 THE WITNESS: Yes, sir.
 8 THE COURT: That's the way you answered the question.
 9 Now, let me follow-up with the question that he may have
 10 asked you and I missed, but on election day, can your voting
 11 people, can a voter stand before someone and change, add,
 12 modify information that's in the computer already about his
 13 application?
 14 THE WITNESS: A voter on election day can go and change
 15 their address. So if they used to live in Miami and now they
 16 live in Miami Beach, they would go to Miami Beach, change their
 17 address to that precinct and be eligible to vote in that
 18 precinct.
 19 THE COURT: Any other information that normally is
 20 included, can any other information be changed on election day.
 21 THE WITNESS: An affirmation would have to be done after
 22 the precinct register is already printed. You could only move
 23 a voter from one precinct to another precinct when they move.
 24 But you can't actually change the registered person's name.
 25 You would do an affirmation and for the next election the

1 THE WITNESS: May I use this last election as an example
2 or --

3 THE COURT: Any way you want to express it. I'm looking
4 ultimately at the number of days. That's what we're talking
5 about. This case is about grace period. We're talking about
6 days. So any way you can express it in your own words.

7 THE WITNESS: This past book closing was December 29.
8 Now, forgetting of course it was a holiday,

9 THE COURT: What was December 29?

10 THE WITNESS: Book closing for the January 29 election
11 that we just had.

12 THE COURT: Uh-huh. Go ahead.

13 THE WITNESS: So we had about 60,000 petitions in-house
14 that we had a 30 day deadline that we had to get out and this
15 is typical for all elections. We had cards, probably about
16 10,000 cards that we were going to be working on, we were
17 planning for early voting, doing the normal registration, plus
18 we sent out a county-wide mailer notifying the voter that this
19 was your political party, your address, making sure that the
20 name, everything was correct and letting them know about the
21 upcoming elections.

22 So we were basically taking every employee from every
23 division, I was begging people to help us and we were working
24 overtime, every night and Saturdays and Sundays in order to get
25 this done and the book closing as well as the petition

1 THE COURT: Well, this is your legal argument. This is
2 asking her for -- I mean, just a general conclusion. You can
3 argue that.

4 MR. ANTONACCI: I'll move on, Your Honor.

5 BY MR. ANTONACCI:

6 Q. In your experience, have third party groups hoarded voter
7 registration applications and put them in your office at the
8 last minute?

9 A. Yes.

10 Q. Now, with respect to a grace period, and this is going to
11 sound like a ridiculous question, but we do need to make a
12 record.

13 Are you asking this court, from the point of view of a
14 voter registration supervisor, for an implementation of any
15 grace period whatsoever.

16 MR. ABT: Objection.

17 THE COURT: Well, we let the last witness testify to that.
18 I think this is one of the issues that the last witness went on
19 yesterday at some length about his recommendations nationally
20 and locally and all that. I'll let her answer the question.
21 State it again so she understands clearly.

22 BY MR. ANTONACCI:

23 Q. Are you asking the court to enter an order requiring a
24 grace period from the point of view of Miami-Dade voter
25 registration operations.

1 deadline.

2 THE COURT: Okay. Thank you.

3 MR. ANTONACCI: May I, Your Honor?

4 THE COURT: Yes.

5 BY MR. ANTONACCI:

6 Q. Now, in your experience, have deadlines in the voter
7 registration system been helpful to you for the purposes of
8 processing applications.

9 MR. ABT: Objection.

10 THE COURT: Overruled. You may answer that question.

11 THE WITNESS: I think that there have to be.

12 BY MR. ANTONACCI:

13 Q. That's not what I'm asking, Ms. Korman. Have they been
14 helpful or not?

15 A. Yes.

16 Q. Why have they been helpful?

17 A. You have to be able to at least kind of stop and then kind
18 of just do what you need to do. The book closing isn't the
19 only thing that goes on at elections.

20 Q. Now, does a potential voter have an advantage to having
21 his or her application processed and get a voter information
22 card the earlier prior to book closing they submit it.

23 So in other words, if you submit it in March, you have a
24 greater chance of voting in August than you would if you
25 submitted it in July?

1 MR. ABT: Objection to the term ask. He can ask for her
2 opinion.

3 MR. ANTONACCI: All right. I'll rephrase the question,
4 Your Honor.

5 BY MR. ANTONACCI:

6 Q. Are you recommending to this court that a grace period be
7 implemented?

8 A. No.

9 Q. If a grace period is implemented, will additional work be
10 required of you in your office?

11 A. Yes.

12 Q. Can you say today how much additional work will be
13 generated?

14 A. No.

15 Q. Will additional work lead to mistakes by your office and
16 at the polls, in your experience.

17 THE COURT: Only if you know. That's getting speculativ
18 Do you think that it increases the probability of mistakes
19 being made?

20 THE WITNESS: Yes, Your Honor.

21 THE COURT: All right.

22 MR. ANTONACCI: I don't have any further questions, Yo
23 Honor. Thank you. Ms. Korman.

24 THE COURT: Redirect.

25 REDIRECT EXAMINATION